

SOUTH AUSTRALIA

**ACCIDENT TOWING ROSTER SCHEME REGULATIONS, 1984**

# SUMMARY OF PROVISIONS

## PART I—PRELIMINARY

regs. 1—4

### *Arrangements of Regulations*

reg. 5

### *Interpretation*

reg. 6

## PART II—ACCIDENT TOWING ROSTER REVIEW COMMITTEE

regs. 7—11

## PART III—ACCIDENT TOWING ROSTER SCHEME

reg. 12

### *Functions of the Registrar*

regs. 13—14

### *Functions of the Commissioner*

reg. 15

### *Zones*

reg. 16

### *Rosters*

regs. 17—19

### *Accident Towing Directions*

regs. 20—22

## PART IV—REGISTERED PREMISES

### *Registration*

reg. 23

### *Standards and Requirements*

regs. 24—25

### *Signs*

reg. 26

## PART V—TOWTRUCKS

### *Standards and Requirements*

regs. 27—32

## PART VI—QUALIFICATION OF APPLICANTS

regs. 33—34

## PART VII—POSITIONS ON ROSTERS

regs. 35—40

### *Renewals*

regs. 41—43

*Authorisation Notices*  
reg. 44

*Surrender of Positions*  
reg. 45

PART VIII—DUTIES AND CONDUCT OF TOWTRUCK OPERATORS  
regs. 46—47

*Stipulated Conditions*  
reg. 48

PART IX—DISCIPLINE

*Registrar's Powers*  
regs. 49—50

*Cause for Discipline*  
reg. 51

PART X—AUTHORITIES TO TOW  
regs. 52—53

*Loss or Damage*  
reg. 54

PART XI—RECORDS  
reg. 55

PART XII—MISCELLANEOUS

*Police Powers*  
regs. 56—58

*Exemptions*  
regs. 59—59a

*Liability*  
reg. 60

*Official Telephone Number*  
reg. 61

*Storage Notices—Section 98mi(2)*  
reg. 62

*Towtruck Certificates—Section 98ml(1)*  
reg. 63

*Complaints and Reports*  
reg. 64

*Application to Tribunal for Inquiry or Review*  
reg. 65

PART XIII—FEES  
reg. 66

*Prescribed Fees*  
reg. 67

*Contract for a Quotation for Repair of a Motor Vehicle—Section 98mh(2)*  
regs. 68—69

PART XIV—PENALTY  
reg. 70

PART XV—SCHEDULES

SCHEDULE 1  
NOTICE—STORAGE CHARGES

SCHEDULE 2  
CONTRACT FOR A QUOTATION FOR REPAIR OF A MOTOR VEHICLE

**APPENDIX**  
**LEGISLATIVE HISTORY**

## REGULATIONS UNDER THE MOTOR VEHICLES ACT, 1959

### *Accident Towing Roster Scheme Regulations, 1984*

being

No. 170 of 1984: *Gaz.* 30 August 1984, p. 707<sup>1</sup>

as varied by

No. 191 of 1984: *Gaz.* 11 October 1984, p. 1228<sup>2</sup>

No. 95 of 1986: *Gaz.* 29 May 1986, p. 1415<sup>3</sup>

No. 164 of 1987: *Gaz.* 23 July 1987, p. 210<sup>4</sup>

No. 95 of 1988: *Gaz.* 2 June 1988, p. 1832<sup>5</sup>

No. 158 of 1988: *Gaz.* 4 August 1988, p. 637

No. 123 of 1989: *Gaz.* 29 June 1989, p. 1805<sup>6</sup>

No. 93 of 1990: *Gaz.* 21 June 1990, p. 1659<sup>7</sup>

No. 191 of 1990: *Gaz.* 27 September 1990, p. 968<sup>8</sup>

No. 60 of 1991: *Gaz.* 23 May 1991, p. 1672<sup>9</sup>

No. 63 of 1992: *Gaz.* 28 May 1992, p. 1568<sup>10</sup>

No. 91 of 1993: *Gaz.* 3 June 1993, p. 1821<sup>11</sup>

No. 59 of 1994: *Gaz.* 2 June 1994, p. 1594<sup>12</sup>

No. 86 of 1995: *Gaz.* 10 May 1995, p. 2073<sup>13</sup>

No. 123 of 1996: *Gaz.* 30 May 1996, p. 2744<sup>14</sup>

No. 100 of 1997: *Gaz.* 13 May 1997, p. 1906<sup>15</sup>

No. 91 of 1998: *Gaz.* 28 May 1998, p. 2369<sup>16</sup>

No. 169 of 1998: *Gaz.* 13 August 1998, p. 416<sup>17</sup>

<sup>1</sup> Came into operation 2 September 1984 (except regs. 12, 15, 23(1), 25-27, 30, 46, 49-51, 55-58 and 65 which came into operation 14 October 1984): reg. 1.

<sup>2</sup> Came into operation 14 October 1984: reg. 3.

<sup>3</sup> Came into operation 7 July 1986: reg. 2.

<sup>4</sup> Came into operation 1 September 1987: reg. 2.

<sup>5</sup> Came into operation 19 July 1988: reg. 2.

<sup>6</sup> Came into operation 2 August 1989: reg. 2.

<sup>7</sup> Came into operation 11 July 1990: reg. 2.

<sup>8</sup> Came into operation 2 December 1990: reg. 2.

<sup>9</sup> Came into operation 1 July 1991: reg. 2.

<sup>10</sup> Came into operation 1 July 1992: reg. 2.

<sup>11</sup> Came into operation 1 July 1993: reg. 2.

<sup>12</sup> Came into operation 1 July 1994: reg. 2.

<sup>13</sup> Came into operation 1 July 1995: reg. 2.

<sup>14</sup> Came into operation 1 July 1996: reg. 2.

<sup>15</sup> Came into operation (except reg. 3(a)-(e), (g) and (i)) 13 May 1997: reg. 2(2); reg. 3(a)-(e), (g) and (i) came into operation 1 July 1997: reg. 2(1).

<sup>16</sup> Came into operation (except reg. 3(a)-(e), (g), (i) and (j)) 28 May 1998: reg. 2(2); reg. 3(a)-(e), (g), (i) and (j) came into operation 1 July 1998: reg. 2(1).

<sup>17</sup> Came into operation 1 September 1998: reg. 2.

*Note: Asterisks indicate repeal or deletion of text. For further explanation see Appendix.*

PART I—PRELIMINARY

1. (1) Subject to subregulation (2), these regulations shall take effect on 2 September 1984.

(2) Notwithstanding subregulation (1), regulations 12, 15, 23(1), 25, 26, 27, 30, 46, 49, 50, 51, 55, 56, 57, 58 and 65 shall take effect on 14 October 1984.

2. The *Motor Vehicles Act Regulations, 1960*, made on 14 April 1960, and published in the *Government Gazette* on the same day at page 1055, as varied (hereinafter referred to as "the principal regulations") are further varied:

(a) by revoking the whole of Part VI including regulations 55 to 58a inclusive and regulations 76 and 77;

(b) by striking out the proviso to regulation 17 and substituting the following proviso:

Provided that any number plate attached to a vehicle owned by the Crown or a towtruck approved by the Registrar to be used in the operation of the accident towing roster scheme may be of such colours and design as the Minister may from time to time determine.

3. The principal regulations are varied by deleting from regulation 81 the words and figures "one hundred dollars (\$100.00)" and substituting the words and figures "one thousand dollars (\$1 000.00)".

4. These regulations may be cited as the *Accident Towing Roster Scheme Regulations, 1984*.

*Arrangements of Regulations*

5. These regulations are divided as follows:

PART I—PRELIMINARY (1-6)

PART II—ACCIDENT TOWING ROSTER REVIEW COMMITTEE (7-11)

PART III—ACCIDENT TOWING ROSTER SCHEME (12-22)

PART IV—REGISTERED PREMISES (23-26)

PART V—TOWTRUCKS (27-32)

PART VI—QUALIFICATIONS OF APPLICANTS (33-34)

PART VII—POSITIONS ON ROSTERS (35-45)

PART VIII—DUTIES AND CONDUCT OF TOWTRUCK OPERATORS (46-48)

PART IX—DISCIPLINE (49-51)

PART X—AUTHORITIES TO TOW (52-54)

PART XI—RECORDS (55)

PART XII—MISCELLANEOUS (56-65)

PART XIII—FEES (66-69)

PART XIV—PENALTY (70)

PART XV—SCHEDULES

*Interpretation*

6. In these regulations, unless the context otherwise requires, or some other meaning is clearly intended:

"Commissioner" means the Commissioner of Police:

"inspector" means an inspector appointed under Part IIIC of the Act:

"position on a roster" shall include the position originally granted by the Registrar on a roster and any renewal or regrant thereof:

"roster" means an accident towing roster prepared by the Registrar pursuant to Part III of these regulations:

"registered premises" means premises that have been registered by the Registrar in accordance with Part IV of these regulations:

"storage area" means the part of registered premises which is set aside for the storage of vehicles which have been towed in compliance with an accident towing direction:

"the Act" means the Motor Vehicles Act, 1959, and any other Act amending that Act or substituted therefor:

"the Committee" means the Accident Towing Roster Review Committee:

"the Scheme" means the accident towing roster scheme:

"tilt tray towtruck" means a towtruck fitted with a tray that can be tilted in a manner that allows the loading of a vehicle on to the tray from the road or elsewhere without the need for a crane or other similar lifting device:

"towing capacity" means the difference between the gross combination mass limit and the unladen mass.

PART II—ACCIDENT TOWING ROSTER REVIEW COMMITTEE

7. There shall be an Accident Towing Roster Review Committee constituted in accordance with this Part.

8. (1) The Committee shall consist of eight members appointed by the Minister, of whom:

- (a) one shall be the Chairman, who shall be a person who has a substantial knowledge of the motor vehicle towing industry and who is nominated by the Minister;
- (b) one shall be the Commissioner of Police, or his nominee;
- (c) one shall be the Secretary, who shall be the officer in charge of the Towtruck Inspectorate or his nominee;
- (d) one shall either be a person selected by the Minister from a panel of three candidates nominated by the South Australian Automobile Chamber of Commerce Incorporated or in default of a nomination by the South Australian Automobile Chamber of Commerce Incorporated, a person whom the Minister considers will satisfactorily represent the interests of the motor vehicle towing industry;
- (e) one shall either be a person selected by the Minister from a panel of three candidates nominated by the Royal Automobile Association of (S.A.) Incorporated or, in default of a nomination by the Royal Automobile Association of (S.A.) Incorporated, a person whom the Minister considers will satisfactorily represent the interests of motorists;
- (f) one shall either be a person selected by the Minister from a panel of three candidates nominated by the Towtruck Operators and Owners Association of South Australia Incorporated or, in default of a nomination by the Towtruck Operators and Owners Association of South Australia Incorporated, a person whom the Minister considers will satisfactorily represent the interests of the motor vehicle towing industry;

and

(g) two will be persons selected by the Minister to represent community interests.

(1a) At least one member of the Committee must be a woman and one a man.

(2) Where in the opinion of the Minister any incorporated body referred to in this regulation, fails to comply with its constitution in a material particular, he may remove the representative of that body from the Committee and replace that representative with a person whom the Minister considers will satisfactorily represent the interests of the motorists or of the motor vehicle towing industry, as the case requires.

8a. The Minister may appoint a suitable person with equivalent qualifications, to be a deputy of a member of the Committee and any such person shall, while acting in the absence of the member, be deemed to be a member of the Committee with all the powers, authorities, duties and obligations of a member of the Committee.



5.

9. The functions of the Committee shall be:

- (1) to make recommendations to the Minister or the Registrar on any matters about which the Act or these regulations require the Committee's recommendations;
- (2) to advise and make recommendations to the Minister or the Registrar on any matters referred to it by the Minister or the Registrar;
- (3) to consider the methods and procedures used in the administration of the Scheme and to advise and make recommendations to the Minister and the Registrar on any matter pertaining to the administration and operation of the Scheme;
- (4) to inform the Minister and the Registrar of practices within the motor vehicle towing industry.

10. (1) The Committee shall meet at such times as shall be decided by the Chairman.

(2) Five members of the Committee shall constitute a quorum.

(3) Subject to there being a quorum the Committee may act notwithstanding any vacancy in its membership.

(4) All decisions and recommendations of the Committee shall be made by a majority of the members present.

11. The Committee may establish subcommittees and invite any person to appear before it for the purpose of advising or informing the Committee.

### PART III—ACCIDENT TOWING ROSTER SCHEME

12. There shall be an accident towing roster scheme for the regulation and control of towtruck operators and towtruck drivers involved in the recovery, towing and storage of all vehicles involved in accidents within the declared area and the proper and orderly recovery, towing and storage of such vehicles.

#### *Functions of the Registrar*

13. The Registrar shall be responsible for the administration of the accident towing roster scheme.

14. The Registrar shall refer to the Committee all matters about which the Committee's recommendation is required by these regulations and he may refer any other matter concerning the administration or operation of the Scheme to the Committee for its advice and recommendation.

#### *Functions of the Commissioner*

15. The Commissioner of Police shall be responsible for receiving all requests for the services of a towtruck for any purpose related to the recovery or towing of a vehicle at or from the scene of an accident which has occurred within the declared area and for the giving of all accident towing directions pursuant to the Act.

#### *Zones*

16. As soon as practicable after the commencement of these regulations the Minister shall, by notice published in the *Gazette*, divide the declared area into zones for general accident towing rosters and zones for heavy vehicle accident towing rosters and the Minister may, upon the recommendation of the Committee, alter the boundaries of any zone by similar notice.

#### *Rosters*

17. (1) As soon as practicable after the commencement of these regulations the Registrar shall prepare a general accident towing roster for each general accident towing zone and a heavy vehicle towing roster for each heavy vehicle accident towing zone.

(2) Each accident towing roster shall contain the names, contact telephone numbers and any other information pertaining to the towtruck operators and towtrucks included in the roster that the Registrar considers necessary and shall be in the form determined by the Minister.

(3) The Registrar shall, if the Committee so recommends, endorse upon any heavy vehicle accident towing roster, recognition of a contract between the owner of heavy vehicles and a towtruck operator for the towing of that owner's heavy vehicles.

18. An accident towing roster shall be in force from 0001 hours on the first day of the commencement period nominated by the Registrar for that roster until 2400 hours on the day nominated by the Registrar.

19. No person shall at any time alter or change in any manner an accident towing roster or accident towing roster form without the express permission of the Registrar or an officer appointed pursuant to Section 7 of the Act and authorised by the Registrar to so act on his behalf.

*Accident Towing Directions*

20. (1) Subject to the preparation of the towing rosters referred to in regulation 17 the Commissioner of Police shall cause an officer or employee of the Police Department on duty at the Communications Centre:

- (a) to receive all requests for the services of a towtruck for any purpose related to the recovery or towing of a vehicle at or from the scene of an accident which has occurred within the declared area;
- (b) subject to subregulation (2) of this regulation, to give an accident towing direction directly to the towtruck operator next listed on the appropriate accident towing roster for the zone in which the accident occurred;

and

- (c) to identify to the towtruck operator the vehicle to be towed.

(2) Notwithstanding the provisions of subregulation (1)(b) of this regulation, if:

- (i) an accident towing direction is to be given to towtruck operator listed on the heavy vehicle accident towing roster; and
- (ii) recognition of a contract between a towtruck operator and the owner of the vehicle to be towed is endorsed on the heavy vehicle accident towing roster;

then the accident towing direction shall be given to that towtruck operator.

21. (1) An accident towing direction given to a towtruck operator shall constitute that towtruck operator's turn on the roster.

(2) No towtruck operator shall be entitled to receive any accident towing direction, fee, benefit, advantage, reward or compensation in respect of any act or activity which does not result effectively in the towing of a vehicle in pursuance of an accident towing direction having been given.

(3) Notwithstanding the provisions of subregulation (2) where a towtruck operator included on a roster can substantiate that he has lost four or more accident tows during a calendar month under circumstances which appear to be unduly harsh or unfair or resulting from the misuse or abuse of the Scheme, he may make written application to the Registrar for the relocation of turns on a roster.

(4) For the purposes of subregulation (3) the Registrar shall refer all matters associated to the reallocation of turns on a roster to the Committee who shall determine the manner and number of turns, if any, to be reallocated to a towtruck operator.

22. No person shall be given an accident towing direction except in accordance with the Act and these regulations.

PART IV—REGISTERED PREMISES

*Registration*

23. (1) No person shall use or cause or permit to be used any premises or place for any purpose associated with the operation of the Scheme unless such premises are registered premises.

(2) No premises shall be registered unless they are approved by the Registrar.

(3) Registered premises may include several buildings or allotments adjacent to or within the immediate vicinity of the main place of business of such registered premises.

*Standards and Requirements*

24. (1) The Registrar shall not approve premises unless in the opinion of the Committee the premises:

- (a) comply with all requirements of the Local Government Council or Corporation;
- (b) are situated wholly within the boundaries of the zone for the roster on which the towtruck operator holds a position or for which he has applied for a position provided that the Registrar may exempt a towtruck operator from compliance with this subregulation if the Committee is of the opinion that the towtruck operator can supply a prompt and efficient accident towing service to an adjacent zone;
- (c) are premises at and from which the towtruck operator seeking registration of the premises conducts his towing business;
- (d) are used by only one towtruck operator or as otherwise recommended by the Committee;
- (e) are owned or leased solely by the towtruck operator seeking registration of the premises;
- (f) include a permanent building which is suitable for use as business premises;
- (g) comprise an area or areas each of which is enclosed by a boundary fence or wall and lockable gates or doors being:
  - (i) of sound structure,
  - (ii) securely fastened at ground level,
  - (iii) not less than 2.1 metres in height from the ground, and
  - (iv) deemed by the Registrar to be adequate to prevent the entry of unauthorised persons and to prevent the unauthorised removal of vehicles or goods;
- (h) have a telephone service;
- (i) include a secure office area;

9.

- (j) are equipped with operative base station radio equipment suitable for the deployment of mobile units;
- (k) include within the boundary fences or walls an area for the storage of vehicles which are towed to those premises in compliance with an accident towing direction and such area:
  - (i) is at ground level,
  - (ii) is large enough to store not less than five passenger vehicles for each position on a roster,
  - (iii) has a well maintained ground surface,
  - (iv) is constructed and located in such a way that a vehicle can be released from the storage area within a period of thirty minutes of any request being made for such release,
  - (v) is designated "storage area" by clearly visible signs;
- (l) comply with any conditions stipulated by the Registrar pursuant to regulation 48.

(2) Premises which have been approved by the Registrar shall be deemed to be registered when they have been entered in a register kept under the Registrar's control.

25. No person shall make any structural alteration to any part of any registered premises unless those alterations comply with the standards and requirements defined in Regulation 24.

#### *Signs*

26. (1) A sign shall be erected and maintained near to the main entrance of the registered premises in a position clearly visible from the road.

- (2) The sign shall display by legible letters and numerals:
  - (a) the trading name of the business;
  - (b) the name of the person in charge of the business;
  - (c) the hours of business;
  - (d) the telephone number for the business.

PART V—TOWTRUCKS

*Standards and Requirements*

27. No person shall use a towtruck or cause or permit a towtruck to be used for the recovery or towing of any vehicle at or from the scene of an accident unless:

- (a) it has been approved by the Registrar;
- (b) it is registered under Part II of the Act in the name of a person who has been granted a position on a roster by the Registrar;
- (c) it has the legal capacity to tow the vehicle that is to be towed;
- (d) it complies with the provisions of the *Road Traffic Act, 1961* and the regulations thereunder.

28. The Registrar shall not approve a towtruck unless:

- (a) it complies with the requirements of the *Road Traffic Act, 1961* and the regulations made thereunder;
- (b) it complies with the standards fixed by the Registrar on the recommendation of the Committee;
- (c) it is fitted with and carries radio equipment which is capable of receiving messages transmitted from the registered premises of the towtruck operator who owns it;
- (d) it complies with any conditions stipulated by the Registrar pursuant to regulation 48.

29. When an approved towtruck ceases to be used in the operation of the Scheme the owner of that towtruck shall surrender to the Registrar within the time specified by the Registrar the number plates issued in respect of that towtruck.

30. No approved towtruck shall be sold, transferred, given away, lent, wrecked or disposed of in any other manner unless the Registrar has been advised in writing of the intention to sell, transfer, give away, lend, wreck or dispose of such towtruck.

31. \* \* \* \* \*

32. \* \* \* \* \*

## PART VI—QUALIFICATION OF APPLICANTS

33. A person shall qualify for a position on an accident towing roster only if he:

- (a) is the owner or sole lessee of premises approved by the Registrar in accordance with regulation 24;
- (b) satisfies the Registrar that for a period of not less than the 12 calendar months prior to his application for a position on an accident towing roster he has been continuously engaged as a proprietor in the business of towing vehicles for or on behalf of the public and that his business has provided a satisfactory service at all times and on all occasions;
- (c) employs at each of his registered premises not less than the equivalent of four persons whose combined hours of work per week amount to not less than 160 hours per week and who are engaged in the business of towing, storing and repairing vehicles and each of whom is paid by the towtruck operator either a wage of not less than the award rate applicable to him, or, in the case of a manager, an annual salary commensurate with his duties;
- (d) owns not less than two towtrucks for the first position for which he applies on a general accident towing roster and one additional towtruck for every additional position which he may be allocated on the roster;
- (e) owns not less than one towtruck for each heavy vehicle accident towing roster on which he applies for a position;
- (f) being a natural person:
  - (i) is a fit and proper person;
  - (ii) is not an undischarged bankrupt and is not subject to any subsisting composition or deed or scheme of arrangement with or for the benefit of his creditors;
  - (iii) has a sound knowledge of the law applicable to motor vehicle towing;

and every natural person who is a member of a partnership must comply with this subregulation;

- (g) being a corporation:
  - (i) every director, manager and any other person who substantially controls or could substantially control the affairs of the corporation, is a fit and proper person;
  - (ii) is not in any way in the course of being wound up or under official management and no receiver or manager has been appointed for it and it has not entered into a compromise or scheme of arrangement with its creditors;

- (iii) employs for the purpose of managing its towing business, a person who has adequate experience in the management of a towtruck operator's business and who has a sound knowledge of the law applicable to motor vehicle towing.

34. For the purpose of determining an applicant's qualification for a position on a roster the Registrar may require an applicant to:

- (a) submit himself or his manager as defined in regulation 33(g)(iii) for examination of his knowledge of the provisions of:
  - (i) the *Motor Vehicles Act, 1959*,
  - (ii) the *Road Traffic Act, 1961*, and the regulations thereunder relating to towtrucks and towtruck equipment,
  - (iii) these regulations, and
  - (iv) any other law applicable to the business of motor vehicle towing;
- (b) furnish such further information, books, documents and records as the inspector may require;
- (c) make any vehicle, towing equipment or premises available for inspection by an inspector.



PART VII—POSITIONS ON ROSTERS

35. The Registrar shall determine every application for a position on a roster.

36. (1) A person who seeks to be granted a position on a roster shall apply to the Registrar in the form and in the manner determined by the Minister.

(2) Every application shall be accompanied by the prescribed fee and such other documents and things as the Registrar may require.

37. The Registrar shall grant an applicant a position on a roster only if:

(a) the applicant:

- (i) satisfies the Registrar that he has the qualifications required by these regulations;
- (ii) has paid the prescribed fee;
- (iii) has complied with the requirements of the Act and these regulations;

and

(b) there is a vacant position on the roster for which he qualifies.

38. (1) A towtruck operator shall not be granted more positions on any one roster than the Committee recommends.

(2) A towtruck operator shall not be granted a position or positions on more than one general accident towing roster and one heavy vehicle accident towing roster unless:

- (a) the Registrar has invited him to apply for a position on an additional roster;
- (b) if the Registrar so requires he shall, within the time specified by the Registrar, establish and maintain within the zone for which he has been invited to apply, premises which qualify for registration under Part IV of these regulations;
- (c) he has made an application and paid the prescribed fees.

(2) The Registrar shall not invite a towtruck operator to apply for a position on an additional roster unless the Committee so recommends and the Committee shall not so recommend unless the number of vacant positions on the roster for which an application is invited exceeds the number of qualified applicants.

39. (1) Subject to regulation 43, the first position which a towtruck operator is granted on a Roster shall be for one year and every subsequent position on the same roster shall be granted for such time that the position will expire at the same time as the first position.

(2) Subject to regulation 43 every renewal of a position shall be for one year.

14.

(3) Notwithstanding subregulations (1) and (2) of this regulation, a towtruck operator's position or positions on a roster shall lapse forthwith upon his leasing, selling, transferring or disposing of his business or the operation of his business to any other person or upon his ceasing to carry on business as a towtruck operator.

(4) A towtruck operator shall give the Registrar written notice of any facts which will result in any position which he holds on a roster lapsing pursuant to subregulation (3) of this regulation within 3 days of their occurrence.

(5) Upon a towtruck operator leasing, selling, transferring or otherwise disposing of his business to another person, the position or positions held on a roster by that towtruck operator shall be transferred by the Registrar to that other person provided that other person has made application in compliance with regulation 36 and qualifies in accordance with regulation 33 for a position on a roster.

40. There shall be deemed to be a vacancy on a roster when the Committee advises the Registrar that a vacancy exists.

#### *Renewals*

41. Not less than two calendar months prior to the expiration of a towtruck operator's position or positions on a roster the Registrar shall send to him at his registered premises a form of application for renewal of his positions.

42. (1) The Registrar shall renew a towtruck operator's position or positions only if:

- (a) he receives a duly completed application for renewal and the prescribed fee not less than twenty-eight days prior to the expiration of the position;
- (b) the applicant continues to have the qualifications required by regulation 33 and to comply with the requirements of the Act and these regulations;
- (c) a vacancy exists for the position for which renewal is applied.

(2) The Registrar may if he deems necessary accept a late application, on the payment of the prescribed fee, provided that such application shall not be made less than 14 days before the expiry date.

(3) The Registrar when considering the renewal of positions on a specific roster shall give priority to qualified towtruck operators currently holding a position on the roster for that zone.

43. Notwithstanding the provisions of regulation 39 the Registrar may defer the grant or renewal of a position on a roster pending determination of the applicant's qualification or the existence of a vacancy.

#### *Authorisation Notices*

44. (1) When the Registrar grants a towtruck operator a position on a roster he shall send to the towtruck operator an Authorisation Notice in a form determined by the Minister which shall state:

15.

- (a) the accident towing roster and the zone to which he has been allocated;
- (b) the towtrucks approved for use by him for accident towing;
- (c) the registration number issued to each of his approved accident towtrucks;
- (d) the address of the registered premises at and from which he is authorised to operate;
- (e) any other matter which the Registrar considers necessary.

(2) The towtruck operator shall display the Authorisation Notice as directed by the Registrar.

(3) An Authorisation Notice shall be surrendered forthwith to an inspector attending at the registered premises and presenting a notice signed by the Registrar requiring surrender of the Authorisation Notice.

#### *Surrender of Positions*

45. (1) A towtruck operator may surrender all or any of his positions on a roster.

(2) A towtruck operator who intends to surrender any or all of his positions on a roster shall notify the Registrar in writing of his intention not less than 7 days prior to the date that such surrender is to take place.

## PART VIII—DUTIES AND CONDUCT OF TOWTRUCK OPERATORS

46. (1) in addition to all other duties imposed by the Act and these regulations every towtruck operator holding a position on an accident towing roster shall:

- (a) be ready and able to receive and comply with an accident towing direction at all times on every day;
- (b) comply promptly with every accident towing direction given;
- (c) conduct his towing business at and from his registered premises;
- (d) keep the part of the registered premises used to store motor vehicles that have been towed there pursuant to an accident towing direction open for business for not less than eight hours between 7 a.m. and 6 p.m. on each day other than—
  - (i) Saturday;
  - (ii) Sunday and any other public holiday;and
  - (iii) the day in each month that the towtruck operator has rostered as a day off for persons employed at the premises;
- (e) at all times maintain a telephone service to his registered premises;
- (f) ensure that at all times there is at his registered premises, or at the premises to which telephone calls have been diverted, an employee or other adult person who is directly responsible to him and he shall ensure that such person answers all telephone, radio and personal calls and provides all necessary information and takes any effective action which the towtruck operator would himself be required to give or take;
- (g) at all times employ at each of his registered premises in the business of towing, storing and repairing vehicles not less than the equivalent of four persons whose combined hours of work per week amount to not less than 160 hours per week and shall at all times pay each employee either a wage of not less than the award rate applicable to him, or, if he is employed as a manager, an annual salary commensurate with his duties;
- (h) have at all times at his registered premises or within the zone for which he holds a position, not less than one approved accident towtruck for the first position which he holds on a roster and one additional towtruck for each additional position which:
  - (i) is in operating order,
  - (ii) is capable of towing a vehicle of the type designated by the Registrar for which the towtruck operator is rostered, and
  - (iii) can be despatched to the scene of an accident immediately upon receipt of an accident towing direction;

- (i) at all times provide a prompt and efficient towing and storage service;
- (j) not cause or permit any person, other than a person employed by him, to drive or proceed by any means to the scene of an accident in response to an accident towing direction;
- (k) not tow a vehicle or cause or permit a vehicle to be towed at or from the scene of an accident with a towtruck that does not have the legal capacity to tow such vehicle except in compliance with a direction given by an inspector or member of the police force at the scene of an accident;
- (l) permit or cause only a person who is the holder of a current towtruck driver's certificate to drive or operate any towtruck;
- (m) exercise proper supervision and control over his employees and all other persons acting in the course of his business and shall be responsible for the acts and omissions (including wrongful acts and omissions) of every employee and every other person whilst such employee or person is or should be engaged in the performance of work relating to his accident towing business;
- (n) at all times maintain the whole of his registered premises in good repair and clean condition;
- (o) store every vehicle towed to the registered premises in compliance with an accident towing direction in the storage area;
- (p) use the storage area for no purpose other than the storage of vehicles towed in compliance with accident towing directions;
- (q) at all times keep every vehicle which is being towed or has been towed in compliance with an accident towing direction or stored in the storage area and every accessory and all chattels in or about every such vehicle safe from damage, loss or theft;
- (r) not establish, erect or maintain or cause or permit to be established, erected or maintained, any device, appliance or equipment of any kind that is capable of receiving, transmitting, intercepting or overhearing, any message by means of wireless telegraphy on any frequency which has been allocated pursuant to the laws of the Commonwealth for use by the Police Department, or any Ambulance, Fire Brigade or Taxi Service, or any other towtruck operator;
- (s) maintain in force at all times a policy of insurance with a recognised insurer in respect of all liability that may be incurred by him in respect of any loss, theft or damage to any vehicle, vehicle accessory or any chattels in or about any vehicle which is being towed or has been towed in compliance with an accident towing direction;
- (t) charge no more than the fees prescribed by regulation 69 for recovery, towing, storage and quotation for repair of a vehicle involved in an accident and for mileage;
- (u) comply at all times with all lawful directions given by the Minister, the Registrar, or an inspector or by an officer or employee of the Commissioner;

- (v) comply at all times with the provisions of the Act and all applicable regulations thereunder, the *Road Traffic Act, 1961* and the regulations made thereunder and all laws applicable to motor vehicle towing.

(2) A towtruck operator who is granted a position on a roster shall agree in writing to perform and accept the duties required of him by subregulation (1) of this regulation.

47. (1) Notwithstanding the provisions of paragraph (e) of subregulation (1) of regulation 46 the Registrar may authorise a towtruck operator to have telephone calls diverted, during times when he is not required by paragraph (d) of subregulation (1) of regulation 46 to keep his premises open, from his registered premises to another place which has the same telephone number.

(2) Where a towtruck operator has an accident towing direction diverted from his registered premises to another place, he shall—

- (a) be responsible for compliance with the provisions of the Act and these Regulations as if he had received such accident towing direction in the first instance,

and

- (b) advise the Registrar in writing of the location of the other place to where accident towing directions are to be diverted.

*Stipulated Conditions*

48. (1) The Registrar may, upon the recommendation of the Committee, stipulate such conditions with which towtruck operators applying for or holding a position on a roster must comply as he thinks necessary.

(2) The Registrar shall notify every towtruck operator who may be affected by any stipulated condition in writing of the condition.

## PART IX—DISCIPLINE

*Registrar's Powers*

49. (1) If, after receiving a report from an inspector, the Registrar considers that there may be proper cause for him to discipline a towtruck operator he shall refer the matter to the Committee. If the Committee recommends that disciplinary action be taken and the Registrar is satisfied that there is proper cause for him to discipline the towtruck operator, he may do one or more of the following in relation to that towtruck operator:

- (a) reprimand him;
- (b) reduce the number of positions held by him on any roster or rosters;
- (c) suspend him from any roster for a specified time or until he has fulfilled a requirement or satisfied a condition;
- (d) remove him from any roster and specify a date before which he may not reapply for a position on a roster;
- (e) remove him from any roster for an unspecified time;
- (f) remove him from any roster permanently.

(2) Without limiting the Registrar's power to discipline a towtruck operator more severely, the Registrar shall:

- (a) if he is satisfied that there is proper cause for him to discipline a towtruck operator who has been reprimanded on two separate occasions within the previous year, suspend the towtruck operator for not less than three calendar months from all rosters on which he holds any position;
- (b) if he is satisfied that there is proper cause for him to discipline a towtruck operator who has been previously suspended or removed from any roster within the previous three years, suspend the towtruck operator for not less than six calendar months from all rosters on which he holds any position.

50. The Registrar shall grant a towtruck operator who has been removed from a roster pursuant to these regulations another position on a roster only if he is satisfied that:

- (a) any time, specified by the Registrar or the Tribunal before which the towtruck operator may not reapply for a position, has elapsed;
- (b) the towtruck operator qualifies for a position on the roster;
- (c) the towtruck operator has rectified any matter which was a cause for his being disciplined and which is capable of rectification;
- (d) there is a vacant position on an appropriate roster;

- (e) the towtruck operator's re-inclusion on a roster would not prejudice the efficient operation of the Scheme.

*Cause for Discipline*

51. There shall be proper cause for the Registrar to discipline a towtruck operator if the towtruck operator:

- (a) has improperly obtained a position on a roster;
- (b) has furnished any information, orally or otherwise, which is or was in any way false or misleading in a material particular;
- (c) has failed to comply with an accident towing direction or a direction given by an inspector or a member of the police force pursuant to the provisions of the Act;
- (d) has contravened or failed to comply with any of the provisions of the *Wireless and Telegraphy Act, 1905* of the Commonwealth or the regulations made thereunder;
- (e) has habitually contravened the provisions of the *Road Traffic Act, 1961* or the regulations made thereunder;
- (f) has been convicted of an offence involving any dishonest, threatening or violent conduct or any other offence involving the use of a motor vehicle;
- (g) has, in the course of his business as a towtruck operator or vehicle repairer acted in a dishonest, unfair, unethical or improper manner by failing to observe or contravening any duty or obligation under any Act or law of the State or Commonwealth or by failing to have due and proper regard for the rights, duties or obligations on the part of any other person under any Act or law of the State or Commonwealth;
- (h) has caused or has attempted to cause any person to do or omit to do anything relating to the towing, storage or repair of any vehicle or in relation to the administration or operation of the Scheme by means of any misrepresentation, intimidation, threat, violence, persistent soliciting or by any other like unethical, improper or unfair device, means or conduct;
- (i) has contravened or failed to comply with a provision of the Act or these regulations or a condition stipulated by the Registrar or any condition imposed upon him by the Registrar pursuant to the Act or these regulations;

PART X—AUTHORITIES TO TOW

52. (1) Prior to 14 October 1984 and upon payment of the prescribed fee the Registrar shall issue towtruck operators with books of forms for use as authorities to tow.

(2) On or after 14 October 1984 and upon payment of the prescribed fee the Registrar shall issue every towtruck operator who holds a position on a roster with books of forms for use as authorities to tow.



(3) The forms shall be:

- (a) in the form determined by the Minister;
- (b) issued in triplicate in books, on the cover of which shall be written the registration number of the towtruck with which the forms are to be used;
- (c) used only for the towtruck for which they were issued.

(4) No person shall use any other document or thing as an authority to tow.

53. A towtruck driver who has obtained an authority to tow or the towtruck operator who employs him shall:

- (a) write in the appropriate place on the duplicate (yellow) and triplicate (green) copies of the authority to tow the following additional information:
  - (i) all services performed and additional kilometres travelled after leaving the scene of the accident for which the towtruck operator intends to charge a fee;
  - (ii) the fee charged for each service;
  - (iii) the total amount of all fees charged; and
  - (iv) the registration number of any vehicle lent or hired by the towtruck operator or towtruck driver to the person who gave the authority to tow or to the owner of the vehicle which was recovered or towed;
- (b) give the duplicate copy of the authority to tow to the Registrar within twenty-four hours of the authority to tow being given and proof of such delivery shall be upon the towtruck operator.

*Loss or Damage*

54. If an authority to tow or a copy thereof is lost, destroyed, rendered unusable, illegible or cancelled:

- (1) the towtruck driver or towtruck operator who has or had possession of it shall:
  - (a) write, date and sign on the authority to tow (or in the case of loss, destruction or mutilation, by separate report) an explanation of that happening, and
  - (b) as soon as practicable, but in any case within ten hours of that happening, deliver the original and copies of the authority to tow or the report,
    - (i) prior to 14 October 1984, to the usual place of business of the towtruck operator to whom the authority to tow was issued;
    - (ii) on or after 14 October 1984, to the registered premises of the towtruck operator to whom the authority to tow was issued.

- (2) the towtruck operator to whom it was issued shall deliver the authority to tow and duplicate copy or the explanatory report to the Registrar within twenty-four hours of his receiving or writing the explanation and proof of such delivery shall be upon the towtruck operator.

## PART XI—RECORDS

55. (1) A towtruck operator shall keep for not less than three years at his registered premises and in good order and condition:

- (a) in chronological order, all forms, notices and documents required by the Act or these regulations to be made, completed or kept; and
- (b) in alphabetical order, lists of:
  - (i) the names of his employees,
  - (ii) the job classification of each,
  - (iii) the number of hours worked each week by each employee,
  - (iv) the weekly wage or salary and all other remuneration paid to each, and
  - (v) the commencement and termination dates of the employment of each.

(2) Notwithstanding the provisions of subregulation (1) of this regulation, a towtruck operator who formerly held a position on an accident towing roster or who is suspended from a roster shall:

- (a) if he sells or otherwise transfers his business to another towtruck operator who holds or is granted a position on a roster, give possession of all the records that he is required to keep to that towtruck operator, who shall keep them in accordance with subregulation (1) of this regulation; and
- (b) if he does not sell or transfer his business to another person who holds or is granted a position on a roster, continue to keep the records that he is required to keep in all respects in accordance with subregulation (1) of this regulation, except that he may keep them and make them available for inspection at a place within the declared area other than his formerly registered premises and he shall give the Registrar written notice of the place where the records are to be kept within seven days of his ceasing to carry on the business of accident towing.

(3) No person shall fail to keep, falsify, mutilate or destroy or cause or permit any other person to fail to keep, falsify, mutilate or destroy or remove from his control any form, notice or other document required to be kept by the Act or these regulations.

(4) A towtruck operator may, where reasonable cause exists, keep the records that he is required to keep in accordance with subregulation (2)(b) of this regulation at a place provided by the Registrar.

## PART XII—MISCELLANEOUS

*Police Powers*

56. (1) If there is any doubt as to the zone for which an accident towing direction is to be given, the Officer-in-Charge of the Police Communications Centre at the time that the direction is to be given shall decide which zone shall apply and in making that decision he may, but shall not be obliged to:

- (a) assume that where the boundary of the zone falls on a road, railway or river, the mid-point of the width of that road, railway or river is the boundary;
- (b) base his decision upon the place at which the damaged vehicle came to rest and not the point of impact;
- (c) consider the welfare and safety of members of the public;
- (d) consider traffic requirements and congestion generally.

(2) No person shall challenge a decision made pursuant to this regulation.

57. (1) If the Officer-in-Charge of the Police Communications Centre at the time is of the opinion that there has been or may be a delay in a towtruck operator complying with an accident towing direction, or that a towtruck may not have the capacity to tow the vehicle to be towed, he may:

- (a) cancel the accident towing direction previously given; and
- (b) give an accident towing direction to the next appropriate towtruck operator on the roster for the zone in which the accident occurred.

(2) When an accident towing direction has been cancelled:

- (a) the towtruck driver whose direction was cancelled shall be notified on the cancellation as soon as reasonably possible; and
- (b) the cancellation and subsequent direction shall be recorded on the roster.

(3) No towtruck operator shall be entitled to receive any accident towing direction in lieu of the cancelled direction or any fee, advantage, reward or compensation when an accident towing direction given to him has been cancelled.

58. Notwithstanding any other provision of these regulations, if the holder of a current towtruck certificate attends the scene of an accident in response to an accident towing direction and he forms the opinion that a vehicle other than an approved accident towtruck is required for any purpose related to the recovery or towing of damaged vehicle, he may, (with the oral approval of the Officer-in-Charge of the Police Communications Centre at the time or an inspector) cause that other vehicle to attend the scene of that accident and recover or tow the damaged vehicle and the attendance, identity and owner of that other vehicle and any other relevant facts shall be recorded on the accident towing roster and the authority to tow.

*Exemptions*

59. Those persons referred to in Column 2 of the Table hereunder shall be exempted from those provisions of Part IIIC of the Act specified in Column 1 of the Table from 2 September 1984 until the period specified in Column 3 of the Table subject to the conditions (if any) specified in Column 4.

Table of Exemption

Column 1 Provisions of Part IIIC	Column 2 Persons Exempted	Column 3 Period of Exemption	Column 4 Conditions
98mc(1)(b)	Every towtruck operator	1 December 1984	
98md(1)(b) & (c)	Every person	14 October 1984	
98me(1)(b) & (c)	Every person	14 October 1984	
98me(2)(c)	Every person	14 October 1984	An authority to tow used for the purposes of section 98me(1) must be contained in a document issued by the Registrar.
98me(5)	Every towtruck driver	14 October 1984	
98me(13)(a)	Every towtruck driver	14 October 1984	A towtruck driver who has obtained an authority to tow under section 98me in relation to a motor vehicle shall within the period of ten hours after obtaining the authority deliver the duplicate and triplicate copies of the authority to the towtruck operator whose vehicle was used to tow the vehicle identified in the authority to tow;
98me(14)(c)	Every towtruck operator	14 October 1984	A towtruck operator (being a towtruck driver or the employer of a towtruck driver who has obtained an authority to tow) shall retain the triplicate copy at his usual place of business for a period of not less than three years after his receipt of the authority.
98mf(1) & (2)	Every towtruck operator	14 October 1984	

98mg(1)	Every person	1 December 1984	
98mh(2)(a)	Every towtruck operator	1 December 1984	<p>No contract for a quotation for repair of a motor vehicle or for repair of a motor vehicle, being a motor vehicle that has been damaged in an accident within the declared area, shall, if entered into before the prescribed time, be enforceable or relied upon in any way unless the contract is in writing and has been signed by the owner of the vehicle or some person duly authorised to act on his behalf;</p> <p>In this condition "the prescribed time" means—</p> <p>(a) where the vehicle was removed from the scene of the accident by a towtruck—the time at which after the vehicle was so removed the owner or some person duly authorised to act on his behalf recovers actual physical possession of the vehicle;</p> <p>or</p> <p>(b) the expiration of twenty-four hours after the removal of the vehicle from the scene of the accident,</p> <p>whichever last occurs.</p>
98mi(2) & (3)	Every towtruck operator	1 December 1984	
98ml(1)	Every holder of towtruck certificate or temporary towtruck certificate	1 December 1984	

59a. (1) The Registrar may exempt the Crown or any Department or Instrumentality of the Crown or any Statutory Authority or any person whatsoever from compliance with such provisions of Part IIIC of the Act or these regulations as he shall specify for such periods and upon such conditions as he may specify.

(2) Notwithstanding subregulation (1), no exemption shall be given to the requirement to call a towtruck under the accident towing roster scheme, except for the towing of vehicles in conjunction with the heavy vehicle towing roster.

(3) Notwithstanding subregulation (2), all vehicles, including court exhibits under the control of the Commissioner of Police shall be exempted from compliance with Part IIIC of the Act and these regulations.

*Liability*

60. No liability shall attach to:

- (a) any employee of the Registrar;
- (b) any employee of the Commissioner;

for an act or omission in good faith and in the performance or discharge or purported performance or discharge of a power, duty or function conferred by or under these regulations.

*Official Telephone Number*

61. Subject to these regulations, no person shall use or cause or permit the telephone number 51 5555 or any other telephone number allocated for use in conjunction with the operation of the Scheme to be used in any advertising, display, correspondence or communication unless the Registrar has, on the recommendation of the Committee, given his written permission.

*Storage Notices—Section 98mi(2)*

62. A notice given pursuant to section 98mi(2) of the Act shall:

- (a) be in the form of Schedule 1 of these regulations;
- (b) provide all information required by the form comprising Schedule 1; and
- (c) be either delivered personally to the owner of the vehicle or sent by registered post to the address of the owner of the vehicle.

*Towtruck Certificates Section 98ml(1)*

63. A person who is the holder of a current towtruck certificate or current temporary towtruck certificate shall have his certificate securely fixed in a conspicuous position on the clothing covering the left side of his chest and he shall ensure that it is clearly visible at all times when he is driving or riding in or upon a towtruck or operating the equipment of a towtruck or in attendance at the scene of an accident.

*Complaints and Reports*

64. Subject to section 98pd of the Act, all complaints or reports concerning the administration or operation of the Scheme or the conduct of a towtruck operator who holds a position on a roster or any employee or person acting in the course of the business of a towtruck operator who holds a position on a roster shall be directed to the Registrar.

*Application to Tribunal for Inquiry or Review*

65. An application to the Towtruck Tribunal for an inquiry or review shall:

- (a) be in writing;
- (b) be signed and dated by the applicant;
- (c) state the full name and address of the applicant;
- (d) in the case of an inquiry only, state the name and address of the person into whose conduct the inquiry is sought;
- (e) state briefly the grounds on which the inquiry or review is sought including the date and place at which any facts complained of occurred;
- (f) be made within twelve months of the occurrence of the facts that constitute the grounds upon which the application is made;
- (g) be delivered to the Chairman of the Committee.



PART XIII—FEES

66. (1) No fee or portion of any fee paid to the Registrar pursuant to this Part shall be refundable or transferable.

(2) Notwithstanding the provisions of the Act, no person shall be entitled to any concession or reduction of any fee prescribed in this Part.

*Prescribed Fees*

67. The fees set out in the table below are payable to the Registrar.

**TABLE**  
*Fees*

	\$
<b>Towtruck certificates</b>	
1. On application for a towtruck certificate . . . . .	50.00
2. For a practical test for a towtruck certificate . . . . .	50.00
3. For a towtruck certificate—	
(a) when the holder will be proceeding to and attending at the scene of an accident—per annum . . . . .	125.00
(b) when the holder will not be proceeding to or attending at the scene of an accident—per annum . . . . .	50.00
4. For a temporary towtruck certificate . . . . .	50.00
5. For a duplicate towtruck certificate . . . . .	50.00
<b>Accident towing roster scheme</b>	
6. On application for the first position on a roster . . . . .	400.00
7. On application for renewal of each position on a roster—	
(a) if the renewal is to take effect before 1 July 1998 . . . . .	180.00
(b) if the renewal is to take effect on or after 1 July 1998 . . . . .	200.00
8. On application for re-inclusion under regulation 50 . . . . .	400.00
9. On late application for renewal under regulation 42(2)—	
(a) if the renewal is to take effect before 1 July 1998 . . . . .	180.00
(b) if the renewal is to take effect on or after 1 July 1998 . . . . .	200.00
<b>Forms</b>	
10. For authority to tow forms (book of 10) . . . . .	130.00
11. For direction to remove vehicle forms (book of 20) . . . . .	10.00
12. For quotation to repair vehicle contract forms (book of 80) . . . . .	10.00
13. For storage notice forms (book of 20) . . . . .	10.00

*Contract for a Quotation for Repair of a Motor Vehicle  
Section 98mh(2)*

68. A contract for a quotation for repair of a motor vehicle for the purposes of section 98mh(2) of the Act shall be in the form of Schedule 2 to these regulations.

69. (1) For the purposes of sections 98me(15) and 98mf(2)(b) of the Act and regulation 46(1)(t) of these regulations the following fees are prescribed as are in accordance with the Prices Commissioner's Order 1073 as published in the *Government Gazette* on 11 October 1984:

First Column	Second Column \$	Third Column \$
Recovery and/or towing of a motor vehicle from scene of accident to a place of repair or of storage, or from a place of storage to a place of repair—		
<u>Motor car, motor cycle, caravan or trailer:</u>		
All distances of up to 10 running kilometres . . . . .	42.20	54.60
Per kilometre in excess of 10 running kilometres . . . . .	1.00	1.00
Waiting or working time after the "authority to tow" form is signed in excess of 30 minutes, per hour . . . . .	37.20	49.60
Additional labour, where necessary to recover motor vehicle, per hour . . . . .	22.50	28.20
All the above charges include the use of a power winch, trailer and/or other specialised equipment necessary to recover and/or tow a motor vehicle.		
<u>Other motor vehicles:</u> . . . . .	By arrange- ment	By arrange- ment
Storage of a motor vehicle damaged in an accident; per day—		
Motor cars, motor cycles, caravans and trailers:		
In open locked storage . . . . .	2.50	2.50
In covered locked storage . . . . .	3.50	3.50
Quotation for repair:		
Reasonably estimated cost of repairs	Charge	
Up to \$1 000 . . . . .	\$2 per \$100 or part thereof	
Between \$1 001 and \$2 000 . . . . .	\$20 plus \$1.50 per \$100 or part thereof	
Over \$2 000 . . . . .	\$35 plus \$5 per \$1 000 or part thereof with a maximum charge of \$55.	

It is provided that:

- (a) A surcharge of \$10.40 may be added to the charge fixed in the Third Column of the Schedule for work carried out between 12.00 midnight and 7.30 a.m.

- (b) Charges for services carried out partly during normal hours and partly outside of normal hours shall be calculated at the rate applicable at the time the service is actually supplied.
- (c) Where the use of more than one tow truck is necessary, a charge may be made in respect of each such tow truck.
- (d) Where the person supplying the service of storage and quotation for repair also carries out repairs, no charge shall be made for the service of storage and quotation for repair.
- (e) When a maximum rate per hour is fixed, the time charged for shall be computed in six minute periods.
- (f) No charge shall be made for time prior to the authority to tow form being signed.

(2) For the purposes of subregulation (1) of this regulation the maximum rate for any service of towing, recovery, storage and quotation for repair of a vehicle damaged in an accident within the declared area or described in the first column of the fees as detailed in subregulation (1) of this regulation when such service is rendered outside normal hours to be the amount specified opposite that service in the third column of the said fees as detailed in subregulation (1) of this regulation.

(3) For the purposes of this regulation normal hours shall be the hours between 7.31 a.m. and 5.00 p.m. on days other than Saturdays, Sundays and public holidays.

PART XIV—PENALTY

70. Any person who is in breach of, contravenes or fails to comply with any of the provisions of these regulations shall be guilty of an offence, and unless some other penalty has been specifically prescribed therefor in some other part of these regulations, shall be liable, on summary conviction, to a fine not exceeding one thousand dollars (\$1 000.00).

PART XV—SCHEDULES

SCHEDULE 1

(Refer reg. 62)

NOTICE—STORAGE CHARGES

TO .....  
OF .....

Postcode .....

Claim is made for the sum of \$ ....., being charges for .....  
days storage of vehicle,

Registered Number. .... Make .....

Type ..... Odometer Reading .....  
presently stored by:—

.....  
(Business Name)

at .....  
(Business Address)

..... Phone No .....

You are advised that failure to arrange removal of the abovestated vehicle from the said business premises will  
make you liable for further storage charges at the rate of \$ ..... a day.

.....  
Date Signature Title

NOTE: CHARGES SHALL NOT EXCEED THE FEES PRESCRIBED BY REGULATION 69

SCHEDULE 2

(Refer Reg. 68)

CONTRACT FOR A QUOTATION FOR REPAIR OF A MOTOR VEHICLE

(\*Strike out what is NOT applicable)

I, .....  
(Full Name)

OF .....  
..... Phone No. .... \*Bus/\*Priv .....

\*BEING/\*FOR the owner of motor vehicle

Registered Number ..... Make .....

Type ..... Colour .....

..... Odometer Reading .....

Authorise a "Quotation for Repair" to be prepared by—  
.....  
Business Name and Address

.....  
.....Bus. Phone No .....

on the understanding that fees charged, if any, will be in compliance with the relevant current Prices Order as published in the *Government Gazette*, and it is acknowledged that I have been given a duplicate copy of this contract.

.....  
Date Time Signature

NOTE: THIS CONTRACT IS UNENFORCEABLE UNLESS THE OWNER OF THE MOTOR VEHICLE OR SOME PERSON DULY AUTHORISED TO ACT ON HIS BEHALF CONFIRMS THE CONTRACT NOT LESS THAN SIX HOURS NOR MORE THAN FOURTEEN DAYS AFTER THE SIGNING OF THE CONTRACT.

Confirmed by .....  
Print Full Name

OF .....  
..... Phone No. ....

Date ..... Time ..... Signature .....  
(Person Authorising)

Title .....

**APPENDIX**

**LEGISLATIVE HISTORY**

Regulation 8(1):	varied by 169, 1998, reg. 3(a), (b)
Regulation 8(1a):	inserted by 169, 1998, reg. 3(c)
Regulation 10(2):	varied by 169, 1998, reg. 4
Regulation 46(1):	varied by 158, 1988, reg. 2
Regulation 67:	substituted by 95, 1986, reg. 3; 164, 1987, reg. 3; 95, 1988, reg. 3; 123, 1989, reg. 3; 93, 1990, reg. 3; varied by 191, 1990, reg. 3; substituted by 60, 1991, reg. 3; 63, 1992, reg. 3; 91, 1993, reg. 3; 59, 1994, reg. 3; 86, 1995, reg. 3; 123, 1996, reg. 3; varied by 100, 1997, reg. 3; 91, 1998, reg. 3
Regulation 69(1):	substituted by 191, 1984, reg. 2