



New South Wales

# Tow Truck Industry Amendment (Maximum Fees) Regulation 2009

under the

Tow Truck Industry Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Tow Truck Industry Act 1998*.

DAVID CAMPBELL, MP  
Minister for Transport and Roads

## Explanatory note

The objects of this Regulation are:

- (a) to fix the maximum fees that can be charged by the holder of a tow truck operators licence or a tow truck drivers certificate for the towing, salvage or storage of a motor vehicle that has been involved in an accident or that has been stolen, or for any service that is related to the towing, salvage or storage of such a motor vehicle, and
- (b) to prohibit the charging of a separate fee for certain specified services that are related or ancillary to the towing, salvage or storage of such a motor vehicle.

Section 20 of the *Tow Truck Industry Act 1998* makes it a condition of a licence that a licensee must not charge a fee for the towing, salvage or storage of a motor vehicle, or for any service that is related to or ancillary to the towing, salvage or storage of a motor vehicle, if the charging of the fee would be in contravention of the regulations, and must not demand, receive or accept such a fee. Section 29 imposes a similar condition on drivers certificates. The holder of a licence or a drivers certificate may be disciplined for breach of such a condition.

This Regulation is made under the *Tow Truck Industry Act 1998*, including section 54 (which deals with fees for towing, salvage, storage and related service and was substituted by the *Tow Truck Industry Amendment Act 2008*) and 105 (the general regulation-making power).

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Clause 1            Tow Truck Industry Amendment (Maximum Fees) Regulation 2009

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### **Tow Truck Industry Amendment (Maximum Fees) Regulation 2009**

under the

Tow Truck Industry Act 1998

#### **1 Name of Regulation**

This Regulation is the *Tow Truck Industry Amendment (Maximum Fees) Regulation 2009*.

#### **2 Commencement**

This Regulation commences on 18 December 2009 and is required to be published on the NSW legislation website.

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## Schedule 1      Amendment of Tow Truck Industry Regulation 2008

### Part 4A

Insert after clause 40:

### Part 4A Fees for towing, salvage, storage and related services

**Note.** This Part makes provision for the fees that may be charged for the towing, salvage or storage of a motor vehicle that has been involved in an accident or has been stolen. It does not apply to towing work involving motor vehicles that have broken down otherwise than as a result of an accident.

#### Division 1      Preliminary

##### 40A      Application

This Part applies to the charging of fees by a licensee or certified driver only for the towing, salvage or storage of a motor vehicle that has been involved in an accident or has been stolen.

##### 40B      Definitions

In this Part:

***approved Class 3 conventional tow truck*** means a tow truck:

- (a) that has a gross combination mass of more than 18 tonnes but no more than 25 tonnes, and
- (b) that has lifting apparatus with a safe working load of 5 tonnes or more, and
- (c) that cannot tow motor vehicles with a mass exceeding 12 tonnes.

***approved Class 4 (A) conventional tow truck*** means a tow truck:

- (a) that has a gross combination mass of more than 25 tonnes but no more than 45 tonnes, and
- (b) that has lifting apparatus with a safe working load of 5 tonnes or more, and
- (c) that can tow motor vehicles with a mass exceeding 12 tonnes, and
- (d) that has a dual rear axle, and
- (e) that has a power-operated winch, and
- (f) that has air brakes that can be connected to the brakes of any motor vehicle being towed.

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**approved Class 4 (B) conventional tow truck** means a tow truck:

- (a) that has a gross combination mass of more than 45 tonnes but no more than 60 tonnes, and
- (b) that has lifting apparatus with a safe working load of 5 tonnes or more, and
- (c) that can tow motor vehicles with a mass exceeding 12 tonnes, and
- (d) that has a dual rear axle, and
- (e) that has a power-operated winch, and
- (f) that has air brakes that can be connected to the brakes of any motor vehicle being towed.

**approved Class 4 (C) conventional tow truck** means a tow truck:

- (a) that has a gross combination mass of more than 60 tonnes, and
- (b) that has lifting apparatus with a safe working load of 5 tonnes or more, and
- (c) that can tow motor vehicles with a mass exceeding 12 tonnes, and
- (d) that has a dual rear axle, and
- (e) that has a power-operated winch, and
- (f) that has air brakes that can be connected to the brakes of any motor vehicle being towed.

**business day** means any day other than a Saturday, a Sunday or a public holiday throughout New South Wales.

**gross combination mass** has the same meaning as in the *Road Transport (General) Act 2005*.

**gross vehicle mass** has the same meaning as in the *Road Transport (General) Act 2005*.

**heavy motor vehicle** means a motor vehicle that has a gross vehicle mass of more than 4.5 tonnes.

**licensee's holding yard** means a holding yard specified in the licence of a licensee.

**light motor vehicle** means a motor vehicle that is not a heavy motor vehicle.

**Sydney metropolitan area** means the local government areas of Ashfield, Auburn, Bankstown, Baulkham Hills, Blacktown, Blue Mountains, Botany Bay, Burwood, Camden, Campbelltown, Canada Bay, Canterbury, Fairfield, Hawkesbury, Holroyd, Hornsby, Hunter's Hill, Hurstville, Kogarah, Ku-ring-gai, Lane

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Cove, Leichhardt, Liverpool, Manly, Marrickville, Mosman, North Sydney, Parramatta, Penrith, Pittwater, Randwick, Rockdale, Ryde, Strathfield, Sutherland, Sydney, Warringah, Waverley, Willoughby and Woollahra.

**Division 2      Maximum fees for towing work involving light motor vehicles**

**40C      Maximum fees for accident towing work involving light motor vehicles**

The maximum fee that can be charged for any accident towing work (other than work referred to in clause 40E) involving a light motor vehicle is:

- (a) \$222, and
- (b) if the accident towing work occurs:
  - (i) entirely in the Sydney metropolitan area and involves travelling a distance of more than 10 km via the most direct route from the scene of an accident to the destination specified on the towing authorisation—an additional \$5.38 for every kilometre in excess of 10 km travelled via the most direct route, or
  - (ii) partly or wholly outside the Sydney metropolitan area and involves travelling a distance of more than 20 km via the most direct route both in travelling from the licensee's place of business to the scene of an accident and then to the destination specified on the towing authorisation—an additional \$2.69 for every kilometre in excess of 20 km travelled via the most direct route, and
- (c) if any part of the accident towing work occurs outside the hours between 8 am and 5 pm on any business day, or on a day that is not a business day—an additional 20% of that part of the fee under paragraphs (a) and (b) that relates to the accident towing work that occurred outside those hours, and
- (d) any toll charges incurred during the towing work or travelling to the scene of the accident.

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### 40D Maximum fees for recovery towing work involving light motor vehicles

The maximum fee that can be charged for any towing work that involves the recovery of a light motor vehicle that has been stolen and that has not been involved in an accident is:

- (a) \$203, and
- (b) if the towing work occurs:
  - (i) entirely in the Sydney metropolitan area and involves travelling a distance of more than 10 km via the most direct route from the initial location of the motor vehicle to the destination specified by the vehicle owner—an additional \$5.38 for every kilometre in excess of 10 km travelled via the most direct route, or
  - (ii) partly or wholly outside the Sydney metropolitan area and involves travelling a distance of more than 20 km via the most direct route both in travelling from the licensee's place of business to the initial location of the motor vehicle and then to the destination specified by the vehicle owner—an additional \$2.69 for every kilometre in excess of 20 km travelled via the most direct route, and
- (c) if any part of the towing work occurs outside the hours between 8 am and 5 pm on any business day, or on a day that is not a business day—an additional 20% of that part of the fee under paragraphs (a) and (b) that relates to the towing work that occurred outside those hours, and
- (d) any toll charges incurred during the towing work or travelling to the location of the motor vehicle.

### 40E Maximum charge for subsequent tows of light motor vehicles

- (1) This clause applies if a light motor vehicle that has been involved in an accident or has been stolen is towed by a licensee or certified driver from a temporary location to which it had previously been towed by that licensee or certified driver for storage or repair to another place for storage or repair specified on the towing authorisation (called *a subsequent tow* in this clause).
- (2) The maximum fee that can be charged for a subsequent tow is:
  - (a) \$78, and

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- (b) if the subsequent towing work occurs:
- (i) entirely in the Sydney metropolitan area and involves travelling a distance of more than 10 km via the most direct route from a temporary location where the motor vehicle has been stored to the destination specified on the towing authorisation—an additional \$5.38 for every kilometre in excess of 10 km travelled via the most direct route, or
  - (ii) partly or wholly outside the Sydney metropolitan area and involves travelling a distance of more than 20 km via the most direct route both in travelling from the licensee's place of business to a temporary location where the motor vehicle has been stored and then to the destination specified on the towing authorisation—an additional \$2.69 for every kilometre in excess of 20 km travelled via the most direct route, and
- (c) if any part of the subsequent towing work occurs outside the hours between 8 am and 5 pm on any business day, or on a day that is not a business day—an additional 20% of that part of the fee under paragraphs (a) and (b) that relates to the towing work that occurred outside those hours, and
- (d) any toll charges incurred during the subsequent tow or while travelling to the location of the motor vehicle.
- (3) Despite subclause (2), if 2 or more light motor vehicles are carried simultaneously on a subsequent tow:
- (a) any fee for excess kilometres under subclause (2) (b) can only be applied to one motor vehicle, and
  - (b) any toll incurred can only be charged under subclause (2) (d) to one motor vehicle.

**40F Fee cannot be charged for complying with police directions**

A fee cannot be charged for towing work that is undertaken in accordance with any direction of a police officer or an authorised officer to move a light motor vehicle that is causing an unreasonable obstruction to the nearest place where it no longer causes an obstruction to traffic.

**40G Fee cannot be charged for time spent waiting**

A separate fee cannot be charged for any time spent waiting or standing at the scene of an accident or incident involving a light motor vehicle, including any time spent waiting for the

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permission of a police officer or emergency service personnel for permission to remove a motor vehicle.

### **Division 3 Maximum fees for towing work involving heavy motor vehicles**

#### **40H Limitation on trucks that can charge for towing work involving heavy motor vehicles**

A fee cannot be charged for accident towing work involving a heavy motor vehicle, or towing work involving the recovery of a stolen heavy motor vehicle, unless:

- (a) the relevant tow truck is an approved Class 3 conventional tow truck, an approved Class 4 (A) conventional tow truck, an approved Class 4 (B) conventional tow truck or an approved Class 4 (C) conventional tow truck, and
- (b) the relevant tow truck does not exceed its manufacturer's gross combination mass when towing the heavy motor vehicle.

#### **40I Maximum fees for accident towing work involving heavy motor vehicles**

The maximum fee that can be charged for any accident towing work involving a heavy motor vehicle is:

- (a) the following amount for the first hour of accident towing work:
  - (i) \$210, for work carried out by an approved Class 3 conventional tow truck,
  - (ii) \$227, for work carried out by an approved Class 4 (A) conventional tow truck,
  - (iii) \$239, for work carried out by an approved Class 4 (B) conventional tow truck,
  - (iv) \$304, for work carried out by an approved Class 4 (C) conventional tow truck, and
- (b) the following amount for every subsequent hour or part of an hour of accident towing work:
  - (i) \$131, for work carried out by an approved Class 3 conventional tow truck,
  - (ii) \$149, for work carried out by an approved Class 4 (A) conventional tow truck,
  - (iii) \$160, for work carried out by an approved Class 4 (B) conventional tow truck,



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- (iv) \$226, for work carried out by an approved Class 4 (C) conventional tow truck, and
  - (c) if a second certified driver is required to carry out the towing work—an additional \$53 for each hour or part of an hour that the second certified driver is involved in the towing work at the scene of the accident, and
  - (d) an additional \$53 for each hour or part of an hour of administrative work involved in arranging the towing of the motor vehicle or the salvage of its load or freight, payable for only one driver for each accident, and
  - (e) if any part of the work occurs outside the hours between 8 am and 5 pm on any business day, or on a day that is not a business day, an additional 50% of that part of the fee calculated under paragraphs (c) and (d) that relates to the work that occurred outside those hours, and
  - (f) if any additional equipment is required to complete the accident towing work and that equipment has been arranged for and paid for by the licensee or certified driver, 110% of the cost of the use of that equipment, and
  - (g) any toll charges incurred during the towing work or travelling to the scene of the accident.

**40J Maximum fees for stolen motor vehicle recovery involving heavy motor vehicles**

The maximum fee that can be charged for any towing work that involves the recovery of a heavy motor vehicle that has been stolen and that has not been involved in an accident is:

- (a) the following amount for the first hour of towing work:
  - (i) \$191, for work carried out by an approved Class 3 conventional tow truck,
  - (ii) \$208, for work carried out by an approved Class 4 (A) conventional tow truck,
  - (iii) \$220, for work carried out by an approved Class 4 (B) conventional tow truck,
  - (iv) \$285, for work carried out by an approved Class 4 (C) conventional tow truck, and
- (b) the following amount for the every subsequent hour or part of an hour of towing work:
  - (i) \$131, for work carried out by an approved Class 3 conventional tow truck,

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- (ii) \$149, for work carried out by an approved Class 4 (A) conventional tow truck,
- (iii) \$160, for work carried out by an approved Class 4 (B) conventional tow truck,
- (iv) \$226, for work carried out by an approved Class 4 (C) conventional tow truck, and
- (c) if a second certified driver is required to carry out the towing work—an additional \$53 for each hour or part of an hour that the second certified driver is involved in the towing work at the location from which the motor vehicle is recovered, and
- (d) an additional \$53 for each hour or part of an hour of administration work involved in arranging the towing of the motor vehicle or the salvage of its load or freight, payable for only one driver for each motor vehicle recovered, and
- (e) if any part of the work occurs outside the hours between 8 am and 5 pm on any business day, or on a day that is not a business day, an additional 50% of that part of the fee calculated under paragraphs (c) and (d) that relates to the work that occurred outside those hours, and
- (f) if any additional equipment is required to complete the towing work, salvage or site recovery and that equipment has been arranged for and paid for by the licensee or certified driver, 110% of the cost of the use of that equipment, and
- (g) any toll charges incurred during the towing work or travelling to the location of the motor vehicle.

#### **40K Stand by rate**

The maximum fee that can be charged for standing by to do accident towing work involving a heavy motor vehicle, or towing work involving recovering a heavy motor vehicle that has been stolen and that has not been involved in an accident, is:

- (a) in the case of an approved Class 3 conventional tow truck:
  - (i) \$105 for the first hour of standing by, and
  - (ii) an additional \$65.50 for each subsequent hour or part of an hour of standing by, or
- (b) in the case of an approved Class 4 (A) conventional tow truck with a dual rear axle:
  - (i) \$113.50 for the first hour of standing by, and

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- (ii) an additional \$74.50 for each subsequent hour or part of an hour of standing by, or
  - (c) in the case of an approved Class 4 (B) conventional tow truck with a dual rear axle:
    - (i) \$119.50 for the first hour of standing by, and
    - (ii) an additional \$80 for each subsequent hour or part of an hour of standing by, or
  - (d) in the case of an approved Class 4 (C) conventional tow truck with a dual rear axle:
    - (i) \$152 for the first hour of standing by, and
    - (ii) an additional \$113 for each subsequent hour or part of an hour of standing by.

**40L Fee cannot be charged for complying with police directions**

A fee cannot be charged for towing work that is undertaken in accordance with any direction of a police officer or an authorised officer to move a heavy motor vehicle that is causing an unreasonable obstruction to the nearest place where it no longer causes an obstruction to traffic.

**Division 4 Maximum fees for certain salvage**

**40M Fees cannot be charge for certain salvage**

A fee cannot be charged for the salvage of a light motor vehicle involved in an accident that is still at the scene of the accident if the salvage is from a road or road related area.

**40N Maximum fees for certain salvage of a light motor vehicle**

The maximum fee that can be charged for the salvage of a light motor vehicle involved in an accident that is still at the scene of the accident that is not salvage from a road or road-related area is:

- (a) \$0 for the first 30 minutes, and
- (b) \$53 for each hour or part of an hour that a certified driver is actually involved in the salvage, after the first 30 minutes, and
- (c) if an assistant is required, \$53 for each hour or part of an hour that the assistant is actually involved in the salvage, and
- (d) if one or more additional tow trucks are required in the salvage operation, the rate applicable in clause 40C can be charged for each tow truck, and

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- (e) if any part of the salvage work occurs outside the hours between 8 am and 5 pm on any business day, or on a day that is not a business day, an additional 20% of that part of the fee calculated under paragraphs (a)–(d) that relates to the work that occurred outside those hours.

#### **40O Maximum fees for certain salvage of a heavy motor vehicle**

- (1) The maximum fee that can be charged for the salvage of a heavy motor vehicle involved in an accident that is still at the scene of the accident is:
  - (a) \$0 for the first 30 minutes, and
  - (b) \$72 for each hour or part of an hour that a certified driver is actually involved in the salvage, after the first 30 minutes, and
  - (c) an additional \$53 for each hour or part of an hour of site administration work involved in arranging the salvage of the motor vehicle or of its load or freight, payable for only one driver for each accident, and
  - (d) if any part of the salvage work or site administration work occurs outside the hours between 8 am and 5 pm on any business day, or on a day that is not a business day, an additional 50% of that part of the fee calculated under paragraphs (a)–(c) that relates to the work that occurred outside those hours, and
  - (e) if any additional equipment is required to complete the salvage and that equipment has been arranged for and paid for by the licensee or certified driver, 110% of the cost of the use of that equipment.
- (2) For the purposes of determining the time involved in the salvage of a heavy motor vehicle, any time using a tow truck is not to be counted.
- (3) Subclause (1) does not prevent a licensee from charging an additional amount for any time spent using oxy-acetylene equipment, an air bag or an air jack for the salvage of a heavy motor vehicle involved in an accident that is still at the scene of the accident.

#### **40P Stand by rate for salvage of heavy motor vehicles**

The maximum fee that can be charged for standing by to do salvage work involving a heavy motor vehicle is \$36 for labour only for each hour or part of an hour.

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**Division 5      Maximum fees for storage of motor vehicles  
damaged as a result of accident**

**40Q    Storage fees only apply to storage in licensee's holding yard**

A fee cannot be charged for the storage of a motor vehicle damaged as a result of an accident anywhere other than at the licensee's holding yard.

**40R    Storage time commences when motor vehicle is registered in holding yard register**

For the purposes of determining how long a motor vehicle is stored, storage does not commence until the time details of the motor vehicle are recorded in the holding yard register kept under clause 39 or the time when the motor vehicle is towed into the holding yard, whichever happens later.

**40S    Storage fees do not apply to the first 72 hours of storage**

A fee cannot be charged for the storage for 72 hours or less of a motor vehicle damaged as a result of an accident or recovered after being stolen.

**40T    Maximum storage fees for light motor vehicles**

The maximum fee that can be charged for the storage for more than 72 hours of a light motor vehicle damaged as a result of an accident, or recovered after being stolen, and that is awaiting collection by the owner or insurer is \$17 for each 24 hours, or part of 24 hours, after the first 72 hours.

**40U    Maximum storage fees for heavy motor vehicles**

- (1) The maximum fee that can be charged for the storage for more than 72 hours of a heavy motor vehicle is \$80 for each 24 hours, or part of 24 hours, after the first 72 hours.
- (2) A fee cannot be charged for the storage of a heavy motor vehicle that is awaiting repair at a smash repair business or is awaiting transfer to the holding yard of a smash repair business.

**40V    Fee cannot be charged for relocation of a motor vehicle**

A fee cannot be charged for:

- (a) placing a motor vehicle in an easily accessible location in the licensee's holding yard or holding yards, or
- (b) any other relocation of a motor vehicle in the licensee's holding yard or holding yards, or

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- (c) the removal of a motor vehicle from a licensee's holding yard or holding yards, or
- (d) the use of the licensee's own equipment to make a motor vehicle in the licensee's holding yards accessible.

### **40W Sign must warn customers about storage fees**

A licensee must display a clearly visible sign in the licensed operator's office and the licensee's holding yard advising of any ongoing fee for storage of motor vehicles damaged as a result of an accident, or recovered after being stolen, after the first 72 hours.

Maximum penalty: 10 penalty units.

### **40X Procedure required before storage fees can be charged**

A fee cannot be charged for storage of a motor vehicle damaged as a result of an accident unless the licensee records the details of the motor vehicle in the holding yard register kept under clause 39 in chronological order at the time and on the date the vehicle is towed in or out of the licensee's holding yard.

### **40Y Fee for access to motor vehicle outside business hours**

A licensee is not entitled to charge the owner of a motor vehicle a fee for providing access outside business hours to a motor vehicle stored at a holding yard unless the licensee has first notified the person of the fees to be charged.

**Note.** Section 20 (2) (d1) of the Act makes it a condition of a licence that the licensee must allow the owner of any motor vehicle stored at any holding yard used by the licensee in the course of the licensee's business to have reasonable access to the motor vehicle, during business hours at no charge to the owner, to collect items from the motor vehicle.

## **Division 6 Other permissible fees**

### **40Z Maximum fees for travel time for accident towing work and stolen motor vehicle recovery involving heavy vehicles**

- (1) The same maximum hourly fee as that set out in 40I (a) and (b) can be charged for any time taken to travel from a licensee's place of business to the scene of an accident and then to the destination specified on the towing authorisation as may be charged for accident towing work, but only if that travel is via the most direct route.
- (2) The same maximum hourly fee as that set out in 40J (a) and (b) can be charged for any time taken to travel from a licensee's place

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of business to the initial location of a heavy motor vehicle and then to return to the licensee's place of business as may be charged for stolen motor vehicle recovery but only if that travel is via the most direct route.

**40ZA Requirements before additional fees may be charged for related services**

A fee cannot be charged for any service related to towing, salvage or storage of a motor vehicle damaged as a result of an accident, or a recovered stolen motor vehicle, that is not a service for which a maximum amount is prescribed by Divisions 2–5, unless:

- (a) the licensee or certified driver provides the owner or driver of the motor vehicle with a written quotation setting out the fee for the service, and
- (b) the licensee or certified driver explains the fee to the owner or driver of the motor vehicle prior to the service for which the charge is to be made being provided, and
- (c) the related service involved the use of equipment owned by a person other than the licensee, or the provision of any service by a person other than the licensee and the fee charged is not more than the licensee was required to pay for that equipment or service, and
- (d) the licensee separately identifies and itemises details of the related service in an invoice, and
- (e) the licensee ensures that the invoice is accompanied by records (including receipts, invoices, photographs or accounts) that support the charging of the fee, and
- (f) the licensee ensures that any invoice, receipt or accounts that support the charge are available on request to the owner of the motor vehicle, the driver of the motor vehicle or an insurer of the motor vehicle before or at the time of settlement of an invoice.

**40ZB GST**

- (1) A reference in this Part to the maximum that can be charged for towing work, salvage or storage does not include any GST payable in respect of the work, salvage or storage.
- (2) *GST* has the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth.

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### **Division 7 Fees that are not permitted**

#### **40ZC Separate fee cannot be charged for fuel**

A separate fee cannot be charged for fuel costs or for payment of any fuel levy.

#### **40ZD Services that cannot be charged for separately**

A separate fee cannot be charged (in addition to the maximum fee that this Part allows to be charged for towing work) for any of the following done in connection with towing work:

- (a) any work involved in cleaning glass or debris from the scene of an accident,
- (b) any work involved in cleaning a tow truck, including cleaning any fluid leaks or spills from a motor vehicle towed,
- (c) any work involved in disconnecting the battery of a motor vehicle towed,
- (d) the making of any phone calls, or the doing of any other act, required to secure towing work,
- (e) the taking or production of any photographs,
- (f) the preparation and sending of any documents relating to a tow (including invoices, towing authorisations and contact details),
- (g) work involving notifying the owner of the motor vehicle of applicable storage fees,
- (h) any other administration work,
- (i) transporting the owner of, or a passenger in, the motor vehicle involved in the relevant accident,
- (j) the salvage of the load of any motor vehicle involved in the relevant accident,
- (k) the storage of personal belongings,
- (l) the changing of tyres,
- (m) the provision or use of a fire extinguisher,
- (n) the provision or use of gloves,
- (o) any other activities required to undertake towing work,
- (p) any other work done as a result of a requirement imposed by the Act or this Regulation.



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**Division 8      Invoices**

**40ZE    Photographs must be attached to certain invoices**

- (1) It is a condition of a licence or certificate that, if salvage work involving a light motor vehicle damaged as a result of an accident, or a recovered stolen motor vehicle, exceeds 30 minutes, the licensee or certified driver must attach to an invoice issued by the licensee or certified driver in relation to that work at least 2 photographs, each of which clearly and accurately:
  - (a) shows the scene of the accident or the position of the motor vehicle being salvaged before any towing work or salvage work commenced, and
  - (b) displays on the photograph the time and date on which each photograph was taken.
  
- (2) It is a condition of a licence or certificate that, if towing work, or salvage work, involving a heavy motor vehicle damaged as a result of an accident, or a recovered stolen heavy motor vehicle, is carried out, the licensee or certified driver must attach to an invoice issued by the licensee or certified driver in relation to that work at least 2 photographs, each of which clearly and accurately:
  - (a) shows the scene of the accident before any recovery work has commenced, and
  - (b) displays on the photograph the time and date on which each photograph was taken.