

Accident Towing Services Regulations

Exposure Draft

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Victoria

Accident Towing Services Regulations

Exposure Draft

Part 1—Preliminary

1 Objectives

The objectives of these Regulations are—

- (a) to facilitate the safe, timely and efficient provision of accident towing services and other related services; and
- (b) to impose requirements on tow truck licence holders, accredited persons and others that advance the objective set out in section 4 of the **Accident Towing Services Act 2007**; and
- (c) to ensure that the attendance of licensed tow trucks at road accident scenes in controlled areas is controlled and efficient; and
- (d) to regulate the behaviour of tow truck drivers at road accident scenes; and
- (e) to provide for accident towing demerit points for relevant prescribed offences; and

- (f) to prescribe infringement offences and prescribe the penalties for those offences.

2 Authorising provision

These Regulations are made under section 223 of the **Accident Towing Services Act 2007**.

3 Commencement

These Regulations come into operation on 14 December 2019.

4 Revocations

The following Regulations are **revoked**—

- (a) the Accident Towing Services Regulations 2008¹;
- (b) the Accident Towing Services Amendment (Licence Fees) Regulations 2010²;
- (c) the Accident Towing Services Amendment Regulations 2012³;
- (d) the Accident Towing Services Amendment (Peninsula Link) Regulations 2012⁴;
- (e) the Accident Towing Services Amendment Regulations 2014⁵.

5 Definitions

In these Regulations—

allocation officer, in relation to the allocation body of a controlled area, means a person appointed by VicRoads under regulation 30(2);

chief allocation officer, in relation to the allocation body of a controlled area, means the person appointed by VicRoads under regulation 30(1);

depot number means the identification number allocated by VicRoads to a specified depot under regulation 21(6);

driver licence has the same meaning as in the **Road Safety Act 1986**;

exempt tow truck licence means a Melbourne licence that has been exempted from the requirement that a tow truck be specified in respect of the licence under section 27(1) of the Act;

highway has the same meaning as in the **Road Safety Act 1986**;

industry accreditation means—

- (a) a towing operator accreditation; or
- (b) a towing depot manager accreditation;

licence holder means a person who is the holder of a regular tow truck licence or a heavy tow truck licence;

lightboard means a lightboard that complies with regulation 23(1)(h);

non-exempt tow truck licence means a Melbourne licence that is not an exempt tow truck licence;

rostered tow truck in relation to a regular tow truck licence (the holder of which has been granted a place on the road accident scene roster for a controlled area) means—

- (a) subject to paragraph (b), the tow truck specified in respect of the licence under section 10 of the Act; or
 - (b) in the case of a transferred towing entitlement, the tow truck specified in the non-exempt tow truck licence under section 10 of the Act;
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standards for registration has the same meaning as in the Road Safety (Vehicles) Regulations 2009⁶;

the Act means the **Accident Towing Services Act 2007**;

tow truck licence certificate means the certificate given to the holder of a tow truck licence under section 24 of the Act;

transferred towing entitlement means an allocation roster entitlement applied to a non-exempt tow truck licence that was previously applied to an exempt tow truck licence.

Part 2—Industry accreditation and driver accreditation

6 Qualifications for accreditations and renewals

- (1) VicRoads may make a determination as to qualifications to be required of, and tests to be passed by, an applicant for—
 - (a) an industry accreditation; or
 - (b) a tow truck driver accreditation; or
 - (c) the renewal of either accreditation.
- (2) A qualification or test determined under subregulation (1) must be one that promotes the safe, timely, efficient and law abiding provision of accident towing services.
- (3) Without limiting subregulation (1), qualifications may include formal training, informal training or prior work experience.

7 Notice to be given before determination is made

- (1) Before making a determination under regulation 6, VicRoads must—
 - (a) cause a notice to be published in the Government Gazette and in a daily newspaper circulating generally throughout Victoria; and
 - (b) consider all comments and submissions received in response to the notice within the period specified in the notice.
- (2) A notice under subregulation (1) must—
 - (a) outline the contents of the proposed determination; and

- (b) state where a copy of the proposed determination may be obtained or inspected; and
 - (c) invite public comments or submissions within such time (being not less than 28 days from the publication of the notice) as is specified in the notice.
- (3) VicRoads may give the notice under subregulation (1) to any person who VicRoads believes may be affected by the proposed determination.
 - (4) If VicRoads makes a determination under regulation 6, VicRoads must immediately publish on its website a list of those qualifications or tests.
 - (5) VicRoads is not required to cause a notice to be published under subregulation (1) if VicRoads certifies in writing that the proposed determination is less onerous or not materially different from a previous determination.

8 Information to accompany applications for accreditations and renewals

- (1) An application for an industry accreditation or a tow truck driver accreditation or the renewal of either accreditation must be accompanied by evidence that the applicant holds the qualifications or has passed the tests (if any) determined by VicRoads under regulation 6(1).
- (2) VicRoads must not approve an application for an industry accreditation or a driver accreditation or the renewal of either accreditation unless VicRoads is satisfied that the applicant has complied with subregulation (1).

9 Additional information to accompany towing operator accreditations and renewals

For the purposes of section 60(1)(c)(ii) of the Act, an application under section 59 of the Act for the grant or renewal of a towing operator accreditation must be accompanied by the following evidence—

- (a) if the applicant is a company—
 - (i) a copy of a current company extract; and
 - (ii) a criminal record check in respect of each director of the company; and
 - (iii) if the nominated person is not a director—a criminal record check in respect of the nominated person;
- (b) if the applicant is an incorporated association—
 - (i) the certificate of incorporation; and
 - (ii) the names of the directors at the time of the application; and
 - (iii) a criminal record check in respect of each director of the incorporated association; and
 - (iv) if the nominated person is not a director—a criminal record check in respect of the nominated person;
- (c) if the applicant is a body corporate other than a company or incorporated association—
 - (i) a document that is evidence of the existence of the applicant; and
 - (ii) the names of all office-bearers at the time of the application; and

- (iii) a criminal record check in respect of each office bearer; and
- (iv) if the nominated person is not an office bearer—a criminal record check in respect of the nominated person.

**10 Conditions of towing operator accreditation—
training, testing, tow truck maintenance and other
matters**

- (1) For the purposes of section 72(2) of the Act, the conditions specified in subregulations (2) to (5) apply to a towing operator accreditation.
- (2) The holder of a towing operator accreditation must undergo training and testing as required by VicRoads from time to time in relation to the safe, timely, efficient and law abiding provision of accident towing services.
- (3) The holder of a towing operator accreditation must ensure that a licensed tow truck and any associated equipment used in the operation of the accident towing service business by that person is regularly inspected and maintained to ensure that accident towing services are provided safely, reliably and efficiently.
- (4) The holder of a towing operator accreditation must ensure that records relating to the inspection and maintenance of a licensed tow truck and associated equipment referred to in subregulation (3) are—
 - (a) kept for a period of 2 years from the date that the inspection or maintenance takes place; and
 - (b) made available to VicRoads within a reasonable time, if requested by VicRoads.

- (5) The holder of a towing operator accreditation must ensure that the holder's certificate of accreditation is displayed at the specified depot so that it may be inspected by members of the public.

**11 Conditions of towing operator accreditation—
engagement of persons to drive tow trucks and
manage accident towing service businesses**

- (1) For the purposes of section 72(2) of the Act, the holder of a towing operator accreditation who engages a person to drive a tow truck for the purposes of providing accident towing services and other related services must—
- (a) ensure on a regular basis that the driver holds a current tow truck driver accreditation; and
 - (b) take reasonable steps to ensure that at all times when providing the services the driver—
 - (i) is technically competent to provide accident towing and related services; and
 - (ii) is sufficiently fit and healthy to provide accident towing and related services; and
 - (iii) acts in a manner that is safe, timely, efficient and law abiding; and
 - (c) take reasonable steps to ensure that the driver undergoes training and testing as required by VicRoads under regulation 13(1).
- (2) The holder of a towing operator accreditation who engages a person to manage an accident towing service business operated by the holder of the towing operator accreditation must—
- (a) ensure on a regular basis that the person holds a current towing depot manager accreditation; and
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- (b) take reasonable steps to ensure that the person undergoes training and testing as required by VicRoads under regulation 12.

12 Condition of towing depot manager accreditation

For the purposes of section 72(2) of the Act, the holder of a towing depot manager accreditation must undergo training and testing as required by VicRoads from time to time in relation to the safe, timely, efficient and law abiding provision of accident towing services.

13 Condition of tow truck driver accreditation

- (1) The holder of a tow truck driver accreditation must undergo training and testing as required by VicRoads from time to time in relation to the safe, timely, efficient and law abiding provision of accident towing services.
- (2) Without limiting subregulation (1), testing may include medical examinations.

14 Consultation requirements

- (1) Before imposing a condition on an industry accreditation or a tow truck driver accreditation under regulation 10(2), 12 or 13(1), VicRoads—
 - (a) must cause a notice to be published in the Government Gazette and in a daily newspaper circulating generally throughout Victoria; and
 - (b) must consider all comments and submissions received in response to the notice within the period specified in the notice.
 - (2) A notice under subregulation (1) must—
 - (a) outline the proposed condition; and
 - (b) state where a copy of the proposed condition may be obtained or inspected; and
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Part 2—Industry accreditation and driver accreditation

- (c) invite public comments or submissions within such time (being not less than 28 days from the publication of the notice) as is specified in the notice.
- (3) In addition to subregulation (1), VicRoads may give the notice to any person who VicRoads believes may be affected by the proposed condition.
- (4) If VicRoads imposes a condition under regulation 10(2), 12 or 13(1), VicRoads must immediately publish on its website details of the condition.
- (5) A condition imposed under regulation 10(2), 12 or 13(1) must be one that promotes the safe, timely, efficient and law abiding provision of accident towing services.
- (6) VicRoads is not required to cause a notice to be published under subregulation (1) if VicRoads certifies in writing that the proposed condition is less onerous or not materially different from a previous condition.
- (7) If VicRoads imposes a condition under regulation 10(2), 12 or 13(1), it must immediately notify the affected accredited persons in writing and specify the time within which the condition must be completed.

Part 3—Tow truck licence certificates

15 When a tow truck licence certificate must be returned

- (1) If a tow truck licence certificate held by a licence holder becomes illegible or is altered or defaced, the licence holder must return the certificate to VicRoads and apply for the issue of a replacement certificate within 7 days of becoming aware that the certificate has become illegible or has been altered or defaced.

Penalty: 10 penalty units.

- (2) If the address of the licence holder, as described on a tow truck licence certificate, changes or requires amendment, the licence holder, within 7 days of changing address or becoming aware of a required amendment, must—
 - (a) notify VicRoads of the change of address or the required amendment; and
 - (b) return the tow truck licence certificate to VicRoads; and
 - (c) apply to VicRoads to amend the certificate or to issue a replacement certificate.

Penalty: 10 penalty units.

- (3) VicRoads must issue a replacement certificate on receipt of an application under subregulation (1).
- (4) VicRoads must amend the certificate or issue a replacement certificate on receipt of an application under subregulation (2).

16 Lost, stolen or destroyed certificates

- (1) A licence holder must apply to VicRoads for a replacement tow truck licence certificate within 7 days of becoming aware that the tow truck licence certificate held by the person has been lost, stolen or destroyed.

Penalty: 10 penalty units.

- (2) An application under subregulation (1) must be made in the manner and form determined by VicRoads.
- (3) VicRoads must issue a replacement tow truck licence certificate if it is satisfied that the certificate has been lost, stolen or destroyed.

17 Annual licence fees

- (1) The holder of a regular tow truck licence must pay the following annual licence fees in respect of the tow truck for which the holder has the licence—
 - (a) 70·13 fee units—if the specified depot is in a controlled area;
 - (b) 13·98 fee units—if the specified depot is not in a controlled area.
 - (2) The holder of a heavy tow truck licence must pay an annual licence fee of 13·98 fee units in respect of the tow truck for which the holder has the licence.
 - (3) The annual licence fees required to be paid under this regulation are payable at the beginning of each financial year.
 - (4) Despite subregulation (3), if a person is issued with a tow truck licence after the start of a financial year, the annual licence fee is to be reduced on a pro rata basis, calculated from the day the licence is issued.
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- (5) VicRoads may permit the holder of a regular tow truck licence that has a specified depot in a controlled area to pay the annual licence fee in instalments.

18 Alteration of specified depot

- (1) The holder of a tow truck licence may apply in writing to VicRoads for the depot specified in the tow truck licence to be altered.
- (2) On receiving an application under subregulation (1), VicRoads may alter the depot specified in the tow truck licence by substituting another depot for the current depot.
- (3) An application must include the following—
- (a) the tow truck licence number;
 - (b) the name, address and telephone number of the licence holder, and the Australian Company Number of the licence holder if the licence holder is a company;
 - (c) the address of the current depot;
 - (d) the address of the proposed depot;
 - (e) the existing accident towing services available at or near the proposed depot;
 - (f) how the present accident towing services (if any) at or near the proposed depot are inadequate to meet all reasonable public demand;
 - (g) the advantages of the change of depot to the public at or near the proposed depot;
 - (h) the impact that the services from the proposed depot would have on any existing accident towing service businesses near the proposed depot;
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Part 3—Tow truck licence certificates

- (i) the effect on the public at or near the current depot, if the proposed depot change is approved.
- (4) An application must be accompanied by the following—
- (a) a fee of 13.98 fee units;
 - (b) subject to subregulation (5), a written statement from the municipal council in which the proposed depot would be located supporting the application;
 - (c) evidence that the applicant has the right to conduct an accident towing service business from the proposed depot;
- Example**
- Evidence includes a council rates notice in the name of the licence holder or a lease agreement giving the licence holder the right to conduct an accident towing service business from the proposed depot.
- (d) any other information the applicant wishes to provide in support of the application, including any written statement supporting the application from any other government body, industry group, corporation or individual.
- (5) A written statement from the municipal council referred to in subregulation (4)(b) is not required if—
- (a) there is currently an accident towing service business operating at the address of the proposed depot; and
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Part 3—Tow truck licence certificates

- (b) VicRoads has received a written statement from the municipal council in which the proposed depot would be located, supporting an application under subregulation (1) in respect of the accident towing service business currently operating at the address of the proposed depot; and
- (c) the written statement was received no more than 5 years before the date of the application for the proposed depot.

Part 4—Record keeping and specified depots

19 Records to be kept by a licence holder

- (1) A licence holder must keep the following records for the tow truck specified in the tow truck licence—
 - (a) copies of invoices of charges for towing and storing accident damaged motor vehicles;
 - (b) in chronological order, each authority to tow form which has been completed or partially completed;
 - (c) a record of the name, address, tow truck driver accreditation number and driver licence number of each person who drives the tow truck;
 - (d) a record of the name, address and towing operator accreditation number or towing depot manager accreditation number of the person who manages the accident towing service business to which the licence relates;
 - (e) photographs of a salvage operation taken under regulation 43(9), each of which is clearly linked to the authority to tow to which it relates.

Penalty: 10 penalty units.

- (2) A licence holder must keep the records referred to in subregulation (1)—
 - (a) at the specified depot for the licensed tow truck; and

(b) for a period of at least one year from the date the last entries in the records were made.

Penalty: 10 penalty units.

(3) A licence holder must keep the records in the English language.

Penalty: 10 penalty units.

(4) A licence holder must make the records available for inspection on demand by a police officer or an authorised officer.

Penalty: 10 penalty units.

(5) If asked by a police officer or an authorised officer, a licence holder must give, within a reasonable time, to the police officer or authorised officer an accurate copy of any part or all of the records referred to in subregulation (1).

Penalty: 10 penalty units.

(6) If asked by the owner of an accident damaged motor vehicle that has been salvaged, or the owner's agent, a licence holder must, within a reasonable time and at no cost, give that person a copy of any photographs referred to in subregulation (1)(e).

Penalty: 10 penalty units.

20 Manner and form in which records are to be kept

(1) Subject to subregulation (2), a record that must be kept under the Act or these Regulations may be kept in electronic form provided it is convertible into hard copy.

(2) An authority to tow must be kept in hard copy form.

21 Specified depots

- (1) A licence holder must ensure that the specified depot for a licensed tow truck is open for business and staffed by the licence holder or an agent or employee of the licence holder between the hours of 8.00 a.m. and 5.00 p.m. from Monday to Friday inclusive, but excluding any public holiday.

Penalty: 20 penalty units.

- (2) A licence holder must ensure that the specified depot for a licensed tow truck is contactable by telephone during the hours of business referred to in subregulation (1).

Penalty: 20 penalty units.

- (3) A licence holder must ensure that the specified depot for a licensed tow truck has displayed on the exterior of the specified depot a sign displaying—

- (a) the name of the licence holder; and
- (b) the depot number allocated by VicRoads, if the depot is within a controlled area; and
- (c) the hours of business of the depot; and
- (d) the telephone number of the depot.

Penalty: 20 penalty units.

- (4) A licence holder must ensure that the specified depot for a licensed tow truck is suitable for the conduct of business and the keeping of records as required under the Act and these Regulations.

Penalty: 20 penalty units.

- (5) A licence holder must ensure that a licensed tow truck—

- (a) operates from the specified depot; and

- (b) is usually based at the specified depot between the hours of 8.00 a.m. and 5.00 p.m. from Monday to Friday inclusive, but excluding any public holiday.

Penalty: 20 penalty units.

- (6) VicRoads must allocate a depot number for each specified depot.

22 Exemptions from specified depot requirements

- (1) VicRoads may wholly or partially exempt a licence holder from having to comply with regulation 21(1) if—
 - (a) the specified depot for the licensed tow truck is located outside a controlled area; and
 - (b) VicRoads is satisfied that it would impose an unreasonable burden on the licence holder to require compliance with regulation 21(1).
 - (2) VicRoads may wholly or partially exempt a licence holder from having to comply with regulation 21(5)(b) if VicRoads is satisfied that—
 - (a) the granting of the exemption or partial exemption would improve the efficiency of the accident towing service provided by the licence holder; and
 - (b) the granting of the exemption would not unreasonably impact on the accident towing service business of another licence holder.
 - (3) An exemption under subregulation (1) or (2) must be in writing and may be subject to any conditions that VicRoads considers fit.
 - (4) Before granting an exemption under subregulation (2), VicRoads must consult with any other licence holder that VicRoads believes may be adversely affected by the decision to grant an exemption.
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Part 5—Vehicles

23 Specifications and equipment

- (1) A licence holder must ensure that the tow truck specified in that person's tow truck licence meets the specifications and is fitted or equipped with the equipment as follows—
 - (a) a load capacity of at least—
 - (i) 1.25 tonnes; or
 - (ii) in the case of a tow truck operated under a heavy tow truck licence, 4 tonnes;
 - (b) dual tyres on each side of each axle on the wheels of the rear axle group;
 - (c) a crane, winch, hoist or other lifting device which has a safe working load of at least—
 - (i) 1.25 tonnes; or
 - (ii) in the case of a tow truck operated under a heavy tow truck licence, 4 tonnes;
 - (d) a broom, shovel and a durable rubbish receptacle for the removal of debris and glass attributable to a road accident;

Example

Durable rubbish receptacles include plastic or metal buckets and hessian sacks.

- (e) a fully maintained foam fire extinguisher of at least 4.5 litres capacity or a dry chemical powder fire extinguisher of at least 4.5 kilograms capacity;

- (f) a warning light or lights (other than a strobe light) that, when switched on—
 - (i) emit a rotating or flashing yellow coloured light; and
 - (ii) show a light that is visible in normal daylight from any direction at a distance of not less than 200 metres;
- (g) adjustable lights mounted so that the person responsible for loading or unloading an accident damaged motor vehicle has sufficient illumination to do so safely when it is dark;
- (h) a lightboard that—
 - (i) can be securely placed on the rear of the towed vehicle and connected electrically or wirelessly to the tow truck; and
 - (ii) includes lights and reflector lamps that would, if attached to the rear of the tow truck, meet the standards for registration that apply to a tow truck (including tail lights, number plate lights, brake lights, reversing lights, direction indicator lights and rear reflectors); and
 - (iii) displays a facsimile of the number plate of the tow truck.

Penalty: 20 penalty units.

- (2) The requirement set out in subregulation (1)(h) does not apply to a tow truck that lifts vehicles onto the tow truck for carriage or any other tow truck that does not tow vehicles behind it.

24 Maintenance of equipment

A licence holder must ensure that the equipment required to be fitted to a licensed tow truck under regulation 23 is maintained in a safe and serviceable condition.

Penalty: 20 penalty units.

25 Information to be displayed on licensed tow truck

(1) A licence holder must ensure that the name and address of the licence holder is displayed in permanent form in or on the tow truck specified in that person's tow truck licence and in the following manner—

- (a) on the right front door of the tow truck or on a side panel of the tow truck adjacent to the right front door of the tow truck;
- (b) in contrasting letters and numerals at least 50 millimetres high and of proportionate width;
- (c) so as to be clearly visible from a distance of at least 5 metres.

Penalty: 20 penalty units.

(2) A licence holder whose specified depot is in a controlled area and whose tow truck is operated under a regular tow truck licence must ensure that the word "depot" followed by the depot number is displayed in permanent form in or on the tow truck specified in that person's tow truck licence and in the following manner—

- (a) on both front doors of the tow truck;
- (b) in contrasting letters and numerals at least 100 millimetres high and of proportionate width;

- (c) so as to be clearly visible from a distance of at least 20 metres.

Penalty: 20 penalty units.

26 Inspection of tow trucks proposed to be specified in a tow truck licence

- (1) On receiving an application from a licence holder under section 27(4) of the Act to alter the specification of a tow truck in a tow truck licence, VicRoads may direct the licence holder to produce the tow truck proposed to be specified in the tow truck licence for inspection at a specified time and location.
- (2) The time and location specified by VicRoads under subregulation (1) must be reasonable, having regard to the current location of the tow truck that is to be inspected.
- (3) An inspection under subregulation (1) must be performed by an authorised officer.
- (4) VicRoads may refuse to consider an application from a licence holder under section 27(4) of the Act if the licence holder does not comply with a direction under subregulation (1).

27 Notice requiring repairs

- (1) An authorised officer who inspects a tow truck under regulation 26 may serve a notice on a licence holder requiring the licence holder to fix the matters set out in the notice if the officer finds that the tow truck—
 - (a) is unsafe, unsuitable or unfit for use for the purpose of providing accident towing services; or
 - (b) does not comply with the Act or these Regulations or with a condition of the relevant tow truck licence.
-

- (2) A notice under subregulation (1) must—
 - (a) include sufficient details to identify the vehicle to which it relates; and
 - (b) clearly set out the matters which must be fixed.
- (3) The licence holder must not allow a tow truck to be driven or used as a tow truck for the purpose of providing accident towing services if the matters set out in the notice have not been fixed.
Penalty: 20 penalty units.
- (4) VicRoads may withdraw or amend a notice served under subregulation (1), either on the written request of the licence holder or of its own accord, if it appears that the notice was wrongly issued or otherwise defective.
- (5) VicRoads must notify the licence holder of a decision made under subregulation (4) to withdraw or amend a notice as soon as practicable.

28 Operation of warning lights on a licensed tow truck

- (1) The driver of a licensed tow truck must activate each warning light required to be fitted to the tow truck under these Regulations if the tow truck—
 - (a) is within close proximity to an accident damaged motor vehicle at a road accident scene; or
 - (b) is being used to pick up or set down an accident damaged motor vehicle at a road accident scene; or
 - (c) is in a hazardous position on a highway.

Penalty: 20 penalty units.

- (2) A person must not activate a warning light in circumstances other than those referred to in subregulation (1) unless activated—
- (a) as a condition of driving in an emergency stopping lane in accordance with the written consent of the Roads Corporation under rule 95(2) of the Road Safety Road Rules 2017⁷; or
 - (b) as otherwise required or authorised by or under the Act or any other Act.

Penalty: 10 penalty units.

29 Connection of lightboard when vehicle is towed behind a licensed tow truck

The driver of a licensed tow truck must ensure that a lightboard is securely placed behind a vehicle that is being towed behind the tow truck and is connected electrically or wirelessly to the tow truck.

Penalty: 20 penalty units.

Part 6—Tow truck operations in a controlled area

Division 1—Road accident scene rosters

30 Appointment of chief allocation officer and allocation officer

- (1) VicRoads, on the nomination in writing of an allocation body, may appoint a person or the occupier of an office or position to be the chief allocation officer for that allocation body.
- (2) VicRoads, on the nomination in writing of an allocation body, may appoint a person or the occupier of an office or position to be an allocation officer for that allocation body.

31 Road accident scene roster

- (1) The chief allocation officer of the allocation body for a controlled area must keep a road accident scene roster.
- (2) The allocation body for a controlled area must ensure that the following details are recorded in the road accident scene roster for the area, in respect of each place on that roster—
 - (a) the details of the regular tow truck licence (or, in the case of a transferred towing entitlement, the details of the non-exempt tow truck licence) that has been allocated a place on the roster;
 - (b) the details of the rostered tow truck.

32 Inclusion in the roster

- (1) A licence holder may apply in writing to VicRoads for a place on the road accident scene roster for a controlled area if—
 - (a) the licence holder holds a regular tow truck licence; and
 - (b) the licence has a specified depot in the controlled area.
 - (2) In the case where an application for a place on the road accident scene roster relates to an exempt tow truck licence, the application of the licence holder must also nominate a non-exempt tow truck licence held by that person to which the allocation roster entitlement of the exempt licence should be applied.
 - (3) VicRoads must refuse an application for a place on a road accident scene roster if the applicant does not meet the requirements set out in subregulation (1) and, if applicable, subregulation (2).
 - (4) On approving an application under this regulation, VicRoads must notify, as soon as possible, the chief allocation officer of the relevant allocation body.
 - (5) VicRoads may grant or refuse an application under this regulation.
 - (6) If VicRoads refuses an application under this regulation, it must provide the licence holder with written reasons for the decision to refuse the application.
-

33 Removal or suspension from the roster

- (1) VicRoads must direct the chief allocation officer of the relevant allocation body to remove or suspend an allocated place on the road accident scene roster if—
 - (a) the licence holder requests that the allocated place be removed or suspended from the roster; or
 - (b) the specified depot of the licence, exempt tow truck licence or non-exempt tow truck licence is not within the relevant controlled area; or
 - (c) the tow truck licence, exempt tow truck licence or non-exempt tow truck licence is cancelled or suspended; or
 - (d) the rostered tow truck is not registered for use on a highway under the **Road Safety Act 1986**; or
 - (e) the licence holder ceases to hold a towing operator accreditation or that accreditation is suspended; or
 - (f) the use of the rostered tow truck on a highway would constitute an offence under these Regulations or the Act, the **Road Safety Act 1986**, regulations or rules under that Act; or
 - (g) the licence holder is an undischarged bankrupt, the licence holder's property is subject to control under the law relating to bankruptcy or (in the case of a corporation) is in liquidation or receivership; or
-

- (h) the licence holder (in the case of a corporation) is deregistered within the meaning of the Corporations Act; or
 - (i) an annual licence fee, or an instalment of an annual licence fee, in respect of the rostered tow truck is outstanding.
- (2) The chief allocation officer of the relevant allocation body must comply with a direction under subregulation (1) within one business day.

34 Review of decision by VCAT

A person affected by a decision of VicRoads under regulation 33 may apply to VCAT for a review of that decision.

35 Time period for making application to VCAT

An application for review under regulation 34 must be made within 28 days of the later of—

- (a) the day on which the decision is made; or
- (b) if, under the **Victorian Civil and Administrative Tribunal Act 1998**, the person requests a statement of reasons for the decision, the day on which the statement of reasons is given to the person or the person is informed under section 46(5) of that Act that a statement of reasons will not be given.

Division 2—Allocations

36 Authorisation to attend road accident scene

- (1) An allocation officer of an allocation body may make an allocation under subregulation (2) if—
- (a) a request has been received by the allocation body to remove an accident damaged motor vehicle from a road accident scene in the controlled area for the allocation body; or
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Part 6—Tow truck operations in a controlled area

- (b) a previous authorisation by the allocation body to remove an accident damaged motor vehicle from a road accident scene in the controlled area for the allocation body has been cancelled.
- (2) An allocation is made by contacting the holder of the place on the roster who is next entitled to an allocation and offering that person an allocation and—
- (a) if that person accepts the allocation, authorising the person to attend the road accident scene and offer to tow an accident damaged motor vehicle from the scene; or
 - (b) if the person refuses or is unable to accept the allocation, offering the allocation to the person whose place on the roster is next entitled to an allocation.
- (3) If an allocation is made the allocation officer may—
- (a) if the accident scene is on the Link road or Extension road—report the matter to the relevant corporation (within the meaning of the **Melbourne City Link Act 1995**) or to an agent of that corporation; and
 - (b) if the accident scene is on EastLink—report the matter to the Freeway Corporation (within the meaning of the **EastLink Project Act 2004**) or to an agent of that corporation; and
 - (c) if the accident scene is on the Peninsula Link Freeway—report the matter to the Peninsula Link Freeway Corporation or to an agent of that corporation; and
-

- (d) if the accident scene is on a designated road (within the meaning of paragraph (d) or (e) of the definition of *designated road* in the Act)—report the matter to VicRoads or an agent of VicRoads.
- (4) An allocation officer of the relevant allocation body must ensure that—
- (a) the authorisation is recorded (including the name and contact details of the person requesting the tow if that information is available to the allocation officer); and
 - (b) a job number is allocated to the authorisation; and
 - (c) the job number allocated to the authorisation is matched with the details of the accident damaged motor vehicle that the rostered tow truck tows from the road accident scene when that information is made available to the allocation officer, either by the driver of a rostered tow truck in accordance with regulation 37(9) or otherwise; and
 - (d) the authorisation is only given for one accident damaged motor vehicle.

37 Authorised tow truck must attend

- (1) Subject to regulation 39, the driver of a rostered tow truck must take reasonable steps to ensure that after a rostered tow truck is authorised under regulation 36(2) to attend a road accident scene, the rostered tow truck attends the road accident scene within 30 minutes of being given the authorisation.

Penalty: 20 penalty units.

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- (2) The licence holder with respect to a rostered tow truck must take reasonable steps to ensure that subregulation (1) is complied with.

Penalty: 20 penalty units.

- (3) If a person is operating a rostered tow truck and is not the licence holder with respect to that tow truck, that person must take reasonable steps to ensure that subregulation (1) is complied with.

Penalty: 20 penalty units.

- (4) If the driver of a rostered tow truck is unable to ensure that the rostered tow truck attends the road accident scene within 30 minutes of being given the authorisation, the driver must immediately notify the relevant allocation body.

Penalty: 10 penalty units.

- (5) The licence holder with respect to a rostered tow truck must take reasonable steps to ensure that subregulation (4) is complied with.

Penalty: 10 penalty units.

- (6) If a person is operating a rostered tow truck and is not the licence holder with respect to that tow truck, that person must take reasonable steps to ensure that subregulation (4) is complied with.

Penalty: 10 penalty units.

- (7) The requirements of subregulations (1) to (5) cease to apply if a licence holder, driver or a person at the specified depot is notified by the allocation body for the controlled area that the authorisation is cancelled under regulation 40(1).

- (8) The driver of a rostered tow truck must ensure, as soon as is practicable, that the allocation body is notified when the tow truck arrives at the road accident scene.

Penalty: 10 penalty units.

- (9) The driver of a rostered tow truck must ensure that, as soon as practicable, the allocation body is notified when the tow truck departs from the road accident scene and is given the details of the accident damaged motor vehicle being towed.

Penalty: 10 penalty units.

- (10) The driver of a rostered tow truck must ensure that the tow truck is not used to tow more than one vehicle from the road accident scene at the same time (regardless of whether the licence holder has been allocated more than one allocation by the allocation body).

Penalty: 20 penalty units.

- (11) The licence holder with respect to a rostered tow truck must take reasonable steps to ensure that subregulation (10) is complied with.

Penalty: 20 penalty units.

- (12) If a person is operating a rostered tow truck and is not the licence holder with respect to that tow truck, that person must take reasonable steps to ensure that subregulation (10) is complied with.

Penalty: 20 penalty units.

38 Attendance at road accident scene outside controlled area

- (1) The licence holder of a rostered tow truck must take reasonable steps to ensure that the tow truck does not attend a road accident scene outside the controlled area for which the licence holder has a place on the road accident scene roster, unless VicRoads has issued the licence holder an authorisation under subregulation (3).

Penalty: 20 penalty units.

- (2) A person operating a rostered tow truck who is not the licence holder with respect to that tow truck must take reasonable steps to ensure that the tow truck does not attend a road accident scene outside the controlled area for which the licence holder of the rostered tow truck has a place on the road accident scene roster, unless VicRoads has issued the licence holder an authorisation under subregulation (3).

Penalty: 20 penalty units.

- (3) VicRoads may issue a written authorisation to the licence holder with respect to a rostered tow truck enabling the tow truck to attend a road accident scene outside the controlled area for which the licence holder has a place on the road accident scene roster, subject to any conditions specified in the authorisation.

39 Substitute tow truck

- (1) If a licence holder who has been authorised to cause a rostered tow truck to attend a road accident scene wishes to obtain authorisation for another tow truck to be allocated in substitution for the rostered tow truck, the licence holder must—
- (a) if the substitute tow truck is a licensed tow truck operated under a regular tow truck licence of the licence holder—notify the relevant allocation body; and
 - (b) in all other cases—notify the relevant allocation body and obtain the authorisation of an allocation officer of that allocation body.

Penalty: 20 penalty units.

- (2) If a substitute tow truck attends a road accident scene in accordance with subregulation (1), the substitute tow truck is taken to be a rostered tow truck for the purposes of this Part, other than regulation 31.

40 Cancellation of authorisation

- (1) An allocation officer of an allocation body may cancel an authorisation given under regulation 36(2) if the holder of a place on the road accident scene roster—
- (a) is unable to cause the rostered tow truck to attend the road accident scene within a reasonable period; or
 - (b) requests under regulation 39 that another tow truck be substituted for the authorised tow truck and authorisation for that request was refused; or
 - (c) is otherwise unable to fulfil the authorisation.
- (2) If an authorisation is cancelled under subregulation (1), an allocation officer of the allocation body must notify the following that the authorisation is cancelled—
- (a) the holder of the place on the road accident scene roster;
 - (b) a person at the specified depot for the rostered tow truck;
 - (c) the driver of the rostered tow truck.
- (3) Before cancelling an authorisation under subregulation (1)(a), the allocation officer must have regard to current traffic conditions and the likely impact of those conditions on the time within which the holder of a place on the road accident scene roster can cause a rostered tow truck to attend the road accident scene.
-

Part 7—Tow truck operations generally

Division 1—Definition

41 Definition

In this Part—

owner includes the agent of an owner.

Division 2—Authorities to tow

42 Authorities to tow—prescribed forms

- (1) For the purposes of section 142(1)(b) of the Act, the prescribed form is the form set out in Schedule 1.
- (2) For the purposes of section 142(2)(b) of the Act, the prescribed form is the form set out in Schedule 1.

43 Authorities to tow—offences

- (1) Subject to subregulation (2) and section 158 of the Act, an authority to tow form must not contain any information, text or images other than the information, text or images required to be included in the authority to tow form by this Division.

Penalty: 10 penalty units.

- (2) Despite subregulation (1), an authority to tow form may include—
 - (a) a tax invoice; or
 - (b) contact information of the relevant accident towing service business.

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Part 7—Tow truck operations generally

- (3) The driver of a licensed tow truck must not drive or use the tow truck for the purpose of providing accident towing services unless there is in the tow truck a bound book of authority to tow forms, in the prescribed form, numbered in series and at least in duplicate.

Penalty: 10 penalty units.

- (4) The licence holder with respect to a tow truck that provides accident towing services must take reasonable steps to ensure that subregulation (3) is complied with.

Penalty: 10 penalty units.

- (5) The driver of a licensed tow truck when required by the Act to use an authority to tow form, must ensure that the form used is in order of serial number.

Penalty: 10 penalty units.

- (6) The licence holder with respect to a tow truck that provides accident towing services must take reasonable steps to ensure that subregulation (5) is complied with.

Penalty: 10 penalty units.

- (7) The driver of a licensed tow truck that provides accident towing services must only use the bound book of authority to tow forms referred to in subregulation (3) in relation to the authorising of the towing of accident damaged motor vehicles.

Penalty: 5 penalty units.

- (8) The licence holder with respect to a tow truck that provides accident towing services must take reasonable steps to ensure that subregulation (7) is complied with.

Penalty: 5 penalty units.

- (9) The driver of a licensed tow truck that provides accident towing services must photograph any accident damaged vehicle, clearly showing the condition and location of the vehicle, at any accident scene the driver attends where salvage is undertaken in order to enable the vehicle to be towed.

Penalty: 5 penalty units.

44 Moving motor vehicle to reduce a hazard

- (1) If an incapacitated vehicle is at a road accident scene and the driver or owner of the vehicle or a police officer or authorised officer is unable to complete the authorisation required under section 142 of the Act, the driver of a tow truck may—
- (a) complete the authorisation, as far as is practicable in the circumstances; and
 - (b) move the vehicle to the side of the highway beside the approximate point of impact to reduce the hazard.
- (2) In this regulation, *incapacitated vehicle* means an accident damaged motor vehicle that—
- (a) cannot be safely driven from a road accident scene; and
 - (b) is causing a hazard on a highway.

Division 3—Road accident scenes

45 Conduct of tow truck drivers at road accident scene

- (1) The driver of a tow truck that moves an accident damaged motor vehicle from or within a road accident scene must ensure that before the tow truck leaves the road accident scene, all debris and glass attributable to the road accident is removed.

Penalty: 10 penalty units.

- (2) The driver of a tow truck that moves an accident damaged motor vehicle from or within a road accident scene must take reasonable steps to ensure that if there is a hazard attributable to the road accident, the appropriate authorities are notified of the existence of the hazard as soon as possible.

Penalty: 10 penalty units.

46 Duty to advise owner or driver of an accident damaged motor vehicle

- (1) The driver of a licensed tow truck attending a road accident scene must take reasonable steps—
- (a) to inform the owner or driver of the accident damaged motor vehicle that the driver of the tow truck is required by these Regulations to deliver the accident damaged motor vehicle to any place specified by the owner or driver of that vehicle; and
 - (b) to provide the owner or driver of the accident damaged motor vehicle with a copy, that is not printed on the authority to tow, of the relevant information pamphlet that is from time to time approved by VicRoads for the purposes of this regulation.

Penalty: 10 penalty units.

- (2) Subregulation (1) does not apply if—
- (a) the owner or driver of the accident damaged motor vehicle is not able to authorise the towing of the vehicle due to absence or incapacity; or
 - (b) the exceptions in regulation 47(2), (3) or (4) apply.
- (3) VicRoads may approve an information pamphlet for the purposes of subregulation (1)(b).
-

47 Refusal to salvage or tow from road accident scene

- (1) If the driver of a licensed tow truck attends a road accident scene, the driver must not refuse to salvage or tow to a particular place an accident damaged motor vehicle when asked to do so by—
- (a) a police officer; or
 - (b) an authorised officer; or
 - (c) the owner or driver of the accident damaged motor vehicle.

Penalty: 20 penalty units.

- (2) Despite subregulation (1), the driver of a licensed tow truck is not required to salvage an accident damaged motor vehicle if—
- (a) the tow truck is not capable of salvaging the accident damaged motor vehicle without the assistance of—
 - (i) another tow truck; or
 - (ii) a mobile crane; or
 - (iii) specialised equipment; and
 - (b) that other tow truck, mobile crane or specialised equipment is not present at the road accident scene.
- (3) Despite subregulation (1), the driver of a licensed tow truck is not required to tow an accident damaged motor vehicle to a place requested by the owner or driver of the vehicle if—
- (a) the tow truck driver tows the vehicle to a safe and convenient place near the road or a place approved by VicRoads in accordance with section 42(3)(c) of the Act; or
-

- (b) the vehicle is moved to the nearest convenient place in accordance with section 114A of the **Melbourne City Link Act 1995**; or
 - (c) the vehicle is moved to the nearest convenient place in accordance with section 119A of the **Road Management Act 2004**.
- (4) Despite subregulation (1), and before the authorisation to tow is completed and signed in accordance with section 142 of the Act, a driver of a licensed tow truck may refuse to tow an accident damaged motor vehicle to a particular place when asked to do so by the owner or driver if—
- (a) the driver or owner of the vehicle requests that the vehicle be towed to a particular place that is greater than 125 kilometres by road from the road accident scene; or
 - (b) the driver or owner of the vehicle indicates that—
 - (i) the driver or owner would be unable or unwilling to pay for the towing service immediately upon completion of the tow by way of cash payment; and
 - (ii) the tow truck driver offers the driver or owner of the accident damaged motor vehicle the opportunity to make payment by cheque, electronic funds transfer, credit or debit card and the owner or driver does not make payment.
-

Division 4—Outstanding charges

48 Method of receiving payment for outstanding charges

- (1) If an accredited person who is in control of a place to which an accident damaged motor vehicle has been towed is owed money by the owner of the vehicle in respect of outstanding charges, that person must provide the owner of the vehicle with the opportunity to make payment by way of cash, cheque, electronic funds transfer, credit or debit card.

Penalty: 20 penalty units.

- (2) In this regulation, *outstanding charges* means money owed in respect of any of the following—
 - (a) work done by the person on the vehicle that was authorised in writing by the owner;
 - (b) accident towing service charges charged in accordance with the Act;
 - (c) storage charges charged in accordance with the Act.

Part 8—Accident towing demerit points

49 Definition

In this Part—

relevant prescribed offence means an offence specified in column 3 of the Table in Schedule 2.

50 Circumstances in which accident towing demerit points are incurred and amount

- (1) For the purposes of section 165(1) of the Act, the circumstances in which a person incurs accident towing demerit points are as follows—
 - (a) the penalty specified in an infringement notice issued for a relevant prescribed offence is paid;
 - (b) the penalty specified in an infringement notice issued for a relevant prescribed offence is not paid and notice of objection is not given within the time specified in the notice;
 - (c) the person is convicted or found guilty of a relevant prescribed offence.

Note

Section 3(2) of the Act provides that a reference to a person who has been found guilty of an offence must be construed in accordance with that subsection.

- (2) For the purposes of section 165(1) of the Act, the dates on which accident towing demerit points are incurred for a relevant prescribed offence are as follows—
 - (a) on the date on which the amount of the penalty specified in an infringement notice is paid;

- (b) if the amount of the penalty specified in an infringement notice is not paid and notice of objection is not given within the time specified in the notice, on the date on which the period specified in the notice as the time for payment expires;
 - (c) on the date on which the person is found to have committed the offence.
- (3) For the purposes of section 165(2) of the Act, the number of accident towing demerit points that are incurred for a relevant prescribed offence is the number of accident towing demerit points set out in column 4 of the Table in Schedule 2 opposite the reference to the relevant provision that sets out the offence in column 3 of the Table.
 - (4) For the purposes of section 165(2) of the Act, a prescribed offence is an offence specified in column 3 of the Table in Schedule 2.
 - (5) The description of a relevant prescribed offence set out in column 2 of the Table in Schedule 2 is provided for convenience of reference only and is not to be taken to affect the nature or elements of the relevant prescribed offence to which the description refers or the operation of these Regulations.

51 Notice of recording of accident towing demerit points

- (1) VicRoads must notify in writing a person who incurs any accident towing demerit points that the accident towing demerit points have been recorded against the person in the Accident Towing Demerits Register as soon as practicable after the points are recorded.

- (2) A notice under subregulation (1) must contain—
- (a) each accreditation number allocated to the person and a description of each kind of accreditation held; and
 - (b) particulars of the offence, including the date of the offence and the number of accident towing demerit points recorded in respect of the offence; and
 - (c) particulars of any accident towing demerit points previously recorded against the person.
- (3) Despite subregulation (1), a notice is not required to be sent to a person if a notice of suspension under section 167 of the Act is served on the person.

52 Notice of suspension of accreditation

For the purposes of section 167(2) of the Act, prescribed particulars are—

- (a) each accreditation number allocated to the accredited person and a description of each kind of accreditation held; and
 - (b) a summary of each applicable offence including the date of the offence and the number of accident towing demerit points recorded in respect of the offence; and
 - (c) a summary of accident towing demerit points recorded against the person; and
 - (d) the period of suspension to be served by the person; and
 - (e) if the accredited person is the holder of a tow truck licence—a copy or summary of section 33(3) and (4) of the Act.
-

53 Cancellation of accident towing demerit points

For the purposes of section 170 of the Act, the prescribed circumstances are—

- (a) if accident towing demerit points have been recorded against a person in error or because of wrongful or mistaken identity; or
- (b) if a miscalculation has been made in assessing the total number of accident towing demerit points incurred by a person.

Part 9—Infringements

54 Infringements

- (1) For the purposes of section 173(1) of the Act, the offences set out in column 3 of the Table in Schedule 3 are prescribed to be offences for which infringement notices may be served.
- (2) For the purposes of section 173(3) of the Act, the penalty prescribed in respect of each offence is the amount specified in column 4 of the Table in Schedule 3 opposite the prescribed offence set out in column 3 of that Table.
- (3) A description of an offence set out in column 2 of the Table in Schedule 3 opposite an infringement offence set out in column 3 of that Table is provided for convenience of reference only and is not to be taken to affect the nature or elements of the offence to which the description refers or the operation of these Regulations.

Part 10—Enforcement

55 Embargo notice

For the purposes of section 193(1) of the Act, the prescribed form is the form set out in Schedule 4.

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Schedule 1—Authority to tow

Schedule 1—Authority to tow

Regulation 42

AUTHORITY TO TOW

For the authorisation of towing accident damaged motor vehicles

Tow truck

Name of the licence holder of the tow truck:

Depot address:

Depot number:

Telephone number:

Tow truck licence number:

Name of the tow truck driver:

Driver accreditation number:

Vehicle to be towed

Name of vehicle owner:

Address of vehicle owner:

Make of the vehicle:

Registration number:

Allocated job number (*if applicable*):

Location (*street(s), suburb*) of the vehicle to be removed:

Address where vehicle is to be towed:

Did the vehicle require salvaging? No Yes (*Please complete the salvage section below*)

Salvage

(*Refer to information pamphlet for a description of what salvage means*)

The location of the salvaged vehicle:

- Road
- Up or down an embankment
- Road related area (curb, nature strip, footpath, traffic island)
- Other, please specify

Photo evidence taken

Where the vehicle was embedded in an object, what was the object?

- Building (house, shop front etc.)
- Pole, pillar, pylon, tree
- Fence, guardrail, safety barrier
- Motor vehicle
- Other, please specify

Photo evidence taken

The **position** of the salvaged vehicle:

- Upright
- On its side
- Upside down
- Other, please specify

Photo evidence taken

Time taken to salvage the vehicle

The **equipment** used to salvage the vehicle:

- Tow truck winch
- Tow truck crane
- Mobile crane
- Heavy tow truck
- Other, please specify

Photo evidence taken

min/hrs

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Schedule 1—Authority to tow

<p style="text-align: center;">Applicable rate—Tax Invoice <i>The applicable rates of towing, vehicle storage and other related services. Please mark "N/A" if an item is not applicable.</i></p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; width: 80%;">Towing Service</th> <th style="text-align: right; width: 20%;">Total Price, incl GST</th> </tr> </thead> <tbody> <tr> <td>Towing fee</td> <td>First 8 km</td> </tr> <tr> <td></td> <td>Additional km</td> </tr> <tr> <td>After-hours towing surcharge</td> <td></td> </tr> <tr> <td>Salvage</td> <td>Basic</td> </tr> <tr> <td></td> <td>Complex</td> </tr> <tr> <td>Storage fee</td> <td></td> </tr> <tr> <td>Other charges <i>(Please specify)</i></td> <td></td> </tr> <tr> <td colspan="2">Total charge, incl. GST</td> </tr> <tr> <td colspan="2">Payment received by: <input type="checkbox"/> Debit Card</td> </tr> <tr> <td colspan="2"><input type="checkbox"/> Credit Card <input type="checkbox"/> Cash</td> </tr> </tbody> </table> <hr/> <p>Authority to tow form completed</p> <p>Date: _____ Time: _____</p> <p>Tow truck driver signature: _____</p>	Towing Service	Total Price, incl GST	Towing fee	First 8 km		Additional km	After-hours towing surcharge		Salvage	Basic		Complex	Storage fee		Other charges <i>(Please specify)</i>		Total charge, incl. GST		Payment received by: <input type="checkbox"/> Debit Card		<input type="checkbox"/> Credit Card <input type="checkbox"/> Cash		<p style="text-align: center;">Information pamphlet <i>For driver, owner only. Confirm receipt of VicRoads information pamphlet. (Please tick box and sign)</i></p> <p><input type="checkbox"/> Signature: _____</p> <hr/> <p style="text-align: center;">Person authorising the tow</p> <p><input type="checkbox"/> Owner of the vehicle or agent of owner</p> <p><input type="checkbox"/> Driver of the vehicle</p> <p><input type="checkbox"/> Police officer/authorised officer</p> <p>Name: _____</p> <p>Address: _____</p> <p>Phone No. <i>(Optional)</i>: _____</p> <p>Signature: _____ Date: _____</p> <hr/> <p style="text-align: center;">Person authorising storage <i>Please ensure all personal belongings are removed from the vehicle before it is stored</i></p> <p>Name: _____</p> <p>Address: _____</p> <p>Signature: _____ Date: _____</p>
Towing Service	Total Price, incl GST																						
Towing fee	First 8 km																						
	Additional km																						
After-hours towing surcharge																							
Salvage	Basic																						
	Complex																						
Storage fee																							
Other charges <i>(Please specify)</i>																							
Total charge, incl. GST																							
Payment received by: <input type="checkbox"/> Debit Card																							
<input type="checkbox"/> Credit Card <input type="checkbox"/> Cash																							

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Exposure Draft
Schedule 2—Accident towing demerit points

Schedule 2—Accident towing demerit points

Regulations 49, 50

ACCIDENT TOWING DEMERIT POINTS

In this Schedule—

ATSA means **Accident Towing Services Act 2007**;

ATSR means Accident Towing Services Regulations 2019;

RSRR means Road Safety Road Rules 2017;

SOA means **Summary Offences Act 1966**.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item no.</i>	<i>Description of prescribed offence</i>	<i>Prescribed offence</i>	<i>No. of points</i>
1	Failing to keep records	ATSR 19(1)	2
2	Failing to keep records at specified depot for specified period	ATSR 19(2)	2
3	Failing to make records available on demand	ATSR 19(4)	2
4	Failing to provide copies of records upon request	ATSR 19(5)	2
5	Failing to keep specified depot open for business	ATSR 21(1)	2
6	Specified depot not contactable during business hours	ATSR 21(2)	2
7	Tow truck not usually based at specified depot during the specified hours	ATSR 21(5)	2
8	Driver of rostered tow truck fails to take reasonable steps to attend accident scene within 30 minutes	ATSR 37(1)	2

Accident Towing Services Regulations
Exposure Draft

Schedule 2—Accident towing demerit points

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item no.</i>	<i>Description of prescribed offence</i>	<i>Prescribed offence</i>	<i>No. of points</i>
9	Driver of rostered tow truck fails to ensure tow truck not used to tow more than one vehicle at the same time	ATSR 37(10)	2
10	Tow truck being driven or used without bound book of forms for authorities to tow	ATSR 43(3)	3
11	Failing to ensure removal of debris and glass from road accident scene	ATSR 45(1)	3
12	Failing to take reasonable steps to notify authorities of a hazard	ATSR 45(2)	3
13	Refusing to salvage or tow accident damaged motor vehicle	ATSR 47(1)	3
14	Refusing to provide vehicle owner with opportunity to make payment	ATSR 48(1)	3
15	Operating a tow truck in the course of conducting an accident towing service business without the required tow truck licence	ATSA 6	4
16	Operating a tow truck in the course of conducting an accident towing service business other than from specified depot, and without required towing operator	ATSA 7	4

Accident Towing Services Regulations
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Schedule 2—Accident towing demerit points

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item no.</i>	<i>Description of prescribed offence</i>	<i>Prescribed offence</i>	<i>No. of points</i>
	accreditation and without vehicle registration and providing towing service for vehicle that tow truck is not capable of towing		
17	Driving tow truck in the course of conducting an accident towing service business without regular tow truck licence or heavy tow truck licence authorising operation of the tow truck	ATSA 8(1)	4
18	While driving tow truck in the course of conducting an accident towing service business under regular tow truck licence, towing a vehicle that tow truck is not capable of towing	ATSA 8(2)	4
19	While driving tow truck in the course of conducting an accident towing service business under heavy tow truck licence, towing a vehicle with gross vehicle mass of less than 4 tonnes or a vehicle that tow truck is not capable of towing	ATSA 8(3)	4

Accident Towing Services Regulations
Exposure Draft

Schedule 2—Accident towing demerit points

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item no.</i>	<i>Description of prescribed offence</i>	<i>Prescribed offence</i>	<i>No. of points</i>
20	While driving a tow truck that is normally used to provide towing services for hire or reward, attending a road accident scene while not operating under a tow truck licence	ATSA 9(1)	4
21	Failing to comply with tow truck licence conditions	ATSA 26	2
22	Failing to comply with temporary permit or permit conditions	ATSA 35(5)	2
23	Driver of tow truck damages or loses an accident damaged motor vehicle or the contents of that vehicle	ATSA 38(1)	3
24	Holder of tow truck licence fails to take reasonable steps to prevent damage or loss of an accident damaged motor vehicle or the contents of that vehicle	ATSA 38(3)	3
25	Without reasonable excuse, failing to leave a restricted road accident area when requested	ATSA 41(3)	3
26	Causing tow truck operating under regular tow truck licence to attend road accident scene in controlled area or to be used to tow or attempt to tow accident	ATSA 42(1)	4

Accident Towing Services Regulations
Exposure Draft

Schedule 2—Accident towing demerit points

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item no.</i>	<i>Description of prescribed offence</i>	<i>Prescribed offence</i>	<i>No. of points</i>
	damaged motor vehicle with gross vehicle mass of less than 4 tonnes from road accident scene in controlled area, without an allocation		
27	As driver of tow truck operating under a regular tow truck licence, attending road accident scene in controlled area or towing or attempting to tow accident damaged motor vehicle with gross vehicle mass of less than 4 tonnes from road accident scene in controlled area, without an authorisation	ATSA 42(2)	4
28	Without an authorisation, causing tow truck operating under regular tow truck licence to tow or attempt to tow an accident damaged motor vehicle with a gross vehicle mass of less than 4 tonnes from a safe and convenient place	ATSA 44(1)	4
29	Without an authorisation, as driver of tow truck operating under regular tow truck licence, towing or attempting to tow an accident damaged motor vehicle with a	ATSA 44(2)	4

Accident Towing Services Regulations
Exposure Draft

Schedule 2—Accident towing demerit points

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item no.</i>	<i>Description of prescribed offence</i>	<i>Prescribed offence</i>	<i>No. of points</i>
	gross vehicle mass of less than 4 tonnes from a safe and convenient place		
30	Causing more than one accident damaged motor vehicle to be towed under one job number	ATSA 45(1)	3
31	As driver of tow truck operating under regular tow truck licence, towing more than one accident damaged motor vehicle under a job number	ATSA 45(2)	3
32	Failing to comply with conditions of industry accreditation	ATSA 74	2
33	Failing to keep records relating to complaints or to provide complaint information to VicRoads when requested	ATSA 90(1)	3
34	Failing to manage record-keeping and maintenance of information about complaints or to provide complaint information to VicRoads when requested	ATSA 90(2)	3
35	Driving a licensed tow truck without holding a tow truck driver accreditation	ATSA 98(1)	2

Accident Towing Services Regulations
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Schedule 2—Accident towing demerit points

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item no.</i>	<i>Description of prescribed offence</i>	<i>Prescribed offence</i>	<i>No. of points</i>
36	Accompanying the driver of a licensed tow truck without holding a tow truck driver accreditation	ATSA 98(1A)	2
37	Driving a licensed tow truck with an expired tow truck driver accreditation	ATSA 98(1B)	1
38	Accompanying the driver of a licensed tow truck with an expired tow truck driver accreditation	ATSA 98(1C)	1
39	Failing to comply with conditions of a tow truck driver accreditation	ATSA 115	2
40	Towing an accident damaged motor vehicle from a road accident scene without an authority to tow	ATSA 142(1)	3
41	Towing an accident damaged motor vehicle from a safe and convenient place on a designated road without an authority to tow	ATSA 142(2)	3
42	Failing to give a copy of the authority to tow to the person who authorised the tow	ATSA 144	3
43	Failing to carry an authority to tow while towing	ATSA 145(1)	3

Accident Towing Services Regulations
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Schedule 2—Accident towing demerit points

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item no.</i>	<i>Description of prescribed offence</i>	<i>Prescribed offence</i>	<i>No. of points</i>
44	Failing to produce an authority to tow when requested, failing to give details of the origin or destination of an accident damaged motor vehicle, or failing to allow the inspection of an accident damaged motor vehicle	ATSA 145(2)	3
45	Failing to give job number to police officer or authorised officer upon request	ATSA 145(4)	3
46	Failing to tow accident damaged motor vehicle to the place specified in the authority to tow	ATSA 146	3
47	Seeking repair work at a road accident scene or at any time from when the vehicle is towed from a road accident scene to when it is first stored at the address specified in the authority to tow	ATSA 147	4
48	At a road accident scene, tout or solicit for towing or storage business or offer or obtain or attempt to obtain agreement for towing or storing of vehicle	ATSA 148(1)	4
49	As holder of tow truck licence, failing to ensure that accident damaged motor vehicle	ATSA 150(1)	3

Accident Towing Services Regulations
Exposure Draft
Schedule 2—Accident towing demerit points

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item no.</i>	<i>Description of prescribed offence</i>	<i>Prescribed offence</i>	<i>No. of points</i>
	is towed to the place specified in the authority to tow		
50	Failing to store accident damaged motor vehicle in secure area	ATSA 150(1A)	3
51	Failing to provide vehicle owner written notice regarding storage charges	ATSA 151(1)	3
52	Commencing or carrying out repair work without written approval of the owner	ATSA 153(1)	4
53	Failing to repay charges that were unlawfully collected	ATSA 153(5)	4
54	Failing to release a towed vehicle	ATSA 156(1)	4
55	Failing to take reasonable steps to ensure that the release of a towed vehicle is not frustrated or obstructed by another person	ATSA 156(2)	4
56	Failing to comply with a requirement of VicRoads or an inspector	ATSA 203(1)	3
57	Obstructing or hindering an inspector	ATSA 203(2)	4
58	Impersonating an inspector	ATSA 203(3)	4

Accident Towing Services Regulations
Exposure Draft

Schedule 2—Accident towing demerit points

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item no.</i>	<i>Description of prescribed offence</i>	<i>Prescribed offence</i>	<i>No. of points</i>
59	Charging an unreasonable sum or a sum in excess of determination	ATSA 212I(1)	4
60	Providing false or misleading information	ATSA 215(1)	4
61	Obscene language, offensive behaviour, etc.	SOA 17 (in towing-related circumstances only)	3
62	Assault	SOA 23 (in towing-related circumstances only)	4
63	Failing to remove thing fallen from driver's vehicle onto road that may injure a person or damage a vehicle	RSRR 293 (in towing-related circumstances only)	3

Accident Towing Services Regulations
Exposure Draft

Schedule 3—Infringements

Schedule 3—Infringements

Regulation 54

INFRINGEMENTS

In this Schedule—

ATSA means **Accident Towing Services Act 2007**;

ATSR means **Accident Towing Services Regulations 2019**.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Item no.</i>	<i>Description of infringement offence</i>	<i>Prescribed infringement offence</i>	<i>Infringement penalty</i>	<i>Code</i>
1	Failing to keep records	Regulation 19(1) of the ATSR	1.25 penalty units	4429
2	Failing to keep records at specified depot for specified period	Regulation 19(2) of the ATSR	1.25 penalty units	4430
3	Failing to make records available on demand	Regulation 19(4) of the ATSR	1.25 penalty units	4415
4	Failing to provide a copy of salvage photograph	Regulation 19(6) of the ATSR	1.25 penalty units	8308
5	Failing to keep specified depot open for business	Regulation 21(1) of the ATSR	1.5 penalty units	4431
6	Specified depot not contactable during business hours	Regulation 21(2) of the ATSR	1.5 penalty units	4432
7	Failing to display necessary sign at specified depot	Regulation 21(3) of the ATSR	1.5 penalty units	4433
8	Tow truck not usually based at specified depot during the specified hours	Regulation 21(5) of the ATSR	1.5 penalty units	4434

Accident Towing Services Regulations
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Schedule 3—Infringements

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Item no.</i>	<i>Description of infringement offence</i>	<i>Prescribed infringement offence</i>	<i>Infringement penalty</i>	<i>Code</i>
9	Tow truck not equipped with broom, shovel and rubbish receptacle	Regulation 23(1)(d) of the ATSR	1.5 penalty units	4406
10	Tow truck not equipped with fire extinguisher	Regulation 23(1)(e) of the ATSR	1.5 penalty units	4407
11	Tow truck not fitted with warning lights	Regulation 23(1)(f) of the ATSR	1.5 penalty units	4405
12	Tow truck not fitted with adjustable lights	Regulation 23(1)(g) of the ATSR	1.5 penalty units	4435
13	Tow truck not equipped with lightboard	Regulation 23(1)(h) of the ATSR	1.5 penalty units	4436
14	Failing to display name and address of licence holder on tow truck	Regulation 25(1) of the ATSR	1.5 penalty units	4421
15	Failing to display the word "depot" followed by the depot number on tow truck	Regulation 25(2) of the ATSR	1.5 penalty units	4437
16	Failing to prevent use of tow truck while subject to repair notice	Regulation 27(3) of the ATSR	1.5 penalty units	4427
17	Failing to activate warning lights when picking up or setting down accident damaged motor vehicle at road accident scene	Regulation 28(1)(b) of the ATSR	1.5 penalty units	4438
18	Failing to correctly display lightboard	Regulation 29 of the ATSR	1.5 penalty units	4439

Accident Towing Services Regulations
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Schedule 3—Infringements

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Item no.</i>	<i>Description of infringement offence</i>	<i>Prescribed infringement offence</i>	<i>Infringement penalty</i>	<i>Code</i>
19	Driver of rostered tow truck fails to ensure tow truck not used to tow more than one vehicle at the same time	Regulation 37(10) of the ATSR	1.5 penalty units	4440
20	Tow truck being driven or used without bound book of forms for authorities to tow	Regulation 43(3) of the ATSR	1.5 penalty units	4402
21	Failing to ensure that forms for authorities to tow are used in order of serial number	Regulation 43(5) of the ATSR	1.5 penalty units	4441
22	Failing to ensure removal of debris and glass from road accident scene	Regulation 45(1) of the ATSR	1.5 penalty units	4424
23	Refusing to salvage or tow accident damaged motor vehicle	Regulation 47(1) of the ATSR	4 penalty units	4422
24	Refusing to provide vehicle owner with opportunity to make payment	Regulation 48(1) of the ATSR	4 penalty units	4442
25	Operating a tow truck in the course of conducting an accident towing service business without the required tow truck licence	Section 6 of the ATSA	10 penalty units	8301
26	Operating a tow truck in the course of conducting an accident towing service business other than from specified depot, and without required	Section 7 of the ATSA	10 penalty units	8302

Accident Towing Services Regulations
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Schedule 3—Infringements

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Item no.</i>	<i>Description of infringement offence</i>	<i>Prescribed infringement offence</i>	<i>Infringement penalty</i>	<i>Code</i>
	towing operator accreditation and without vehicle registration and providing a towing service for a vehicle that tow truck is not capable of towing			
27	Driving tow truck in the course of conducting an accident towing service business without regular tow truck licence or heavy tow truck licence authorising operation of the tow truck	Section 8(1) of the ATSA	10 penalty units	4419
28	While driving tow truck in the course of conducting an accident towing service business under regular tow truck licence, towing a vehicle that tow truck is not capable of towing	Section 8(2) of the ATSA	10 penalty units	8303
29	While driving tow truck in the course of conducting an accident towing service business under heavy tow truck licence, towing a vehicle with gross vehicle mass of less than 4 tonnes or vehicle that tow truck is not capable of towing	Section 8(3) of the ATSA	10 penalty units	8304

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Schedule 3—Infringements

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Item no.</i>	<i>Description of infringement offence</i>	<i>Prescribed infringement offence</i>	<i>Infringement penalty</i>	<i>Code</i>
30	While driving a tow truck that is normally used to provide towing services for hire or reward, attending a road accident scene while not operating under the tow truck licence	Section 9(1) of the ATSA	10 penalty units	8305
31	Driving for hire or reward a vehicle that is not a tow truck to tow an accident damaged motor vehicle or to clear a road accident scene	Section 9A of the ATSA	10 penalty units	8309
32	Failing to carry temporary permit	Section 36 of the ATSA	1.5 penalty units	4447
33	Failing to produce temporary permit when requested	Section 37 of the ATSA	1.5 penalty units	4448
34	Permitting or allowing a person to travel in an accident damaged motor vehicle that is being towed	Section 40(1) of the ATSA	3 penalty units	4449
35	Causing tow truck operating under regular tow truck licence to attend road accident scene in controlled area or to be used to tow or attempt to tow accident damaged motor vehicle with gross vehicle mass of less than 4 tonnes from road accident scene in controlled area, without an allocation	Section 42(1) of the ATSA	12 penalty units	4450

Accident Towing Services Regulations
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Schedule 3—Infringements

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Item no.</i>	<i>Description of infringement offence</i>	<i>Prescribed infringement offence</i>	<i>Infringement penalty</i>	<i>Code</i>
36	As driver of tow truck operating under a regular tow truck licence, attending road accident scene in controlled area or towing or attempting to tow accident damaged motor vehicle with gross vehicle mass of less than 4 tonnes from road accident scene in controlled area, without an authorisation	Section 42(2) of the ATSA	8 penalty units	4412
37	Without an authorisation, causing tow truck operating under regular tow truck licence to tow or attempt to tow an accident damaged motor vehicle with a gross vehicle mass of less than 4 tonnes from a safe and convenient place	Section 44(1) of the ATSA	12 penalty units	7400
38	Without an authorisation, as driver of tow truck operating under regular tow truck licence, towing or attempting to tow an accident damaged motor vehicle with a gross vehicle mass of less than 4 tonnes from a safe and convenient place	Section 44(2) of the ATSA	8 penalty units	7401

Accident Towing Services Regulations
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Schedule 3—Infringements

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Item no.</i>	<i>Description of infringement offence</i>	<i>Prescribed infringement offence</i>	<i>Infringement penalty</i>	<i>Code</i>
39	Causing more than one accident damaged motor vehicle to be towed under one job number	Section 45(1) of the ATSA	10 penalty units	7402
40	As driver of tow truck operating under regular tow truck licence, towing more than one accident damaged motor vehicle under a job number	Section 45(2) of the ATSA	8 penalty units	7403
41	Causing tow truck operating under regular tow truck licence to attend a road accident scene or to tow or attempt to tow an accident damaged motor vehicle with a gross vehicle mass of less than 4 tonnes from a road accident scene when that road accident scene is in a self-management area and where the specified depot for the tow truck is outside the self-management area	Section 51(1) of the ATSA	8 penalty units	7404
42	Causing tow truck operating under regular tow truck licence, without authority under the ATSA, to attend a road accident scene or to tow or attempt to tow an accident	Section 51(2) of the ATSA	8 penalty units	7405

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Schedule 3—Infringements

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Item no.</i>	<i>Description of infringement offence</i>	<i>Prescribed infringement offence</i>	<i>Infringement penalty</i>	<i>Code</i>
	damaged motor vehicle with a gross vehicle mass of less than 4 tonnes from a road accident scene when that road accident scene is outside a self-management area and where the specified depot for the tow truck is inside that self-management area			
43	Carrying on an accident towing service business without accreditation	Section 56(1) of the ATSA	10 penalty units	7406
44	Managing an accident towing service business from a depot without accreditation	Section 56(2) of the ATSA	10 penalty units	7407
45	Driving a licensed tow truck without holding tow truck driver accreditation	Section 98(1) of the ATSA	8 penalty units	4416
46	Driving a licensed tow truck with an expired tow truck driver accreditation	Section 98(1B) of the ATSA	4 penalty units	8310
47	While being the holder of a tow truck driver accreditation, allowing another person to drive the tow truck or to be a passenger in the tow truck when that other person is not accredited	Section 98(2) of the ATSA	8 penalty units	4418

Accident Towing Services Regulations
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Schedule 3—Infringements

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Item no.</i>	<i>Description of infringement offence</i>	<i>Prescribed infringement offence</i>	<i>Infringement penalty</i>	<i>Code</i>
48	Failing to comply with conditions of a tow truck driver accreditation	Section 115 of the ATSA	1.5 penalty units	7408
49	Failing to notify VicRoads of change of address or failing to return accreditation certificate to VicRoads for amendment	Section 118 of the ATSA	1.25 penalty units	4401
50	Failing to carry tow truck driver accreditation certificate when required to do so under Part 4 of the ATSA	Section 120(1) of the ATSA	1.5 penalty units	4417
51	Failing to carry tow truck driver accreditation certificate when accompanying driver of tow truck in circumstances when he or she is required to hold a tow truck driver accreditation	Section 120(2) of the ATSA	1.5 penalty units	8306
52	Failing to produce certificate of tow truck driver accreditation when requested	Section 121(1) of the ATSA	1.5 penalty units	7409
53	Failing to produce tow truck driver accreditation when accompanying driver of tow truck in circumstances in which he or she is required to be accredited under Part 4 of the ATSA	Section 121(2) of the ATSA	1.5 penalty units	8307

Accident Towing Services Regulations
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Schedule 3—Infringements

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Item no.</i>	<i>Description of infringement offence</i>	<i>Prescribed infringement offence</i>	<i>Infringement penalty</i>	<i>Code</i>
	and if asked to do so by an authorised officer, police officer or owner or driver of accident damaged motor vehicle			
54	Towing an accident damaged motor vehicle from a road accident scene without an authority to tow	Section 142(1) of the ATSA	5 penalty units	7410
55	Towing an accident damaged motor vehicle from a safe and convenient place on a designated road without an authority to tow	Section 142(2) of the ATSA	5 penalty units	7411
56	Failing to record the job number on an authority to tow	Section 143 of the ATSA	3 penalty units	7412
57	Failing to give a copy of the authority to tow to the person who authorised the tow	Section 144 of the ATSA	1.5 penalty units	4404
58	Failing to carry an authority to tow while towing	Section 145(1) of the ATSA	1.5 penalty units	7413
59	Failing to produce an authority to tow when requested	Section 145(2)(a) of the ATSA	1.5 penalty units	7414
60	Failing to give job number to police officer or authorised officer upon request	Section 145(4) of the ATSA	1.5 penalty units	7415
61	Failing to tow accident damaged motor vehicle to the place specified in the authority to tow	Section 146 of the ATSA	3 penalty units	4423

Accident Towing Services Regulations
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Schedule 3—Infringements

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Item no.</i>	<i>Description of infringement offence</i>	<i>Prescribed infringement offence</i>	<i>Infringement penalty</i>	<i>Code</i>
62	Failing to provide a copy of the authority to tow to the owner	Section 146A of the ATSA	1.25 penalty units	8311
63	Seeking repair work at a road accident scene or at any time from when the vehicle is towed from a road accident scene to when it is first stored at the address specified in the authority to tow	Section 147 of the ATSA	12 penalty units	7416
64	At a road accident scene, tout or solicit for towing or storage business or offer or obtain or attempt to obtain agreement for towing or storing of vehicle	Section 148(1) of the ATSA	12 penalty units	4414
65	As holder of tow truck licence, failing to ensure that accident damaged motor vehicle is towed to the place specified in the authority to tow	Section 150(1) of the ATSA	3 penalty units	8312
66	Failing to store accident damaged motor vehicle in secure area	Section 150(1A) of the ATSA	3 penalty units	7418

Schedule 4—Embargo notice

Regulation 55

EMBARGO NOTICE

- 1 A search warrant authorised under section 189 of the **Accident Towing Services Act 2007** (*the Act*) was issued at _____ a.m./p.m.
on / / by _____ at _____
 - 2 The warrant authorised the seizure of:
 - 3 Section 193 of the Act provides that an inspector executing a search warrant under section 189 of the Act who is authorised by that warrant to seize any thing may, if the thing cannot, or cannot readily, be physically seized and removed, issue an embargo notice in relation to that thing.
 - 4 The item described below has been embargoed under section 193 of the Act:
 - 5 Section 193(2) of the Act provides that a person who knows that an embargo notice has been issued in relation to a thing must not—
 - (i) sell; or
 - (ii) lease; or
 - (iii) move (without the written consent of the inspector who issued the embargo notice); or
 - (iv) transfer; or
 - (v) otherwise deal with—
the thing or any part of the thing.Significant penalties apply for a contravention of section 193(2) of the Act.
 - 6 Section 193(3) of the Act provides that it is a defence to a prosecution for an offence against section 193(2) of the Act to prove that the thing or the part of the thing was moved for the purpose of protecting and preserving it.
 - 7 Section 193(4) of the Act provides that a sale, lease, transfer or other dealing with a thing in contravention of section 193 of the Act is void.
 - 8 This notice was—
 - served on [*insert name*]
 - affixed to the item described above.
-

Accident Towing Services Regulations
Exposure Draft

Schedule 4—Embargo notice

Signature of inspector:

Name of inspector:

Address:

Telephone number:

Date:

Time:

Endnotes

- ¹ Reg. 4(a): S.R. No. 169/2008. Reprint No. 1 as at 1 June 2012. Reprinted to S.R. No. 29/2012. Subsequently amended by S.R. Nos 163/2012 and 175/2014 and extended in operation by S.R. No. 191/2018.
- ² Reg. 4(b): S.R. No. 63/2010.
- ³ Reg. 4(c): S.R. No. 29/2012.
- ⁴ Reg. 4(d): S.R. No. 163/2012.
- ⁵ Reg. 4(e): S.R. No. 175/2014.
- ⁶ Reg. 5: S.R. No. 118/2009. Reprint No. 2 as at 30 January 2015. Reprinted to S.R. No. 201/2014. Subsequently amended by S.R. Nos 79/2015, 118/2015, 159/2015, 50/2016, 93/2016, 42/2017, 100/2017, 117/2017 and 89/2018.
- ⁷ Reg. 28(2)(a): S.R. No. 41/2017 as amended by S.R. Nos 6/2018, 87/2018 and 88/2018.

Fee Units

These Regulations provide for fees by reference to fee units within the meaning of the **Monetary Units Act 2004**.

The amount of the fee is to be calculated, in accordance with section 7 of that Act, by multiplying the number of fee units applicable by the value of a fee unit.

The value of a fee unit for the financial year commencing 1 July 2019 is \$14.81. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a fee unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

Penalty Units

These Regulations provide for penalties by reference to penalty units within the meaning of section 110 of the **Sentencing Act 1991**. The amount of the penalty is to be calculated, in accordance with section 7 of the **Monetary Units Act 2004**, by multiplying the number of penalty units applicable by the value of a penalty unit.

Accident Towing Services Regulations
Exposure Draft

Endnotes

The value of a penalty unit for the financial year commencing 1 July 2019 is \$165.22.

The amount of the calculated penalty may be rounded to the nearest dollar.

The value of a penalty unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a penalty unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.