



# Victoria Government Gazette

No. S 273 Wednesday 10 June 2020

By Authority of Victorian Government Printer

## Accident Towing Services Act 2007

### VARIATION OF CHARGES FOR 2020–21 FOR ACCIDENT TOWING AND STORAGE SERVICES UNDER SECTION 212H

I, Nick Foa, Associate Secretary to the Department of Transport, publish this notice in accordance with section 212H of the **Accident Towing Services Act 2007** ('the Act').

#### 1. Purpose

The purpose of this notice is to specify the varied amounts that may be charged for accident towing services and the service of storing accident damaged motor vehicles by providers of those services for the 2020–21 financial year, as determined under section 212H of the Act.

#### 2. Authorising provision

This variation is made under section 212H of the Act, which provides that an amount of a charge determined under section 211 of the Act must be varied, in respect of each financial year, in accordance with the formula set out in section 212H(1).

The charges varied in this notice were determined under section 211 of the Act as set out in Victoria Government Gazette No. S 280 published on 1 July 2019.

#### 3. Commencement

This notice comes into operation on 1 July 2020.

#### 4. Definitions

In this notice –

- (a) 'after hours surcharge' means the surcharge for tows allocated from a road accident scene in a controlled area during the following time periods -
  - i. Monday 5 pm to Tuesday 8 am;
  - ii. Tuesday 5 pm to Wednesday 8 am;
  - iii. Wednesday 5 pm to Thursday 8 am;
  - iv. Thursday 5 pm to Friday 8 am;
  - v. Friday 5 pm to Monday 8 am (that is, all weekend);
  - vi. Public holidays (all day, midnight to midnight); and
- (b) 'controlled area' means an area declared to be a controlled area under section 46 of the Act; and
- (c) 'motor car' means a motor vehicle less than 4 tonnes GVM (gross vehicle mass) other than a motor cycle.

#### 5. Method of calculating variation of charges for 2020–21

Section 212H(1) provides that the following formula is to be used to vary amounts of a charge determined under section 211 of the Act –

$$A \times \left( \frac{B}{C} - D \right)$$

where –

'A' is the amount of the charge for the financial year immediately preceding the relevant year;

**SPECIAL**

- ‘B’ is the transport group consumer price index for Melbourne in original terms for the reference period in which falls the March quarter of the financial year immediately preceding the relevant year last published by the Australian Bureau of Statistics before the relevant year;
- ‘C’ is the transport group consumer price index for Melbourne in original terms for the corresponding reference period one year earlier than the reference period referred to in B last published by the Australian Bureau of Statistics before the relevant year;
- ‘D’ is the productivity adjustment figure specified in the recommendation under section 212A of the Act most recently made by the Essential Services Commission or, if the Essential Services Commission has not made a recommendation under section 212A that relates to the relevant year, ‘D’ is 0.005.

The ‘relevant year’ is defined in section 212H(5) of the Act to mean the financial year for which the adjusted amount is being varied.

For the purposes of calculating the varied charges for the 2020–21 financial year in accordance with the formula set out above, the values of B, C and D are as follows –

$$B = 109.3$$

being the transport group consumer price index for Melbourne in original terms last published by the Australian Bureau of Statistics in respect of the March quarter of the 2019–20 financial year;

$$C = 105.9$$

being the transport group consumer price index for Melbourne in original terms last published by the Australian Bureau of Statistics in respect of the March quarter for the 2018–19 financial year; and

$$D = 0.005$$

being the productivity adjustment figure applicable under section 212H(1) of the Act.

#### 6. **Base fee for towing inclusive of the first 8 kms travelled**

For the purpose of calculating the varied charge for the 2020–21 financial year for the base fee for towing accident damaged motor vehicles with a gross vehicle mass of less than 4.0 tonnes from a road accident scene, within an area declared to be a controlled area (inclusive of the first 8 kilometres of travel by the tow truck and all other relevant costs of an accident towing business) –

- (a) the values of B, C and D are as set out in clause 5; and
- (b)  $A = \$221.40$ , being the amount of the charge for the financial year immediately preceding the relevant year.

In accordance with the formula set out above, the calculation of the amount of the varied charge for the 2020–21 financial year is –

$$\$221.40 \times \left( \frac{109.3}{105.9} - 0.005 \right) = \$227.40$$

#### 7. **Fee per km travelled by tow truck beyond the first 8 kms**

For the purpose of calculating the varied charge for the 2020–21 financial year for the rate per kilometre for travel by the tow truck beyond the first 8 kilometres and until the tow truck delivers the accident damaged vehicle to the place specified in the authority to tow –

- (a) the values of B, C and D are as set out in clause 5; and
- (b)  $A = \$3.50$ , being the amount of the charge for the financial year immediately preceding the relevant year.

In accordance with the formula set out above, the calculation of the amount of the varied charge for the 2020–21 financial year is –

$$\$3.50 \times \left( \frac{109.3}{105.9} - 0.005 \right) = \$3.59$$

This figure is rounded to the nearest ten cents in accordance with section 212H(2) of the Act, resulting in a varied charge amount of **\$3.60**.

#### **8. After hours surcharge**

For the purpose of calculating the varied charge for the 2020–21 financial year for the after hours surcharge –

- (a) the values of B, C and D are as set out in clause 5; and
- (b) A = \$75.60, being the amount of the charge for the financial year immediately preceding the relevant year.

In accordance with the formula set out above, the calculation of the amount of the varied charge for the 2020–21 financial year is –

$$\$75.60 \times \left( \frac{109.3}{105.9} - 0.005 \right) = \$77.64$$

This figure is rounded to the nearest ten cents in accordance with section 212H(2) of the Act, resulting in a varied charge amount of **\$77.60**.

#### **9. Locked storage charge**

For the purpose of calculating the varied charge for the 2020–21 financial year for the locked storage of accident damaged motor vehicles following towing from a road accident scene within a controlled area, the values of B, C and D are as set out in clause 5 and A has the value specified in respect of each of the following circumstances –

- A =
- \$25.00 per day for locked under cover storage of an accident damaged motor car following towing from a road accident scene within a controlled area (being the amount of the charge for the financial year immediately preceding the relevant year);
  - \$8.25 per day for locked under cover storage of an accident damaged motor cycle following towing from a road accident scene within a controlled area (being the amount of the charge for the financial year immediately preceding the relevant year);
  - \$16.90 per day for storage in a locked yard of an accident damaged motor car following towing from a road accident scene within a controlled area (being the amount of the charge for the financial year immediately preceding the relevant year);
  - \$5.30 per day for storage in a locked yard of an accident damaged motor cycle following towing from a road accident scene within a controlled area (being the amount of the charge for the financial year immediately preceding the relevant year).

##### **9.1 Locked storage charge for a motor car – under cover**

In accordance with the formula set out above, the calculation of the amount of the varied locked storage charge for a motor car (under cover) for the 2020–21 financial year is –

$$\$25.00 \times \left( \frac{109.3}{105.9} - 0.005 \right) = \$25.67$$

This figure is rounded to the nearest ten cents in accordance with section 212H(2) of the Act, resulting in a varied charge amount of **\$25.70** per day.

**9.2 Locked storage charge for a motor cycle – under cover**

In accordance with the formula set out above, the calculation of the amount of the varied locked storage charge for a motor cycle (under cover) for the 2020–21 financial year is –

$$\$8.25 \times \left( \frac{109.3}{105.9} - 0.005 \right) = \$8.47$$

This figure is rounded to the nearest ten cents in accordance with section 212H(2) of the Act, resulting in a varied charge amount of **\$8.50** per day.

**9.3 Locked storage charge for a motor car – in a locked yard**

In accordance with the formula set out above, the calculation of the amount of the varied locked storage charge for a motor car (in a locked yard) for the 2020–21 financial year is –

$$\$16.90 \times \left( \frac{109.3}{105.9} - 0.005 \right) = \$17.35$$

This figure is rounded to the nearest ten cents in accordance with section 212H(2) of the Act, resulting in a varied charge amount of **\$17.40** per day.

**9.4 Locked storage charge for a motor cycle – in a locked yard**

In accordance with the formula set out above, the calculation of the amount of the varied locked storage charge for a motor cycle (in a locked yard) for the 2020–21 financial year is –

$$\$5.30 \times \left( \frac{109.3}{105.9} - 0.005 \right) = \$5.44$$

This figure is rounded to the nearest ten cents in accordance with section 212H(2) of the Act, resulting in a varied charge amount of **\$5.40** per day.

**10. Varied charge amounts GST inclusive**

All varied charge amounts in this notice are inclusive of GST.

Dated 4 June 2020

NICHOLAS FOA  
Associate Secretary  
Department of Transport

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