Western Australia

Towing Services Act 2024

Towing Services Regulations 2025

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Towing Services Regulations 2025

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Towing Services Regulations 2025

Made by the deputy of the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Towing Services Regulations 2025*.

2. Commencement

These regulations come into operation on 10 January 2025.

3. Terms used

In these regulations —

authorisation statement means a statement required under regulation 34;

authorising person, in relation to an authority to tow, has the meaning given in regulation 30(1)(a)(i);

business hours means the time between 8 am and 5 pm on a day that is not a Saturday, Sunday or public holiday throughout the State;

crash site means a place —

(a) where a vehicle that has been involved in a vehicle crash is present; and

(b) that is a place referred to in section 6(2)(a), (b), (c) or (d) of the Act;

foreign driving authorisation has the meaning given in the *Road Traffic (Authorisation to Drive) Regulations 2014* regulation 60(1);

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insurance company includes any entity that provides insurance;

notifiable occurrence means any of the following —

(a) a notifiable incident as defined in the *Work Health and Safety Act 2020* section 35;

(b) an incident that exposes a towing worker or any other person to a serious risk to the person's health or safety;

(c) an incident involving a tow truck that must be reported to the police under the *Road Traffic Act 1974* section 56(1);

(d) an incident involving a tow truck that results in —

(i) an injury that is treated by an ambulance officer; or

(ii) an injured person being treated at a hospital;

(e) an incident involving damage to, or a mechanical or other fault in, a tow truck that renders the tow truck unsuitable to be used in the conduct of a towing business without substantial or significant mechanical repairs or services;

(f) an incident involving the conduct of a towing worker while engaged in work for the purposes of a towing business that results in a complaint to the police involving allegations of —

(i) assault; or

(ii) physical threats or other intimidation;

(g) an incident involving the conduct of a towing worker while engaged in work for the purposes of a towing business that results in the towing worker being charged with a serious offence;

number plate has the meaning given in the *Road Traffic (Vehicles) Act 2012* section 3(1);

record has the meaning given in the *Criminal Investigation Act 2006* section 3(1);

relevant towing worker, in relation to a towing service provider, means a towing worker who engages in towing work for the purposes of the towing business conducted by the towing service provider;

restricted name or logo means the name or logo of an entity that —

(a) is a public entity; or

(b) is an insurance company; or

(c) is a roadside assistance provider; or

(d) provides a vehicle repair service or vehicle hire service;

roadside assistance provider means an entity that provides repair or maintenance services to broken down vehicles at the site of the breakdown;

serious offence means —

(a) an offence under any of the following provisions of the *Road Traffic Act 1974* —

(i) section 54;

(ii) section 56(2);

(iii) section 59;

(iv) section 59A;

(v) section 59BA;

(vi) section 60;

(vii) section 60A;

(viii) section 61;

(ix) section 63;

(x) section 64;

(xi) section 64AA;

(xii) section 64A;

(xiii) section 64AAA;

(xiv) section 64AB;

(xv) section 64AC;

(xvi) section 64B;

(xvii) section 64C;

(xviii) section 67;

(xix) section 67AA;

(xx) section 67AB;

(xxi) section 67AC;

(xxii) section 67AD;

(xxiii) section 67A;

or

(b) an offence for which the maximum penalty is, or includes, imprisonment for 5 years or more;

stop, in relation to a vehicle, has the meaning given in the *Road Traffic Code 2000* regulation 3(1);

tow truck class means a class of tow truck referred to in the *Road Traffic (Vehicles) Regulations 2014* regulation 414(2) or (2A);

vehicle hire service means a service for —

(a) the hiring out of a vehicle; or

(b) the transport of passengers by vehicle;

vehicle repair service means a service for the repair or maintenance of a vehicle;

VIN means a vehicle identification number as defined in the *Road Traffic (Vehicles) Regulations 2014* regulation 3.

Part 2 — Towing businesses

Division 1 — Obligations in relation to towing

4. Vehicle used for towing must be licensed tow truck

A towing service provider in relation to a regulated towing business must ensure that each vehicle used to tow vehicles in the conduct of the business is —

(a) a tow truck (as defined in the *Road Traffic (Vehicles) Regulations 2014* regulation 3) that is classified under regulation 414 of those regulations as —

(i) a tow truck of class 1, class 2, class 3 or class 4; or

(ii) a tilt tray tow truck of class 1T, class 2T, class 3T or class 4T;

and

(b) the subject of a vehicle licence granted under the *Road Traffic (Vehicles) Act 2012* that is in force.

Penalty:

(a) for an individual, a fine of $5 000;

(b) for a body corporate, a fine of $25 000.

5. Towing service provider must ensure towed vehicle is protected from damage

A towing service provider in relation to a regulated towing business must take reasonable steps to ensure that a vehicle towed in the conduct of the business is not damaged, or further damaged, during any of the following —

(a) the loading of the vehicle onto a tow truck;

(b) the towing of the vehicle;

(c) the unloading of the vehicle from a tow truck;

(d) any storage of the vehicle in a storage yard following the towing.

Penalty:

(a) for an individual, a fine of $5 000;

(b) for a body corporate, a fine of $25 000.

6. Towing service provider must ensure personal property is secured

A towing service provider in relation to a regulated towing business must take reasonable steps to ensure that any personal property that is in, or attached to, a vehicle towed in the conduct of the business is kept secure, and protected from being lost, stolen or damaged, during any of the following —

(a) the loading of the vehicle onto a tow truck;

(b) the towing of the vehicle;

(c) the unloading of the vehicle from a tow truck;

(d) any storage of the vehicle in a storage yard following the towing.

Penalty:

(a) for an individual, a fine of $5 000;

(b) for a body corporate, a fine of $25 000.

7. Towing service provider must ensure tow truck is fitted with dashboard camera unit

A towing service provider in relation to a regulated towing business must ensure that each tow truck used in the conduct of the business is fitted with a dashboard camera unit that —

(a) makes visual recordings (with or without audio) with a display resolution of at least 720 p; and

(b) has sufficient digital storage to be capable of making each visual recording required to be made under regulation 28(3) and storing the recording until it is

provided to the towing service provider under regulation 28(5); and

(c) makes visual recordings that continuously display —

(i) the time and date in Australian Western Standard Time; and

(ii) the latitude and longitude coordinates;

and

(d) is installed with the camera in a front-facing position that enables clear and unobstructed recordings to be made of the forward view through the tow truck's front windscreen.

Penalty:

(a) for an individual, a fine of $9 000;

(b) for a body corporate, a fine of $45 000.

8. Towing service provider must ensure photographs taken and dashboard camera recordings made

(1) A towing service provider in relation to a regulated towing business must take reasonable steps to ensure that a relevant towing worker takes, and provides to the towing service provider, the photographs required under regulation 27.

Penalty for this subregulation:

(a) for an individual, a fine of $5 000;

(b) for a body corporate, a fine of $25 000.

(2) A towing service provider in relation to a regulated towing business must take reasonable steps to ensure that a relevant towing worker complies with the requirements of regulation 28.

Penalty for this subregulation:

(a) for an individual, a fine of $9 000;

(b) for a body corporate, a fine of $45 000.

9. Display of restricted name or logo

(1) A towing service provider in relation to a regulated towing business must ensure that no restricted name or logo is displayed on —

(a) a tow truck used for the purposes of the business; or

(b) clothing worn by a relevant towing worker while engaging in towing work, or obtaining or attempting to obtain an authority to tow, for the purposes of the business.

Penalty for this subregulation:

(a) for an individual, a fine of $9 000;

(b) for a body corporate, a fine of $45 000.

(2) Subregulation (1) does not apply to the name or logo of the towing service provider.

(3) Subregulation (1) does not apply if —

(a) the restricted name or logo is the name or logo of a public entity; and

(b) the public entity has given written consent to the display of the name or logo to the towing service provider.

Division 2 — Storage of vehicles

10. Steps to release vehicle from storage (s. 15)

For the purposes of section 15(3) of the Act, a vehicle is released if the vehicle is left in an accessible position near an entrance to the storage yard.

11. Moving stored vehicle

(1) This regulation applies if a vehicle that has been towed in the conduct of a regulated towing business is moved from a storage yard in circumstances referred to in section 16(3)(c) of the Act.

(2) The towing service provider in relation to the regulated towing business must ensure that notice of the following information is given in accordance with subregulation (3) within 24 hours after the vehicle leaves the storage yard —

(a) the reason for moving the vehicle;

(b) the location to which the vehicle has been moved.

Penalty for this subregulation:

(a) for an individual, a fine of $5 000;

(b) for a body corporate, a fine of $25 000.

(3) Notice under subregulation (2) must be given —

(a) if the towing was authorised under an authority to tow given by a relevant person for the vehicle — to the relevant person in writing; or

(b) if the towing was authorised under an authority to tow given by a police officer under section 40(3) of the Act — to the Commissioner of Police in a manner approved by the Commissioner of Police; or

(c) if the towing was authorised by the Commissioner of Main Roads under section 40(4) of the Act — to the Commissioner of Main Roads in a manner approved by the Commissioner of Main Roads; or

(d) if the towing was otherwise authorised under the *Road Traffic (Administration) Act 2008* or any other written law — to the person who gave the authorisation in writing.

12. Access to stored vehicle and retrieval of personal property

(1) This regulation applies if a vehicle that has been towed in the conduct of a regulated towing business is stored in a storage yard.

(2) On request by a relevant person for the vehicle or their agent, the towing service provider in relation to the regulated towing

business must, as soon as practicable but in any event no later than 4 hours after the request is made, ensure that the person is —

(a) given access to the vehicle; and

(b) enabled to retrieve personal property from the vehicle.

Penalty for this subregulation:

(a) for an individual, a fine of $5 000;

(b) for a body corporate, a fine of $25 000.

(3) The towing service provider must not impose a charge for doing anything referred to in subregulation (2)(a) or (b).

Penalty for this subregulation:

(a) for an individual, a fine of $5 000;

(b) for a body corporate, a fine of $25 000.

(4) For the purposes of determining when the 4-hour period referred to in subregulation (2) expires, only time during business hours is to be counted.

Division 3 — Records, reporting and complaints

13. Records to be kept in relation to regulated towing business

(1) The towing service provider in relation to a regulated towing business must, in accordance with this regulation, keep the following records in relation to the business —

(a) the following details of each towing worker who engages in towing work for the purposes of the business —

(i) name;

(ii) Australian driver licence number or foreign driving authorisation number (if applicable);

(b) the following details of each tow truck used in the conduct of the business —

(i) make and model;

(ii) number plate details;

(iii) tow truck class;

(c) the following details in relation to each occasion on which 1 or more individuals attend a crash site for the purposes of the business (whether or not a vehicle is towed from the crash site) —

(i) the individuals who attend the crash site;

(ii) the location of the crash site;

(iii) the tow truck or other vehicle used by the individuals;

(iv) the times of arrival and departure;

(d) the following details in relation to each towing of a vehicle that occurs in the conduct of the business —

(i) the places from which, and to which, the vehicle is towed;

(ii) details of any storage yard in which the vehicle is stored following the towing, including the location of the storage yard and the times when the vehicle enters and leaves the storage yard;

(iii) details of any place to which the vehicle is moved in circumstances referred to in section 16(3)(c) of the Act;

(e) each completed authority to tow given to the towing service provider under regulation 32(6);

(f) each completed authorisation statement given to the towing service provider under regulation 35(6);

(g) a copy of each invoice issued for towing charges and storage charges;

(h) each photograph provided to the towing service provider under regulation 27(2);

(i) each photograph showing evidence of why it was necessary for a vehicle to be recovered in order to be towed as referred to in regulation 49(3)(b);

(j) each visual recording provided to the towing service provider under regulation 28(5).

Penalty for this subregulation:

(a) for an individual, a fine of $12 000;

(b) for a body corporate, a fine of $60 000.

(2) A record must be kept under subregulation (1) in the manner and form approved by the CEO.

(3) A record must be kept under subregulation (1)(a) for at least 2 years after the day on which the towing worker ceases to engage in towing work for the purposes of the regulated towing business.

(4) A record must be kept under subregulation (1)(b) for at least 2 years after the day on which the tow truck ceases to be used for the purposes of the regulated towing business.

(5) A record must be kept under subregulation (1)(c) for at least 2 years after the day on which the attendance at the crash site occurs.

(6) A record must be kept under subregulation (1)(d), (e), (f), (g), (h) or (i) for at least 2 years after the day on which the towing to which the record relates occurs.

(7) A visual recording must be kept under subregulation (1)(j) for at least 3 months after the day on which it is made.

14. Reporting of notifiable occurrences

(1) A towing service provider in relation to a regulated towing business must report to the CEO, in accordance with

subregulation (2), any notifiable occurrence that occurs in relation to the regulated towing business.

Penalty for this subregulation:

(a) for an individual, a fine of $9 000;

(b) for a body corporate, a fine of $45 000.

(2) A report under subregulation (1) must be made —

(a) as soon as practicable after the towing service provider becomes aware of the notifiable occurrence; and

(b) in the manner and form approved by the CEO.

15. Complaints resolution procedure

The towing service provider in relation to a regulated towing business must ensure that —

(a) a written procedure is prepared that provides for —

(i) a simple process by which a customer or other person can make a complaint in relation to any matter relating to the conduct of the regulated towing business; and

(ii) complaints to be investigated and resolved within a period that is reasonable in the circumstances;

and

(b) the procedure referred to in paragraph (a) is readily accessible by any person who wishes to make a complaint.

Penalty:

(a) for an individual, a fine of $12 000;

(b) for a body corporate, a fine of $60 000.

16. Records of complaints

(1) The towing service provider in relation to a regulated towing business must, in accordance with this regulation, keep records of —

(a) each complaint made by a person in relation to a matter relating to the conduct of the regulated towing business; and

(b) the resolution of those complaints.

Penalty for this subregulation:

(a) for an individual, a fine of $12 000;

(b) for a body corporate, a fine of $60 000.

(2) A record must be kept under subregulation (1) in the manner and form approved by the CEO.

(3) A record must be kept under subregulation (1) for at least 2 years after the day on which the complaint is made.

17. CEO may require records to be produced or provided

(1) The CEO or an authorised officer may, by written notice, require a towing service provider to —

(a) produce for inspection any records that the towing service provider is required to keep under regulation 13 or 16; or

(b) provide copies of any records that the towing service provider is required to keep under regulation 13 or 16.

(2) A notice under subregulation (1) must specify —

(a) the manner in which the records or copies must be produced or provided; and

(b) the time within which the records or copies must be produced or provided, which must allow the towing service provider a reasonable period to comply with the notice.

(3) A notice under subregulation (1)(b) may require the copies of the records to be provided on an ongoing basis at times specified in the notice.

(4) A person given a notice under subregulation (1) must comply with the notice.

Penalty for this subregulation:

(a) for an individual, a fine of $12 000;

(b) for a body corporate, a fine of $60 000.

Part 3 — Towing workers

Division 1 — Obligations in relation to towing

18. Towing by most direct route

(1) This regulation applies to a towing worker who tows a vehicle for the purposes of a regulated towing business.

(2) The towing worker must tow the vehicle by the most direct route, and without taking longer than is reasonably necessary, to the place to which the vehicle is authorised to be towed.

Penalty for this subregulation: a fine of $5 000.

19. Towing worker must ensure vehicle is protected from damage

A towing worker must take reasonable steps to ensure that a vehicle towed in the conduct of a regulated towing business is not damaged, or further damaged, during —

(a) the loading of the vehicle onto a tow truck; or

(b) the towing of the vehicle; or

(c) the unloading of the vehicle from a tow truck.

Penalty: a fine of $5 000.

20. Towing worker must ensure personal property is secured

A towing worker must take reasonable steps to ensure that personal property that is in, or attached to, a vehicle towed in the conduct of a regulated towing business is —

(a) kept secure; and

(b) protected from being lost, stolen or damaged.

Penalty: a fine of $5 000.

21. Requirement to carry Australian driver licence or foreign driving authorisation

(1) This regulation applies to a towing worker who drives a tow truck for the purposes of a regulated towing business.

(2) The towing worker must, when engaging in towing work for the purposes of the regulated towing business, carry the towing worker's Australian driver licence or foreign driving authorisation.

Penalty for this subregulation: a fine of $5 000.

22. Removal of debris and oil and reporting of hazards

(1) In this regulation —

main road has the meaning given in the *Main Roads Act 1930* section 6;

responsible authority, in relation to a road, means —

(a) if the road is a main road — the Commissioner of Main Roads; or

(b) otherwise — the local government of the local government district in which the road is located.

(2) This regulation applies to a towing worker who tows a vehicle from a crash site for the purposes of a regulated towing business.

(3) Before towing the vehicle, the towing worker must ensure that, as far as is practicable, any broken glass, debris, oil or other matter that is deposited on a road at the crash site because of the vehicle crash is removed from the road.

Penalty for this subregulation: a fine of $5 000.

(4) If there is a hazard on a road caused by the vehicle crash that is not dealt with under subregulation (3) or by the towing of the vehicle, the towing worker must ensure that the responsible

authority for the road is notified of the existence of the hazard as soon as practicable.

Penalty for this subregulation: a fine of $5 000.

23. Remaining at crash site

(1) This regulation applies to a towing worker who attends a crash site in a tow truck for the purposes of a regulated towing business.

(2) The towing worker must not remain, and must ensure that the tow truck does not remain, at the crash site for longer than is reasonably necessary to do the following —

(a) ascertain whether another person has obtained an authority to tow in relation to the vehicle and, if not, obtain an authority to tow in relation to the vehicle;

(b) if the towing worker obtains an authority to tow in relation to the vehicle — load the vehicle onto the tow truck;

(c) comply with any obligations of the towing worker under the Act.

Penalty for this subregulation: a fine of $5 000.

24. Obstructing authorised officers, emergency workers and persons providing first aid or medical care

(1) In this regulation —

emergency worker means a member or officer of any of the following —

(a) a bush fire brigade as defined in the *Bush Fires Act 1954* section 7(1);

(b) a FES Unit as defined in the *Fire and Emergency Services Act 1998* section 3;

(c) a permanent fire brigade as defined in the *Fire Brigades Act 1942* section 4(1);

(d) a private fire brigade as defined in the *Fire Brigades Act 1942* section 4(1);

(e) an SES Unit as defined in the *Fire and Emergency Services Act 1998* section 3;

(f) a volunteer fire brigade as defined in the *Fire Brigades Act 1942* section 4(1);

(g) a VMRS Group as defined in the *Fire and Emergency Services Act 1998* section 3;

first aid or medical care provider means an ambulance officer or other person who provides first aid or medical care at a crash site or attends a crash site for that purpose.

(2) This regulation applies to a towing worker who attends a crash site for the purposes of a regulated towing business.

(3) On request by an authorised officer or emergency worker, the towing worker must immediately —

(a) move from a place so that the towing worker does not obstruct the performance of a function by an authorised officer or emergency worker at the crash site; or

(b) move a tow truck or other vehicle used by the towing worker so that the vehicle does not obstruct the performance of a function by an authorised officer or emergency worker at the crash site.

Penalty for this subregulation: a fine of $9 000.

(4) On request by a first aid or medical care provider, the towing worker must immediately —

(a) move from a place so that the towing worker does not obstruct the provision of first aid or medical care at the crash site; or

(b) move a tow truck or other vehicle used by the towing worker so that the vehicle does not obstruct the provision of first aid or medical care at the crash site.

Penalty for this subregulation: a fine of $9 000.

(5) Without limiting subregulations (3) and (4), the towing worker must not engage in any conduct at a crash site that hinders or obstructs —

(a) the performance of functions by an emergency worker or authorised officer; or

(b) the provision of first aid or medical care.

Penalty for this subregulation: a fine of $9 000.

25. Obstructing loading of vehicle onto other tow truck

(1) This regulation applies if —

(a) a towing worker attends a crash site in a tow truck for the purposes of a regulated towing business; and

(b) a vehicle is being or has been loaded onto another tow truck at the crash site.

(2) The towing worker must not stop the towing worker's tow truck in a place where it obstructs —

(a) the loading of the vehicle onto the other tow truck; or

(b) the departure of the other tow truck from the crash site.

Penalty for this subregulation: a fine of $9 000.

26. Insulting, offensive or threatening language or behaviour

A towing worker in relation to a regulated towing business must not use insulting, offensive or threatening language, or behave in an insulting, offensive or threatening manner —

(a) at a crash site; or

(b) while engaging in towing work in a public place or in the sight or hearing of any person in a public place; or

(c) to an authorised officer exercising a function under the Act or a person assisting an authorised officer in the exercise of a function under the Act.

Penalty: a fine of $12 000.

Division 2 — Records and reporting

27. Towing worker must take photographs of vehicle

(1) A towing worker who tows a vehicle in the conduct of a regulated towing business must ensure that the following photographs are taken of the vehicle —

(a) photographs showing the condition of the vehicle before it is handled by a towing worker for the purposes of being towed or loaded onto a tow truck;

(b) photographs showing the condition of the vehicle after it is unloaded from a tow truck at the place to which it is towed.

Penalty for this subregulation: a fine of $5 000.

(2) A towing worker must ensure that the photographs taken under subregulation (1) are provided to the towing service provider as soon as practicable but in any event within 48 hours after the photographs are taken.

Penalty for this subregulation: a fine of $5 000.

28. Towing worker must make dashboard camera recordings

(1) This regulation applies to a towing worker who drives a tow truck for the purposes of a regulated towing business.

(2) The towing worker must ensure that, at all times when the towing worker is driving a tow truck for the purposes of the regulated towing business, the dashboard camera unit required to be installed in the tow truck under regulation 7 is —

(a) in working order; and

(b) positioned and configured so that it can make a visual recording that meets the requirements of subregulation (4).

Penalty for this subregulation: a fine of $9 000.

(3) On each occasion when the towing worker attends a crash site in a tow truck for the purposes of the regulated towing business, the towing worker must ensure that a continuous visual recording that meets the requirements of subregulation (4) is made using the dashboard camera unit for a period that —

(a) starts —

(i) when the towing worker begins driving to the crash site after becoming aware of the vehicle crash; or

(ii) if the tow truck is driven more than 2 km to the crash site after the towing worker becomes aware of the vehicle crash — when the tow truck is at least 2 km from the crash site;

and

(b) ends —

(i) when the tow truck has been driven at least 2 km away from the crash site after the attendance at the crash site; or

(ii) if the tow truck is driven less than 2 km to its next destination after the attendance at the crash site — when the tow truck reaches its next destination.

Penalty for this subregulation: a fine of $9 000.

(4) The visual recording must —

(a) record the forward view through the front windscreen of the tow truck; and

(b) be clear and unobstructed; and

(c) continuously display —

(i) the time and date in Australian Western Standard Time; and

(ii) the latitude and longitude coordinates;

and

(d) not be affected by electromagnetic interference, or any other interference, that interrupts or reduces the quality of the recording.

(5) The towing worker must ensure that a visual recording made under subregulation (3) is provided to the towing service provider in relation to the relevant towing business as soon as practicable but in any event within 48 hours after the recording is made.

Penalty for this subregulation: a fine of $9 000.

29. Reporting of notifiable occurrences

(1) A towing worker must report to the CEO, in accordance with subregulation (2), any notifiable occurrence that occurs in relation to the towing worker while the towing worker is —

(a) engaging in towing work for the purposes of a regulated towing business; or

(b) obtaining or attempting to obtain an authority to tow for the purposes of a regulated towing business.

Penalty for this subregulation: a fine of $9 000.

(2) A report under this regulation must be made —

(a) as soon as practicable after the towing worker becomes aware of the notifiable occurrence; and

(b) in the manner and form approved by the CEO.

Part 4 — Authorisation to tow vehicle

Division 1 — Authority to tow

30. Information to be included in authority to tow (s. 40)

(1) For the purposes of section 40(2)(a) or (b) of the Act, an authority to tow authorising the towing of a vehicle for the purposes of a regulated towing business must —

(a) be signed by —

(i) the relevant person for the vehicle, or the police officer, who gives the authority to tow (the ***authorising person***); and

(ii) the towing worker who obtains the authority to tow;

and

(b) include the matters required under subregulation (2).

(2) An authority to tow must include the following —

(a) the time and date when the authority to tow is signed by the authorising person and towing worker;

(b) the place from which the vehicle is authorised to be towed;

(c) the address of the place to which the vehicle is authorised to be towed;

(d) a statement to the effect that, if it is not possible to tow the vehicle to that address due to unforeseen circumstances, the towing of the vehicle to another appropriate location is authorised and obligations under these regulations apply;

(e) the following information about the towing service provider for the regulated towing business —

(i) name and (if applicable) business name;

(ii) principal business address in the State;

(iii) telephone number;

(iv) Australian Company Number or Australian Business Number (if applicable);

(f) the following information about the tow truck to be used in towing the vehicle —

(i) make and model;

(ii) number plate details;

(iii) tow truck class;

(g) the following information about the vehicle to be towed —

(i) make and model;

(ii) number plate details or, if there is no number plate, VIN, engine identification number or individual chassis identification number;

(iii) category of vehicle;

(h) the name and telephone number of the towing worker who will drive the tow truck to be used in towing the vehicle;

(i) information about the towing charges and storage charges payable;

(j) if the towing charges payable include an amount for the recovery of the vehicle as referred to in regulation 49(2)(b)(iii) — the justification for charging that amount;

(k) if the authorising person is a relevant person for the vehicle — the relevant person's name, telephone number and driver's licence number (if applicable);

(l) if the authorising person is a police officer — the name and registered number of the police officer;

(m) any other information required by the approved form.

31. Towing service provider must provide authority to tow forms

(1) In this regulation —

authority to tow form means the approved form for an authority to tow.

(2) The towing service provider in relation to a regulated towing business must ensure that each relevant towing worker is provided with authority to tow forms to enable the towing worker to comply with the obligations under section 40 of the Act and regulation 32.

Penalty for this subregulation:

(a) for an individual, a fine of $5 000;

(b) for a body corporate, a fine of $25 000.

32. Towing worker must make and distribute copies of authority to tow

(1) This regulation applies if a towing worker obtains an authority to tow a vehicle in the conduct of a regulated towing business.

(2) The towing worker must make 3 copies of the original signed authority to tow, each of which must show the signatures of the authorising person and towing worker.

Penalty for this subregulation: a fine of $9 000.

(3) Each of the original signed authority to tow and the 3 copies is a ***completed authority to tow*** for the purposes of this regulation.

(4) Before the towing worker starts to tow the vehicle, the towing worker must give 1 completed authority to tow to the authorising person.

Penalty for this subregulation: a fine of $9 000.

(5) Before the towing worker starts to tow the vehicle, the towing worker must either —

(a) place 1 completed authority to tow in the vehicle in a position where it is protected from being lost or damaged; or

(b) attach 1 completed authority to tow to the vehicle in a manner that protects it from being lost or damaged.

Penalty for this subregulation: a fine of $9 000.

(6) The towing worker must ensure that 1 completed authority to tow is given to the towing service provider in relation to the regulated towing business as soon as practicable but in any event within 48 hours after the authority to tow is signed by the authorising person.

Penalty for this subregulation: a fine of $9 000.

(7) The towing worker must retain 1 completed authority to tow for at least 2 years after the authority to tow is signed by the authorising person.

Penalty for this subregulation: a fine of $9 000.

33. Towing worker must notify person if vehicle cannot be towed to authorised place

(1) This regulation applies if —

(a) an authority to tow has been given authorising the towing of a vehicle to an address by a towing worker; and

(b) it is not possible to tow the vehicle to that address due to unforeseen circumstances; and

(c) the towing worker tows the vehicle to another appropriate location (as referred to in regulation 30(2)(d)).

(2) The towing worker must, as soon as practicable but in any event within 4 hours after the vehicle arrives at the other location, give notice in accordance with subregulation (3) of —

(a) the location to which the vehicle has been towed; and

(b) the reason why it was not possible to tow the vehicle to the address referred to in subregulation (1)(a).

Penalty for this subregulation: a fine of $9 000.

(3) Notice under subregulation (2) must be given —

(a) if the authority to tow was given by a relevant person for the vehicle — to the relevant person in writing; or

(b) if the authority to tow was given by a police officer under section 40(3) of the Act — to the Commissioner of Police in a manner approved by the Commissioner of Police.

Division 2 — Authorisation by Commissioner of Main Roads

34. Authorisation statement must be completed if authorisation given by Commissioner of Main Roads

(1) This regulation applies if the Commissioner of Main Roads authorises the towing of a vehicle under section 40(4) of the Act.

(2) The towing worker who is to drive the tow truck to be used in towing the vehicle must complete an authorisation statement in accordance with this regulation before starting to tow the vehicle.

Penalty for this subregulation: a fine of $12 000.

(3) The authorisation statement must —

(a) be in the approved form; and

(b) be signed by the towing worker; and

(c) include the matters required under subregulation (4).

(4) The authorisation statement must include the following —

(a) that the Commissioner of Main Roads has authorised the towing of the vehicle under section 40(4) of the Act;

(b) the place from which the vehicle is authorised to be towed;

(c) a description of the towing that is authorised;

(d) the following information about the towing service provider for the regulated towing business —

(i) name and (if applicable) business name;

(ii) principal business address in the State;

(iii) telephone number;

(iv) Australian Company Number or Australian Business Number (if applicable);

(e) the following information about the tow truck to be used in towing the vehicle —

(i) make and model;

(ii) number plate details;

(iii) tow truck class;

(f) the following information about the vehicle to be towed —

(i) make and model;

(ii) number plate details or, if there is no number plate, VIN, engine identification number or individual chassis identification number;

(iii) category of vehicle;

(g) the name and telephone number of the towing worker who will drive the tow truck to be used in towing the vehicle;

(h) information about the towing charges and storage charges payable;

(i) if the towing charges payable include an amount for the recovery of the vehicle as referred to in regulation 49(2)(b)(iii) — the justification for charging that amount;

(j) any incident number communicated to the towing worker in relation to the authorisation by the Commissioner of Main Roads;

(k) any other information required by the approved form.

35. Towing worker must make and distribute copies of authorisation statement

(1) This regulation applies if a towing worker in relation to a regulated towing business completes an authorisation statement under regulation 34(2).

(2) The towing worker must make 3 copies of the original signed authorisation statement, each of which must show the signature of the towing worker.

Penalty for this subregulation: a fine of $9 000.

(3) Each of the original signed authorisation statement and the 3 copies is a ***completed authorisation statement*** for the purposes of this regulation.

(4) If a relevant person for the vehicle is present at the place from which the vehicle is to be towed, the towing worker must give 1 completed authorisation to the relevant person before starting to tow the vehicle.

Penalty for this subregulation: a fine of $9 000.

(5) The towing worker must give 1 completed authorisation statement to the Commissioner of Main Roads as soon as practicable but in any event within 72 hours after the authorisation statement is signed by the towing worker.

Penalty for this subregulation: a fine of $9 000.

(6) The towing worker must give 1 completed authorisation statement to the towing service provider in relation to the regulated towing business as soon as practicable but in any event within 48 hours after the authorisation statement is signed by the towing worker.

Penalty for this subregulation: a fine of $9 000.

(7) The towing worker must retain 1 completed authorisation statement for at least 2 years after the authorisation statement is signed by the towing worker.

Penalty for this subregulation: a fine of $9 000.

Division 3 — Obtaining authority to tow

36. Application of Division

This Division applies in relation to obtaining, or attempting to obtain, an authority to tow authorising the towing of a vehicle for the purposes of a regulated towing business.

37. Authority to tow must be obtained only by tow truck driver present with suitable tow truck

An individual must not obtain, or attempt to obtain, an authority to tow authorising the towing of a vehicle from a crash site if any of the following requirements is not satisfied —

(a) the individual must be a towing worker who drives a tow truck (the ***suitable tow truck***) that —

(i) is of a tow truck class that is suitable to be used to tow the vehicle; and

(ii) is immediately available to be used to tow the vehicle;

(b) the individual must be present at the crash site;

(c) the suitable tow truck must be stopped at the crash site;

(d) the tow truck to be used in towing the vehicle must be the suitable tow truck.

Penalty: a fine of $12 000.

38. False, misleading or altered authorities to tow

(1) An individual must not include in an authority to tow any information that the individual knows to be false or misleading in a material particular.

Penalty for this subregulation: a fine of $12 000.

(2) An individual must not make any alteration to an authority to tow after it has been signed.

Penalty for this subregulation: a fine of $12 000.

39. Obtaining authority to tow using force, threats, intimidation, offensive behaviour or persistent soliciting

(1) An individual must not use force or threats, or engage in behaviour that could reasonably be expected to intimidate another person, in obtaining or attempting to obtain an authority to tow.

Penalty for this subregulation: a fine of $12 000.

(2) An individual must not, in obtaining or attempting to obtain an authority to tow —

(a) use insulting or offensive language; or

(b) behave in an insulting or offensive manner.

Penalty for this subregulation: a fine of $12 000.

(3) An individual must not engage in persistent soliciting in obtaining or attempting to obtain an authority to tow.

Penalty for this subregulation: a fine of $12 000.

40. Obtaining authority to tow from person to whom first aid or medical care is being provided

An individual must not obtain, or attempt to obtain, an authority to tow from a relevant person for a vehicle while first aid or medical care is being provided to the person at a crash site.

Penalty: a fine of $12 000.

41. Obtaining authority to tow by fraudulent behaviour

(1) In this regulation —

fraudulent behaviour, engaged in by an individual, includes the following —

(a) using a trick or false pretence;

(b) making a statement that the individual knows is false or misleading in a material particular;

(c) displaying or using a document that the individual knows is false or misleading in a material particular.

(2) An individual must not engage in fraudulent behaviour in obtaining, or attempting to obtain, an authority to tow.

Penalty for this subregulation: a fine of $12 000.

42. Obtaining authority to tow by holding out association with public entity, insurance company or roadside assistance provider

An individual commits an offence if —

(a) in obtaining or attempting to obtain an authority to tow, the individual engages in any conduct that would cause a reasonable person to believe that the individual is acting —

(i) for or on behalf of a public entity, insurance company or roadside assistance provider; or

(ii) under an arrangement with a public entity, insurance company or roadside assistance provider;

and

(b) the individual is not acting as referred to in paragraph (a)(i) or (ii).

Penalty: a fine of $12 000.

43. Soliciting for vehicle repair or hire services

(1) An individual commits an offence if —

(a) the individual obtains or attempts to obtain an authority to tow from a relevant person for a vehicle; and

(b) the individual —

(i) touts or solicits for any business from the relevant person in relation to a vehicle repair service or vehicle hire service; or

(ii) provides, or offers to provide, the relevant person with a quotation in relation to a vehicle repair service or vehicle hire service; or

(iii) obtains or attempts to obtain any agreement or authorisation from the relevant person in relation to the provision of a vehicle repair service or vehicle hire service;

and

(c) the conduct referred to in paragraph (b) occurs —

(i) while obtaining or attempting to obtain the authority to tow; or

(ii) if the vehicle is towed — at any time before the vehicle is unloaded from the tow truck following the towing.

Penalty for this subregulation: a fine of $9 000.

(2) Subregulation (1)(b) does not apply to the individual making a booking with an on-demand booking service for the use of an on-demand vehicle to transport a person away from a crash site, or to conduct engaged in for the purposes of making such a booking, if the individual does not receive any valuable thing (as defined in section 68(1) of the Act) in consideration of the making of the booking.

(3) In subregulation (2) —

on-demand booking service and ***on-demand vehicle*** have the meanings given in the *Transport (Road Passenger Services) Act 2018* section 4(1).

44. Display of restricted name or logo

(1) An individual must not display a restricted name or logo while attending a crash site for the purposes of obtaining or attempting to obtain an authority to tow a vehicle.

Penalty for this subregulation: a fine of $9 000.

(2) Without limiting subregulation (1), an individual displays a name or logo for the purposes of that subregulation if the name or logo is displayed on —

(a) a tow truck used by the individual; or

(b) clothing worn by the individual.

(3) Subregulation (1) does not apply to the name or logo of the towing service provider (the ***relevant towing service provider***) that conducts the regulated towing business for the purposes of which the individual obtains, or attempts to obtain, the authority to tow.

(4) Subregulation (1) does not apply if —

(a) the restricted name or logo is the name or logo of a public entity; and

(b) the public entity has given written consent to the display of the name or logo to the relevant towing service provider.

45. Individual prohibited from obtaining authority to tow must not hinder or obstruct others

An employee or agent of a towing service provider present at a crash site who is prohibited from obtaining or attempting to obtain an authority to tow under regulation 37 must not engage in any conduct that hinders or obstructs another individual present at the crash site from —

(a) obtaining, or attempting to obtain, an authority to tow; or

(b) engaging in towing work after an authority to tow is obtained.

Penalty: a fine of $9 000.

Part 5 — Charges for towing and storage

Division 1 — Preliminary

46. Terms used

In this Part —

GST has the meaning given in the *A New Tax System (Goods and Services Tax) Act 1999* (Commonwealth) section 195-1;

light vehicle —

(a) has the meaning given in the *Road Traffic (Vehicles) Act 2012* section 3(1); but

(b) does not include a motor cycle;

motor cycle has the meaning given in the *Road Traffic (Vehicles) Regulations 2014* regulation 3;

owner, in relation to a vehicle, means a person entitled to immediate possession of the vehicle;

Perth and Peel means the area comprising —

(a) the metropolitan region described in the *Planning and Development Act 2005* Schedule 3; and

(b) the Peel region described in the *Planning and Development Act 2005* Schedule 4 item 6;

recovery, in relation to a vehicle to be towed, means the retrieval of the vehicle for the purpose of loading it onto a tow truck in circumstances in which it is reasonably necessary to use specialised equipment or specialist personnel.

47. Factors to be considered in determining whether towing charge or storage charge is unreasonable

(1) Without limiting the factors that may be considered in determining whether a towing charge is unreasonable for the

purposes of regulation 50 or 52, the following factors that are relevant must be considered —

(a) the day on which the service is provided;

(b) the time at which the service is provided;

(c) the time taken to provide the service;

(d) the distance travelled during the provision of the service;

(e) any administration costs incurred in the provision of the service;

(f) the amount that would be charged for the same or a similar service by other persons conducting a towing business in the same geographical area.

(2) Without limiting the factors that may be considered in determining whether a storage charge is unreasonable for the purposes of regulation 55 or 57, the following factors that are relevant must be considered —

(a) the costs of operating the storage yard, having regard to —

(i) the cost of land where the storage yard is located; and

(ii) the security measures at the storage yard; and

(iii) the manner in which vehicles are stored at the storage yard;

(b) any administration costs incurred in the provision of the service;

(c) the amount that would be charged for the same or a similar service by other persons operating a storage yard in the same geographical area.

Division 2 — Towing charges

Subdivision 1 — Vehicle towed from within Perth and Peel

48. Application of Subdivision

This Subdivision applies to the imposition of towing charges in relation to a vehicle towed in the conduct of a regulated towing business if the vehicle is towed from a place within Perth and Peel.

49. Towing charge for light vehicle or motor cycle must not exceed maximum amount

(1) A person must not impose a towing charge in relation to a light vehicle or a motor cycle that exceeds the maximum amount that applies under subregulation (2).

Penalty for this subregulation:

(a) for an individual, a fine of $12 000;

(b) for a body corporate, a fine of $60 000.

(2) The maximum amount that may be charged for the towing of a light vehicle or a motor cycle is the sum of —

(a) $485; and

(b) each of the following additional amounts (if any) that is applicable in the circumstances —

(i) if the vehicle is towed for more than 50 km — an amount equal to $4.40 for each kilometre or part of a kilometre more than 50 km;

(ii) if the vehicle is towed at a time that is not during business hours — $138;

(iii) if an amount for the recovery of the vehicle may be charged under subregulation (3) — an additional amount for the recovery that is reasonable.

(3) For the purposes of subregulation (2)(b)(iii), an amount for the recovery of a vehicle may be charged only if —

(a) it is necessary for the vehicle to be recovered in order for it to be towed; and

(b) photographs are taken showing evidence of why it is necessary for the vehicle to be recovered in order for it to be towed.

(4) A maximum amount determined under subregulation (2) includes any GST payable.

(5) For the purposes of subregulation (2)(b)(ii), the time at which a vehicle is towed is the time at which the authorisation to tow the vehicle is given.

(6) Without limiting the factors that may be considered in determining whether an amount charged for the recovery of a vehicle is reasonable for the purposes of subregulation (2)(b)(iii), the following factors that are relevant must be considered —

(a) the specialised equipment used in the recovery;

(b) the specialist personnel used in the recovery;

(c) the time taken to recover the vehicle.

50. Towing charge for heavy vehicle must not be unreasonable

A person must not impose a towing charge in relation to a heavy vehicle that is unreasonable.

Penalty:

(a) for an individual, a fine of $12 000;

(b) for a body corporate, a fine of $60 000.

Subdivision 2 — Vehicle towed from outside Perth and Peel

51. Application of Subdivision

This Subdivision applies to the imposition of towing charges in relation to a vehicle towed in the conduct of a regulated towing business if the vehicle is towed from a place outside Perth and Peel.

52. Towing charge must not be unreasonable

A person must not impose a towing charge that is unreasonable.

Penalty:

(a) for an individual, a fine of $12 000;

(b) for a body corporate, a fine of $60 000.

Division 3 — Storage charges

Subdivision 1 —Storage of vehicle towed within, out of or into Perth and Peel

53. Application of Subdivision

This Subdivision applies to the imposition of storage charges in relation to a vehicle towed in the conduct of a regulated towing business if the vehicle is —

(a) towed from a place within Perth and Peel to —

(i) another place within Perth and Peel; or

(ii) a place outside Perth and Peel;

or

(b) towed from a place outside Perth and Peel to a place within Perth and Peel.

54. Storage charge for light vehicle or motor cycle must not exceed maximum amount

(1) In this regulation —

day means a period of 24 hours.

(2) A person must not impose a storage charge in relation to a light vehicle or a motor cycle that exceeds the maximum amount that applies under subregulation (3).

Penalty for this subregulation:

(a) for an individual, a fine of $12 000;

(b) for a body corporate, a fine of $60 000.

(3) The maximum amount that may be charged for the storage of a light vehicle or a motor cycle is the sum of —

(a) a charge of —

(i) if the vehicle is a light vehicle — $25 for each day or part of a day during which the vehicle is stored; or

(ii) if the vehicle is a motor cycle — $12.50 for each day or part of a day during which the vehicle is stored;

and

(b) an administration charge of $88.

(4) A maximum amount determined under subregulation (3) includes any GST payable.

55. Storage charge for heavy vehicle must not be unreasonable

A person must not impose a storage charge in relation to a heavy vehicle that is unreasonable.

Penalty:

(a) for an individual, a fine of $12 000;

(b) for a body corporate, a fine of $60 000.

Subdivision 2 — Storage of vehicle towed outside Perth and Peel

56. Application of Subdivision

This Subdivision applies to the imposition of storage charges in relation to a vehicle towed in the conduct of a regulated towing business if the vehicle is towed from a place outside Perth and Peel to another place outside Perth and Peel.

57. Storage charge must not be unreasonable

A person must not impose a storage charge that is unreasonable.

Penalty:

(a) for an individual, a fine of $12 000;

(b) for a body corporate, a fine of $60 000.

Division 4 — Liability for and payment of charges

58. Liability for towing charges and storage charges

(1) If an authority to tow a vehicle is given by a relevant person for the vehicle, that relevant person is liable to pay the towing charges, and any storage charges, payable in accordance with the Act.

(2) If a police officer gives an authority to tow a vehicle under section 40(3) of the Act —

(a) the police officer or the State is not liable to pay any towing charges or storage charges; and

(b) the owner of the vehicle is liable to pay the towing charges, and any storage charges, payable in accordance with the Act.

(3) If the Commissioner of Main Roads authorises the towing of a vehicle under section 40(4) of the Act —

(a) the Commissioner or the State is not liable to pay any towing charges or storage charges; and

(b) the owner of the vehicle is liable to pay the towing charges, and any storage charges, payable in accordance with the Act.

59. Payment of towing charges and storage charges

(1) In this regulation —

payment method means a method of paying charges, including —

(a) cash; and

(b) electronic funds transfer at point of sale; and

(c) online credit or debit card payment; and

(d) an electronic bill payment system; and

(e) direct transfer to a nominated account (whether identified using the bank and account details or using another identifier such as a mobile phone number, email address or Australian Business Number);

payment record means a record, including an electronic record, showing that a direct transfer has been made to a nominated account.

(2) This regulation applies in relation to towing charges and storage charges payable in relation to a vehicle that has been towed in the conduct of a regulated towing business.

(3) The towing service provider must, as soon as practicable on request by a relevant person for the vehicle or their agent, but in any event within 4 hours after the request is made, give the requesting person an invoice —

(a) setting out the amount of the charges; and

(b) giving details of the payment methods by which the charges can be paid.

Penalty for this subregulation:

(a) for an individual, a fine of $5 000;

(b) for a body corporate, a fine of $25 000.

(4) For the purposes of determining when the 4-hour period referred to in subregulation (3) expires, only time during business hours is to be counted.

(5) The towing service provider must take all reasonable steps to enable the charges to be paid.

Penalty for this subregulation:

(a) for an individual, a fine of $5 000;

(b) for a body corporate, a fine of $25 000.

(6) Without limiting subregulation (5), the towing service provider must allow the charges to be paid by at least 2 different payment methods.

Penalty for this subregulation:

(a) for an individual, a fine of $5 000;

(b) for a body corporate, a fine of $25 000.

(7) The towing service provider must not allow payment of the charges by direct transfer to a nominated account unless the towing service provider accepts the production of a payment record as evidence of the charges having been paid for the purpose of releasing the vehicle from storage, without requiring the funds to have cleared.

Penalty for this subregulation:

(a) for an individual, a fine of $5 000;

(b) for a body corporate, a fine of $25 000.

Part 6 — Safety standards

60. Personal protective equipment

(1) In this regulation —

personal protective equipment means anything used or worn by a person to minimise risk to the person's health and safety;

PPE standards means the document entitled Personal Protection Equipment for Towing Workers Standards 2024, published on the Department's website as at 10 January 2025.

(2) A towing worker must use personal protective equipment in accordance with the PPE standards at any time when the towing worker —

(a) is doing any of the following for the purposes of a regulated towing business —

(i) engaging in towing work;

(ii) unloading a vehicle from a tow truck;

(iii) obtaining, or attempting to obtain, an authority to tow a vehicle;

and

(b) is not inside a vehicle.

(3) Subregulation (2) is specified as a safety standard for a towing worker.

(4) A towing worker who contravenes subregulation (2) commits an offence.

Penalty for this subregulation: a fine of $5 000.

(5) A towing service provider in relation to a regulated towing business that fails to ensure that a relevant towing worker complies with subregulation (2) commits an offence.

Penalty for this subregulation:

(a) for an individual, a fine of $5 000;

(b) for a body corporate, a fine of $25 000.

61. Driving, stopping or parking tow truck in prohibited manner

(1) In this regulation each of the following terms has the meaning given in the *Road Traffic Code 2000* regulation 3(1) —

carriageway

emergency stopping lane

median strip

painted island

park

traffic island

(2) A towing worker who drives a tow truck for the purposes of a regulated towing business must not drive the tow truck in an emergency stopping lane unless the driving is necessary —

(a) to avoid a collision; or

(b) to stop in the lane in circumstances referred to in the *Road Traffic Code 2000* regulation 150; or

(c) because the tow truck is disabled.

(3) A towing worker who drives a tow truck for the purposes of a regulated towing business must not drive the tow truck on or over a median strip, traffic island or painted island in a manner that is prohibited under the *Road Traffic Code 2000* regulation 119.

(4) A towing worker who drives a tow truck for the purposes of a regulated towing business must not stop or park the tow truck on or near a carriageway in a manner that is prohibited under the *Road Traffic Code 2000* Part 12.

(5) Subregulations (2), (3) and (4) do not apply if the towing worker is loading a vehicle onto the tow truck in circumstances referred to in the *Road Traffic Code 2000* regulation 287(1).

(6) Each of subregulations (2), (3) and (4) is specified as a safety standard for a towing worker.

(7) A towing worker who contravenes subregulation (2), (3) or (4) commits an offence.

Penalty for this subregulation: a fine of $9 000.

Part 7 — Information

62. Law enforcement officials (s. 70)

For the purposes of the definition of ***law enforcement official*** in section 70 of the Act, each of the following is a law enforcement official —

(a) the Australian Border Force Commissioner as defined in the *Australian Border Force Act 2015* (Commonwealth) section 4(1);

(b) the Commissioner as defined in the *Australian Federal Police Act 1979* (Commonwealth) section 4(1);

(c) the Commissioner as defined in the *Corruption, Crime and Misconduct Act 2003* section 3(1);

(d) the Public Sector Commissioner, but only when the Public Sector Commissioner is performing functions under the *Corruption, Crime and Misconduct Act 2003*;

(e) the Commissioner (however designated) of the police force of another State or of the Northern Territory.

63. Relevant authorities (s. 70)

(1) In this regulation —

Commissioner for Consumer Protection means the person designated under the *Fair Trading Act 2010* section 55(2);

Road Safety Commissioner means the person employed in the department of the Public Service principally assisting in the administration of the *Road Safety Council Act 2002* in the position of Road Safety Commissioner for Western Australia;

WorkSafe Commissioner means the person appointed under the *Work Health and Safety Act 2020* Schedule 1 Division 1.

(2) For the purposes of paragraph (b) of the definition of ***relevant authority*** in section 70 of the Act, the following persons are prescribed —

(a) the chief executive officer of Austroads Ltd (ACN 136 812 390) (the ***Austroads chief executive***) or an officer or agent of Austroads Ltd who is nominated by the Austroads chief executive to the CEO;

(b) the chief executive officer of a local government or a person employed in the local government who is nominated by the chief executive officer to the CEO;

(c) the Commissioner for Consumer Protection or a person employed in the department of the Public Service principally assisting in the administration of the *Fair Trading Act 2010* who is nominated by the Commissioner for Consumer Protection to the CEO;

(d) the Commissioner, as defined in the *Taxation Administration Act 1953* (Commonwealth) section 2(1), or a member of the staff mentioned in section 4A of that Act who is nominated by the Commissioner to the CEO;

(e) the managing director, as defined in the *Insurance Commission of Western Australia Act 1986* section 3, or an officer or employee of the Insurance Commission of Western Australia who is nominated by the managing director to the CEO;

(f) the Road Safety Commissioner or a person employed in the department of the Public Service principally assisting in the administration of the *Road Safety Council Act 2002* who is nominated by the Road Safety Commissioner to the CEO;

(g) the WorkSafe Commissioner or a person employed in the department of the Public Service principally assisting in the administration of the *Work Health and Safety Act 2020* who is nominated by the WorkSafe Commissioner to the CEO.

(3) A nomination under subregulation (2) must be in writing signed by the person making the nomination.

(4) A person mentioned in subregulation (2)(a) to (g) whose nomination to the CEO is revoked is, when the revocation takes effect, no longer prescribed for the purposes of paragraph (b) of the definition of ***relevant authority*** in section 70 of the Act.

64. Information that CEO must disclose to Commissioner of Police (s. 77(1))

For the purposes of section 77(1)(b) of the Act, the following information is information that must be disclosed to the Commissioner of Police —

(a) information obtained by the CEO in the administration of the Act that relates to the suspected commission of an offence for which the maximum penalty is, or includes, imprisonment for 5 years or more;

(b) information obtained by the CEO in the administration of the Act that relates to the suspected commission of an offence under the *Road Traffic Act 1974* section 60 or 61;

(c) information obtained by the CEO in the administration of the Act that relates to the suspected commission of an offence under the *Criminal Law (Unlawful Consorting and Prohibited Insignia) Act 2021* or the *Criminal Organisations Control Act 2012*.

65. Information that CEO may disclose to relevant authority (s. 79)

For the purposes of section 79(1)(b) of the Act, the following information is information that may be disclosed to a relevant authority —

(a) in relation to a relevant authority described in regulation 63(2)(c) — information obtained by the CEO in the administration of the Act in relation to any matter

that the CEO considers may be capable of being the subject of any complaint, investigation or proceedings under consumer protection legislation;

(b) in relation to a relevant authority described in regulation 63(2)(g) — information obtained by the CEO in the administration of the Act that the CEO considers relates to an incident in which a towing worker or any other person is exposed to a serious risk to the person's health or safety.

Part 8 — Infringement notices and enforcement

66. Prescribed offences and modified penalties

(1) The offences described in Schedule 1 are offences for which an infringement notice may be issued under the *Criminal Procedure Act 2004* Part 2.

(2) The modified penalty specified opposite an offence in Schedule 1 is the modified penalty for that offence for the purposes of the *Criminal Procedure Act 2004* section 5(3).

67. Approved officers and authorised officers

(1) In this regulation —

towing services authorised officer means an authorised officer as defined in section 85(1) of the Act.

(2) Each towing services authorised officer is an authorised officer for the purposes of the *Criminal Procedure Act 2004* Part 2 in relation to infringement notices issued under that Part for an offence prescribed under regulation 66(1).

(3) An authorised officer who is a police officer can show that the authorised officer is authorised to issue infringement notices by showing the officer's Certificate of Authority (as defined in the *Police Force Regulations 1979* regulation 901A).

(4) An authorised officer who is not a police officer can show that the authorised officer is authorised to issue infringement notices by showing the officer's identity card issued under section 85(3) of the Act.

(5) The CEO may, in writing, appoint a public service officer who is not a towing services authorised officer to be an approved officer for the purposes of the *Criminal Procedure Act 2004* Part 2 in relation to infringement notices issued under that Part for an offence prescribed under regulation 66(1).

68. Entry warrants (s. 96(2))

For the purposes of section 96(2) of the Act, the following information must be included in an application for an entry warrant —

(a) the applicant's official details (as defined in section 95(1) of the Act);

(b) the premises in relation to which the warrant is being sought;

(c) the purpose for which the entry to the premises is required;

(d) the grounds on which the applicant considers that entry to the premises is necessary;

(e) a statement to the best of the applicant's knowledge about whether an application for an entry warrant for the same premises has been made under section 96 of the Act within the previous 72 hours and, if so, whether or not a warrant was issued.

69. Forms

For the purposes of the *Criminal Procedure Act 2004* Part 2 and sections 102(3) and 107(3) of the Act, the forms set out in Schedule 2 are prescribed in relation to the matters specified in those forms.

Part 9 — Miscellaneous

70. Application of obligations if towing worker is also towing service provider

(1) This regulation applies if an individual (the ***relevant individual***) who is a towing worker in relation to a regulated towing business is also the towing service provider in relation to that business.

(2) Any requirement imposed on the relevant individual by these regulations to give or provide a document, photograph or recording to the towing service provider is taken to be satisfied if the relevant individual retains the document, photograph or recording in their capacity as towing service provider.

71. Giving of documents generally

(1) This regulation does not apply in relation to an order to produce issued under section 107 of the Act.

(2) A document required or permitted under this Act to be given by the CEO or an authorised officer to a person may be given to the person by —

(a) giving it to the person personally; or

(b) sending it by prepaid post (including document exchange) addressed to the person —

(i) to an address provided by the person to the CEO for the giving or service of documents; or

(ii) if the person has not provided an address as described in subparagraph (i) — to the last known address of the person;

or

(c) leaving it at the person's usual or last known place of residence or business; or

(d) if the person has provided an email address or fax number for the giving or service of documents — emailing it or faxing it (as applicable) to that email address or fax number; or

(e) if the person has not provided an email address or fax number as described in paragraph (d) — emailing it or faxing it to an email address or fax number (as applicable) —

(i) appearing on recent correspondence addressed by or on behalf of the person to the CEO; or

(ii) otherwise notified to the CEO by the person; or

(iii) published by the person;

or

(f) communicating it in some other way agreed with the person; or

(g) in the case of a corporation or of an association of persons (whether incorporated or not) — by delivering or leaving the document or posting it as a letter, addressed in each case to the corporation or association, at its principal place of business or principal office in the State.

(3) A document required or permitted under this Act to be given by the CEO or an authorised officer to a partnership may be given by giving it to any member of the partnership in accordance with subregulation (2).

(4) The use of a particular method for giving a document to a person does not prevent the giving of other documents to the same person in a different way.

72. Time when documents taken to be given

(1) In the absence of proof to the contrary, a document that is emailed or faxed to a person in accordance with regulation 71(2)(d) or (e) or delivered to or left for a person in

accordance with regulation 71(2)(g) is taken to be given on the next business day after the document was emailed, faxed, delivered or left.

(2) In the absence of proof to the contrary, a document that is sent by prepaid post is taken to be given —

(a) if the document is sent to an address within Australia — at the time the document would have been delivered in the ordinary course of the post; or

(b) if the document is sent to an address outside Australia — 11 business days after the day on which document was posted.

Part 10 — Transitional provisions

73. Term used: commencement day

In this Part —

commencement day means 10 January 2025.

74. Towing charges and storage charges in accordance with agreement entered into before commencement day

(1) Part 5 Division 2 does not apply in relation to a towing charge imposed in accordance with an agreement entered into before commencement day.

(2) Part 5 Division 3 does not apply in relation to a storage charge imposed in accordance with an agreement entered into before commencement day.

75. Photographs and signatures must not be disclosed before coming into operation of s. 78(3) of Act

During the period beginning on commencement day and ending immediately before the coming into operation of section 78(3) of the Act, photographs and signatures provided in connection with the grant of Australian driver licences must not be disclosed under section 78 of the Act.

Schedule 1 — Prescribed offences and modified penalties

[r. 66]

Offence			Modified penalty for individual	Modified penalty for body corporate
Offences under the *Towing Services Regulations 2024*				
1.	r. 11(2)	Failure to give notice of moving of stored vehicle	$750	$3 750
2.	r. 13(1)	Failure to keep records in relation to regulated towing business	$1 800	$9 000
3.	r. 17(3)	Failure to comply with notice requiring records to be produced or provided	$1 800	$9 000
4.	r. 21(2)	Failure to carry Australian driver licence or foreign driving authorisation	$750	
5.	r. 24(3)	Failure to move, or move vehicle, so that authorised officer or emergency worker is not obstructed	$1 350	
6.	r. 24(4)	Failure to move, or move vehicle, so that provision of first aid or medical treatment is not obstructed	$1 350	
7.	r. 25(2)	Stopping tow truck in manner that obstructs loading of vehicle onto or departure of other tow truck	$1 350	

Offence			Modified penalty for individual	Modified penalty for body corporate
8.	r. 27(1)	Failure to ensure photographs taken of towed vehicle	$750	
9.	r. 28(2)	Failure to ensure dashboard camera unit working and able to make compliant recording	$1 350	
10.	r. 31(2)	Failure to ensure towing worker provided with authority to tow forms	$750	$3 750
11.	r. 32(7)	Failure to retain authority to tow	$1 350	
12.	r. 35(7)	Failure to retain authorisation statement	$1 350	
13.	r. 37	Obtaining of authority to tow by individual other than towing worker present with suitable tow truck	$1 800	
14.	r. 44(1)	Display of restricted name or logo	$1 350	
15.	r. 59(3)	Failure to give invoice	$750	$3 750
16.	r. 60(4)	Contravention of safety standard: use of PPE	$750	
17.	r. 61(7)	Contravention of safety standard: prohibited driving and stopping	$1 350	

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Offence			Modified penalty for individual	Modified penalty for body corporate
Offence under the *Towing Services Act 2024*				
18.	s. 40(2)	Towing vehicle without authorisation	$1 800	

Schedule 2 — Forms

[r. 69]

Form 1 — Infringement notice

<table>
<tr><td colspan="3">Towing Services Act 2024
Infringement Notice</td><td>Infringement notice no.</td></tr>
<tr><td rowspan="4">Alleged offender</td><td rowspan="2">Name</td><td colspan="2"></td></tr>
<tr><td colspan="2"></td></tr>
<tr><td rowspan="2">Address</td><td colspan="2"></td></tr>
<tr><td colspan="2"></td></tr>
<tr><td rowspan="6">Alleged offence</td><td>Date or period</td><td colspan="2"></td></tr>
<tr><td>Place</td><td colspan="2"></td></tr>
<tr><td>Written law contravened</td><td colspan="2"></td></tr>
<tr><td rowspan="2">Details of offence</td><td colspan="2"></td></tr>
<tr><td colspan="2"></td></tr>
<tr><td>Date</td><td>Date of notice</td><td colspan="2"></td></tr>
<tr><td rowspan="3">Issuing officer</td><td>Name</td><td colspan="2"></td></tr>
<tr><td>Office</td><td colspan="2"></td></tr>
<tr><td>Signature</td><td colspan="2"></td></tr>
<tr><td>Modified penalty</td><td colspan="3">$_____</td></tr>
<tr><td>TAKE NOTICE</td><td colspan="3">It is alleged that you have committed the above offence.
If you do not want to be prosecuted in court for the offence, pay the modified penalty to the Approved Officer within 28 days after the date of this notice.</td></tr>
</table>

<table>
<tr><td></td><td colspan="2">If you do not pay the modified penalty within 28 days, you may be prosecuted or enforcement action may be taken under the Fines, Penalties and Infringement Notices Enforcement Act 1994. Under that Act, some or all of the following action may be taken — your driver’s licence may be suspended, your vehicle licence may be suspended or cancelled, you may be disqualified from holding or obtaining a driver’s licence or vehicle licence, your vehicle may be immobilised or have its number plates removed, your details may be published on a website, your earnings or bank accounts may be garnished, and your property may be seized and sold.

If you want this matter to be dealt with by prosecution in court, sign and date here:

_____ / /20
and post this notice to the Approved Officer at the address below within 28 days after the date of this notice.</td></tr>
<tr><td rowspan="4">How to pay</td><td>In person</td><td>[Insert details for paying in person]</td></tr>
<tr><td>By post</td><td>[Insert details for paying by post]</td></tr>
<tr><td>Online</td><td>[Insert details for paying online]</td></tr>
<tr><td>By telephone</td><td>[Insert details for paying by telephone]</td></tr>
</table>

Form 2 — Withdrawal of infringement notice

Towing Services Act 2024 **Withdrawal of infringement notice**		Withdrawal no.
Alleged offender	Name	
	Address	
Details of infringement notice	Infringement notice no.	
	Date of issue	
	Date or period	
	Place	
	Written law contravened	
	Details of offence	
Approved Officer withdrawing notice	Name	
	Office	
	Signature	
Date	Date of withdrawal	

<table>
<tr><td>Withdrawal of infringement notice
[*Delete whichever is not applicable]</td><td colspan="3">The above infringement notice issued against you for the above alleged offence has been withdrawn.
If you have already paid the modified penalty for the alleged offence, you are entitled to a refund.
1. Your refund is enclosed.
or
2. If you have paid the modified penalty but a refund is not enclosed, you may claim your refund by signing and dating this notice and posting it to:
Approved Officer — Towing Services Act 2024
[Insert address]</td></tr>
<tr><td>Your signature</td><td></td><td>Date</td><td></td></tr>
</table>

Form 3 — Entry warrant

<table>
<tr><td colspan="5">Towing Services Act 2024
Entry warrant</td></tr>
<tr><td>To</td><td colspan="4">Authorised officers under the Towing Services Act 2024.</td></tr>
<tr><td>Application</td><td colspan="4">The applicant has applied under the Towing Services Act 2024 s. 96 to me, a magistrate, for an entry warrant.</td></tr>
<tr><td>Applicant’s details</td><td>Official details (see Towing Services Act 2024 s. 95(1))</td><td colspan="3"></td></tr>
<tr><td>Purposes mentioned in Towing Services Act 2024 s. 86 for which entry is required</td><td colspan="4"></td></tr>
<tr><td>Suspected contravention(s) of Act (if applicable)</td><td>Provision(s)</td><td colspan="3"></td></tr>
<tr><td>Warrant</td><td colspan="4">This warrant authorises you to enter the premises described below and exercise the powers in the Towing Services Act 2024 Part 6 Division 2 Subdivision 2.</td></tr>
<tr><td>Premises to be entered</td><td colspan="4"></td></tr>
<tr><td>Execution period</td><td colspan="4">This warrant must be executed within _____ day(s) after the date it is issued.</td></tr>
<tr><td rowspan="2">Issuing details</td><td>Name of magistrate</td><td colspan="3"></td></tr>
<tr><td>Date</td><td></td><td>Time</td><td></td></tr>
</table>

<table>
<tr><td>Magistrate’s signature</td><td colspan="4">Issued by me on the above date and at the above time.

Magistrate</td></tr>
<tr><td rowspan="2">Execution details</td><td>Start</td><td>Date: Time:</td><td>End</td><td>Date: Time:</td></tr>
<tr><td colspan="4">Occupier present? Yes/No
Entry audiovisually recorded? Yes/No</td></tr>
<tr><td>Person executing this warrant</td><td colspan="2">Name</td><td colspan="2"></td></tr>
</table>

Form 4 — Order to produce

<table>
<tr><td colspan="6">*Towing Services Act 2024*
Order to produce business records</td></tr>
<tr><td>To</td><td colspan="5"></td></tr>
<tr><td>Application</td><td colspan="5">The applicant has applied under the *Towing Services Act 2024* s. 106 to me, a Justice of the Peace, for an order to produce business records.</td></tr>
<tr><td rowspan="2">Applicant’s details</td><td>Official details (see *Towing Services Act 2024* s. 95(1))</td><td colspan="4"></td></tr>
<tr><td>Contact details</td><td colspan="4"></td></tr>
<tr><td rowspan="3">Business records to be produced</td><td colspan="2">Description of records</td><td colspan="3">Version to be produced</td></tr>
<tr><td colspan="2"></td><td colspan="3"></td></tr>
<tr><td colspan="2"></td><td colspan="3"></td></tr>
<tr><td>Order</td><td colspan="5">You are ordered to produce the version of the record or records described above at the place described below on or before [*date*].</td></tr>
<tr><td>Warning</td><td colspan="5">It is an offence not to obey this order without a reasonable excuse.</td></tr>
<tr><td>Where records to be produced</td><td colspan="5"></td></tr>
<tr><td rowspan="2">Issuing details</td><td>Name of JP</td><td colspan="4"></td></tr>
<tr><td>Date</td><td></td><td>Time</td><td colspan="2"></td></tr>
<tr><td>JP’s signature</td><td colspan="5">Issued by me on the above date and at the above time.

Justice of the Peace</td></tr>
</table>

Service details	On [*date*] I served a copy of this order on the person to whom it is addressed by: Signature of server	
Server's details	Name	
	Contact details	

B. D'SA, Clerk of the Executive Council

Defined terms

[This is a list of terms defined and the provisions where they are defined. The list is not part of the law.]

Defined term	Provision(s)
Austroads chief executive	63(2)
authorisation statement	3
authorising person	3, 30(1)
authority to tow form	31(1)
business hours	3
carriageway	61(1)
commencement day	73
Commissioner for Consumer Protection	63(1)
completed authorisation statement	35(3)
completed authority to tow	32(3)
crash site	3
day	54(1)
emergency stopping lane	61(1)
emergency worker	24(1)
first aid or medical care provider	24(1)
foreign driving authorisation	3
fraudulent behaviour	41(1)
GST	46
insurance company	3
light vehicle	46
main road	22(1)
median strip	61(1)
motor cycle	46
notifiable occurrence	3
number plate	3
on-demand booking service	43(3)
on-demand vehicle	43(3)
owner	46
painted island	61(1)
park	61(1)
payment method	59(1)
payment record	59(1)
personal protective equipment	60(1)
Perth and Peel	46
PPE standards	60(1)
record	3
recovery	46
relevant individual	70(1)
relevant towing service provider	44(3)

relevant towing worker 3
responsible authority ..... 21(1)
restricted name or logo 3
Road Safety Commissioner ..... 63(1)
roadside assistance provider 3
serious offence 3
stop 3
suitable tow truck 37
towing services authorised officer ..... 67(1)
tow truck class 3
traffic island ..... 61(1)
vehicle hire service 3
vehicle repair service 3
VIN 3
WorkSafe Commissioner ..... 63(1)

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