

Enrolment for modern road trains, modular B-triples and Performance Based Standards (PBS) vehicles/combinations under the Intelligent Access Program (IAP)

TERMS AND CONDITIONS

1 APPLICATION

These Terms & Conditions set out the requirements for:

- a) enrolment in the IAP in NSW for modern road trains; modular B-triples; and PBS vehicles/combinations;
- b) the issue of an IAP Certificate of Enrolment;
- c) the terms of use of the "IAP enrolment form".

By completing and submitting an IAP enrolment application the Operator agrees to observe these Terms and Conditions.

2 PERMITTED USE

An application for enrolment in the IAP in NSW must only be submitted by an Operator or a person who has the authority to submit the application for enrolment in the IAP on behalf of the Operator.

3 BACKGROUND

Under the Heavy Vehicle National Law (HVNL), the National Heavy Vehicle Regulator (NHVR) is responsible for the administration of the IAP and the issuing of permits. Roads and Maritime Services will continue to administer all IAP services (excluding the issuing of the Class 2 permits) in New South Wales (NSW) under the delegation from the NHVR. Additional information is available at www.nhvr.gov.au.

Maintaining a current enrolment in the IAP with Roads and Maritime is a condition of access in NSW for:

- a) modern road trains seeking to operate on approved roads at Higher Mass Limits (HML);
- b) modular B-triples seeking to operate on approved roads on and east of the Newell Highway at General Mass Limits (GML) or Concessional Mass Limits (CML);
- c) modular B-triples seeking to operate on approved roads at HML;
- d) Performance Based Standards (PBS) vehicles/combinations that:
 - are seeking to operate at HML.
 - have a performance level and access class of 2B and above.
 - do not meet the bridge formula for the approved level of access (i.e. Tier 2 and/or Tier 3 bridge compliant).

Operators seeking to operate any of these vehicle/combinations in NSW must enrol in the IAP with Roads and Maritime (even if you are enrolled in IAP in other jurisdictions) and carry a current IAP Certificate of Enrolment issued by Roads and Maritime specifically for these vehicle/combinations.

Additionally, Operators seeking to operate PBS vehicles/combinations must be authorised to operate on approved roads in NSW by either a PBS access permit or a National PBS Notice. When applying for a PBS access permit, Operators should provide the IAP Certificate of Enrolment issued by Roads and Maritime to the NHVR. Additional information is available at www.nhvr.gov.au.

Note: Where a person engages in conduct that contravenes a condition of a concession (which includes a permit) the concession does not operate in the person's favour while the contravening conduct continues. The concession is to be disregarded in determining whether there has been a breach and in determining the risk category of the breach.

4 INTERPRETATION

4.1 Terms and Definitions

Enrolled - A nominated vehicle is enrolled in the IAP in NSW when:

- a) certified IAP equipment has been installed in the nominated vehicle by a certified IAP Service Provider engaged by the Operator; and
- b) an IAP Certificate of Enrolment has been issued by Roads and Maritime stating the nominated vehicle is monitored under the following scheme(s)/network(s):
 - 'HML modern road train', for a modern road train operating at HML;
 - 'GML modular B-triple', for a modular B-triple travelling on and east of the Newell Highway operating at GML;
 - 'HML modular B-triple', for a modular B-triple operating at HML;
 - a relevant PBS scheme(s)/network(s), for a PBS vehicle/combination.

GML - General Mass Limits. The mass limits for vehicles operating at GML are contained in Schedule 1 of the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation (NSW)*.

CML - Concessional Mass Limits. The masses and conditions for vehicles operating at CML are contained in Schedule 2 of the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation (NSW)*.

HML - Higher Mass Limits. The masses and conditions for vehicles operating at HML are contained in Schedule 5 of the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation (NSW)*.

IAP - Intelligent Access Program. The IAP is a regulatory and technical framework that involves the use of satellite-based telematics, commonly known as Global Positioning Systems (GPS), to manage the access and compliance of vehicles operating under specific access conditions.

IAP Certificate of Enrolment - A certificate issued by Roads and Maritime to the Operator of the nominated vehicle enrolled under the IAP in NSW and stating the IAP scheme(s)/network(s) in which the nominated vehicle is enrolled. This certificate confirms that the vehicle has an in-vehicle unit installed and is being monitored under the IAP scheme(s)/network(s) enrolled. The IAP Certificate of Enrolment must be carried in the vehicle at all times and is valid for up to 12 months.

Modern road train - A modern road train is a combination that meets all of the following criteria:

- a) the definition of a Type 1 road train as defined in the current *National Class 2 Heavy Vehicle Road Train Authorisation (Notice)*; and
- b) the combination consists of a prime mover with single steer axle and tandem drive towing two trailers where the rear trailer consists of a tri-axle converter dolly supporting a semi-trailer; and
- c) the tri-axle converter dolly in the combination is fitted with certified Road Friendly Suspension; and
- d) the combination has a minimum extreme axle spacing (distance between centrelines of the outermost axles) of 26.5 metres; and
- e) the prime mover and trailers forming part of the combination are nominated vehicles of an operator who holds an accreditation for the Maintenance Management module of the National Heavy Vehicle Accreditation Scheme (NHVAS).

Modular B-triples - A modular B-triple is a combination that meets all of the following criteria:

- a) the definition of modular B-triple as defined in the current *National Class 2 Heavy Vehicle Road Train Authorisation (Notice)*; and
- b) the prime mover must have an engine with a maximum power output of not less than 500 HP.

National Notice - A legal instrument used to manage the access and compliance of specific vehicles/combinations in all HVNL participating states. National Notices can be assessed at www.nhvr.gov.au/law-policies/notices-and-permit-based-schemes/national-notices.

NHVAS - National Heavy Vehicle Accreditation Scheme. The NHVAS is a national program which allows transport operators to use accreditation-based systems to demonstrate compliance with regulatory requirements.

NHVR - National Heavy Vehicle Regulator. The NHVR is the independent regulator for all vehicles over 4.5 tonnes gross vehicle mass and administers one set of laws for heavy vehicles under the HVNL.

Nominated vehicle - A vehicle/combination nominated by the Operator on the "IAP enrolment form" for enrolment in the IAP.

PBS - Performance Based Standards. PBS is a national heavy vehicle scheme designed to offer the heavy vehicle industry the potential to achieve higher productivity and safety through innovation and optimised vehicle design.

PBS access permit - PBS access permit is a legal instrument used to manage the access and compliance of vehicles operating as PBS vehicles/combinations in NSW. PBS access permits are issued by the NHVR for PBS vehicles/combinations that cannot operate under a National PBS Notice. Operators must apply separately to the NHVR at www.nhvr.gov.au/road-access/access-management/applications-and-forms for a PBS access permit to operate their PBS vehicles/combinations on approved roads in NSW. The NHVR reserves the right to amend, withdraw or cancel the entitlements associated with the use of the access permit. The PBS access permit must be carried in the vehicle at all times.

PBS vehicle/combination - A PBS vehicle/combination must meet all of the following criteria:

- a) the vehicle/combination is approved at the appropriate PBS Level(s) by the NHVR based on the vehicle's dimension, mass, safety and performance (i.e. Level 1, Level 2, Level 3, Level 4).
- b) the approved vehicle/combination is issued with an NHVR Vehicle Approval or a National Transport Commission (NTC) Final Approval, which outlines the approved vehicle/combination and the required national operating conditions.

RFS - Road Friendly Suspension. RFS systems must be certified in accordance with 'Vehicle Standards Bulletin No 11', as issued by the Commonwealth Department of Transport and Regional Services. The bulletin can be accessed at www.infrastructure.gov.au/roads/vehicle_regulation/bulletin/vsb_11.aspx.

Roads and Maritime - Roads and Maritime Services. Roads and Maritime is responsible for the enrolment and administration of heavy vehicles in the IAP in NSW on behalf of the NHVR.

State HVNL Notice - A legal instrument made under the HVNL to manage the access and compliance of specific vehicles/combinations that apply to NSW (and other but not all HVNL participating states). State HVNL Notices can be accessed at www.nhvr.gov.au/law-policies/notices-and-permit-based-schemes/state-hvnl-notices.

Note: Words and phrases used in these Terms and Conditions have the same meaning as in the HVNL unless otherwise stated.

5 VEHICLE REQUIREMENTS

5.1 Modern road train operating at HML

The nominated vehicle must comply with the following conditions before being eligible to be enrolled in the relevant HML scheme/network under the IAP in NSW:

- a) the prime mover and the trailers that are to be used as part of a modern road train must be currently registered in an Australian jurisdiction; and
- b) not exceed the manufacturer's Gross Vehicle Mass (GVM) or Gross Combination Mass (GCM) limits; and
- c) be operating as a modern road train as defined in clause 4.1 Terms and Definition under "Modern road train"; and
- d) comply with all conditions and mass limits for Type 1 road trains contained in the current *New South Wales Higher Mass Limits Declaration*; and
- e) comply with all conditions for Type 1 road trains contained in the current *National Class 2 Heavy Vehicle Road Train Authorisation (Notice)*; and
- f) have all axles in the combination operating at HML fitted with certified RFS; and
- g) the prime mover is required to be a nominated vehicle of an operator who holds accreditation for the Mass Management module of the NHVAS, where there is at least one tri-axle group in the combination. Note: As soon as the trailer forms part of a combination with a Mass Management nominated prime mover, the trailer becomes a nominated vehicle and must operate according to the Accreditation Standards.

5.2 Modular B-triple operating at GML or CML travelling on and east of the Newell Highway

The nominated vehicle must comply with the following conditions before being eligible to be enrolled in the relevant GML scheme/network under the IAP in NSW:

- a) the prime mover and the trailers that are to be used as part of a modular B-triple must be currently registered in an Australian jurisdiction; and
- b) not exceed the manufacturer's Gross Vehicle Mass (GVM) or Gross Combination Mass (GCM) limits; and
- c) be operating as a modular B-triple as defined in clause 4.1 Terms and Definition under "Modular B-triples"; and
- d) comply with all conditions and mass limits for modular B-triples contained in the current *National Class 2 Heavy Vehicle Road Train Authorisation (Notice)*; and
- e) have all axles in the combination fitted with certified RFS except for the steer axle of the prime mover; and
- f) the prime mover and trailers forming part of the combination must be nominated vehicles of an operator who holds accreditation for the Maintenance Management module of the NHVAS.
- g) for modular B-triple operating at CML, the prime mover is required to be a nominated vehicle of an operator who holds accreditation for the Mass Management module of NHVAS.

5.3 Modular B-triple operating at HML

The nominated vehicle must comply with the following conditions before being eligible to be enrolled in the relevant HML scheme/network under the IAP in NSW:

- a) the prime mover and the trailers that are to be used as part of a modular B-triple must be currently registered in an Australian jurisdiction; and
- b) not exceed the manufacturer's Gross Vehicle Mass (GVM) or Gross Combination Mass (GCM) limits; and
- c) be operating as a modular B-triple as defined in clause 4.1 Terms and Definition under "Modular B-triples"; and
- d) comply with all conditions and mass limits for modular B-triples contained in the current *New South Wales Higher Mass Limits Declaration*; and
- e) comply with all conditions for modular B-triples contained in the current *National Class 2 Heavy Vehicle Road Train Authorisation (Notice)*; and
- f) have all axles in the combination operating at HML fitted with certified RFS; and
- g) the prime mover is required to be a nominated vehicle of an operator who holds accreditation for the Mass Management module of NHVAS, where there is at least one tri-axle group in the combination. Note: As soon as the trailer forms part of a combination with a Mass Management nominated prime mover, the trailer becomes a nominated vehicle and must

- operate according to the Accreditation Standards; and
- h) for modular B-triple operating on approved roads on and east of the Newell Highway, the nominated vehicle must also comply with clause 5.2 e) and f) above.

5.4 PBS vehicle/combination

The nominated vehicle must comply with the following conditions before being eligible to enrol in the relevant PBS scheme/network under the IAP in NSW:

- a) the hauling unit and the trailers that are to be used as part of a PBS combination must be currently registered in an Australian jurisdiction; and
- b) not exceed the manufacturer's Gross Vehicle Mass (GVM) or Gross Combination Mass (GCM) limits; and
- c) be operating as a PBS vehicle/combination as defined in clause 4.1 Terms and Definition under "PBS vehicle/combination"; and
- d) comply with all conditions pertaining to the vehicle/combination as provided in the NHVR Vehicle Approval or a National Transport Commission (NTC) Final Approval; and
- e) for PBS Level 3 vehicles/combinations operating on approved roads on and east of the Newell Highway, the prime mover and trailers must be nominated vehicles of an operator accredited in the NHVAS Maintenance Management module.

6 ENROLMENT

6.1 Enrolment process

The Operator of the nominated vehicle is required to complete an IAP enrolment application using the "IAP enrolment form" available from the Roads and Maritime website at www.rms.nsw.gov.au/iap.

Upon receipt of the "IAP enrolment form", Roads and Maritime will assess the application to determine whether each nominated vehicle is eligible to enrol in the IAP in NSW. If the nominated vehicle is eligible for enrolment, Roads and Maritime will issue an interim Intelligent Access Condition (IAC) relating to that vehicle to the Operator at the email address provided. If the nominated vehicle is not eligible for enrolment, Roads and Maritime will advise the Operator at the email address provided.

The interim IAC is valid for six months. The Operator must provide a copy of the interim IAC to the certified IAP Service Provider engaged by the Operator to install the IAP equipment in the nominated vehicle before the interim IAC expires. The certified IAP Service Provider will advise Roads and Maritime when the IAP equipment has been installed and available for monitoring. If the interim IAC has expired, the Operator must restart the IAP enrolment process from the beginning by completing a new IAP enrolment application using the "IAP enrolment form" available from the Roads and Maritime website at www.rms.nsw.gov.au/iap.

Roads and Maritime will issue an IAP Certificate of Enrolment when the certified IAP Service Provider has confirmed the installation of the IAP equipment and monitoring of the vehicle.

The nominated vehicle is then enrolled in the IAP in NSW but is only eligible to operate in NSW as a:

- modern road train operating at HML under the current *New South Wales Higher Mass Limits Declaration* once Roads and Maritime has issued an IAP Certificate of Enrolment to the Operator for the nominated vehicle under the 'HML modern road train' IAP scheme/network; or
- modular B-triple operating at GML on approved roads on and east of the Newell Highway under the current *National Class 2 Heavy Vehicle Road Train Authorisation (Notice)* once Roads and Maritime has issued an IAP Certificate of Enrolment to the Operator for the nominated vehicle under the 'GML modular B-triple' IAP scheme/network; or
- modular B-triple operating at HML under the current *New South Wales Higher Mass Limits Declaration* once Roads and Maritime has issued an IAP Certificate of Enrolment to the Operator for nominated vehicle under the 'HML modular B-triple' IAP scheme/network; or
- PBS vehicle/combination under a PBS access permit issued by NHVR or National PBS Notice once Roads and Maritime has issued an IAP Certificate of Enrolment to the Operator

for the nominated vehicle under a relevant PBS scheme(s)/network(s). Note: Operators may need to apply separately to the NHVR for a PBS access permit for the nominated vehicles that cannot operate under the National PBS Notice.

6.2 Enrolment information

Operators must ensure that any information submitted for the IAP enrolment is:

- a) complete, correct and accurate; and
- b) complies with all applicable laws, business rules and other written guidelines.

The provision of incorrect or incomplete information may lead to the refusal of the application for IAP enrolment or the cancellation of an IAP Certificate of Enrolment.

Giving false or misleading information is a serious offence.

Operators must notify Roads and Maritime immediately by email at iap@rms.nsw.gov.au whenever there is a change to any of:

- a) the Operator's details (i.e. Operator's name, nominated contact person, Australian Business Number (ABN), email address, phone and fax numbers);
- b) the nominated vehicle's registration details (e.g. Registered Operator, registration number plate, VIN or Chassis);
- c) the IAP Service Provider.

The email must include the nominated vehicle's registration number plate and state and the new details.

Note: When an Operator informs Roads and Maritime of a change in the nominated vehicle's registration number plate, a new application for enrolment in IAP in NSW will be initiated by Roads and Maritime on behalf of the Operator.

6.3 Enrolment is not transferable

Enrolment in IAP is not transferable. The new Operator of the vehicle must re-apply for enrolment in IAP in NSW.

7 NETWORK ACCESS

Roads and Maritime publishes maps and/or lists of approved networks that are updated from time to time by the addition of new approved roads and the removal of roads that are no longer approved for use by HML modern road train; GML modular B-triple on and east of the Newell Highway; or HML modular B-triple.

Note: The maps and/or lists are the legally enforceable network in NSW for the respective vehicle type.

Each update will automatically supersede and rescind any prior versions in accordance with the provisions of Part 4.7 of Chapter 4 of the HVNL.

7.1 Modern road train operating at HML

HML modern road trains enrolled in the IAP in NSW are entitled to travel on the approved HML Type 1 A-double road train routes contained in the map and the additional list of roads approved for HML Type 1 A-double road trains specified under the heading 'HML Type 1 A-double road train routes' at www.rms.nsw.gov.au/rav-hml-networks.

7.2 Modular B-triple operating at GML travelling on and east of the Newell Highway

GML modular B-triples enrolled in the IAP in NSW are entitled to travel on the approved GML modular B-triple roads contained in the map and/or list specified under the heading 'GML Modular B-triple routes' at www.rms.nsw.gov.au/rav-gml-networks.

7.3 Modular B-triple operating at HML

HML modular B-triples enrolled in the IAP in NSW are entitled to travel on the approved HML modular B-triple roads contained in the map and/or list specified under the heading 'HML Modular B-triple routes' at www.rms.nsw.gov.au/rav-hml-networks.

7.4 PBS vehicle/combination

PBS vehicles/combinations enrolled in the IAP in NSW are entitled to travel on approved roads stipulated on the PBS access permit or National PBS Notice.

8 RESPONSIBILITIES AND OBLIGATIONS

8.1 Mass declaration requirements

- a) The Operator (or person acting on behalf of the Operator, including the driver) of the vehicle must meet the mass declaration requirements under the IAP by declaring:
 - i. the vehicle configuration; and
 - ii. the number of axles in the configuration; and
 - iii. the total mass of the vehicle or combination including the mass of the hauling unit, and any attached trailers plus any load onboard the vehicle or combination.

- b) The information contained in clause 8.1 a) i) to iii) must be declared at each of the following times:
 - i. at the start of the journey; and
 - ii. whenever there is a change in vehicle configuration; and
 - iii. whenever there is a change in the total mass of the vehicle or combination including the mass of the hauling unit, and any attached trailers plus any load onboard the vehicle or combination; and
 - iv. whenever prompted by the Self Declaration Input Device (SDID), if a SDID is available in the vehicle.

- c) Mass declaration requirements under the IAP must be made using one of the following methods:
 - i. through the SDID in the vehicle that is certified by Transport Certification Australia (TCA) and linked to the IAP Service Provider; or
 - ii. through an alternative method approved and certified by TCA.

9 AUDIT

The Operator:

- a) acknowledges that the NHVR or Roads and Maritime may from time to time audit compliance with these terms and conditions; and
- b) agrees upon request to promptly give the NHVR or Roads and Maritime or its nominee access to relevant records held by or under the control of that Operator; and
- c) agrees to be available to the NHVR or Roads and Maritime or its nominee upon request in order for the NHVR or its nominee to conduct the audit; and
- d) acknowledges that any information or documents supplied may be verified or validated.

10 ROADS AND MARITIME'S USE OF INFORMATION

Where Roads and Maritime is processing an IAP enrolment application, Roads and Maritime will manage all personal information provided by the Operator in accordance with the *Privacy and Personal Information Protection Act 1998 (NSW)*.

Information held by Roads and Maritime may be disclosed inside and outside NSW to driver licensing and vehicle registration agencies, law enforcement agencies, providers of compulsory third party (bodily injury) insurance, solicitors in regard to motor vehicle accidents, and to verify the contents of this application, for the administration of driver licensing and vehicle registration legislation and law enforcement, and for the purpose of the protection of public revenue, road safety, compulsory third party (bodily injury) insurance, and inquiries relating to motor accidents or abandoned vehicles.

The Operator has a right to access or correct personal information provided by it to Roads and Maritime in accordance with the provisions of the relevant privacy legislation.

11 ACKNOWLEDGMENTS AND LIABILITY

11.1 Roads and Maritime liability

The Operator indemnifies and will keep indemnified Roads and Maritime against all liability, loss, damage, claims, causes of action, costs and expenses directly or indirectly arising from or in connection with the submission by that Operator of information which is negligently prepared or misleading or fraudulent or personal information belonging to a person which the Operator discloses to Roads and Maritime without the consent of the person to who it relates.

11.2 Exclusion of terms

If the *Competition and Consumer Act 2010* (Cth) ("the Act") or similar legislation applies to these terms and conditions at any time (which is not admitted by Roads and Maritime), nothing in these terms and conditions excludes or limits any liability Roads and Maritime may have under the Act or similar legislation that Roads and Maritime is not permitted by law to exclude or limit, including liability to a "consumer" (as that term is defined in that Act). Roads and Maritime limits any liability it has to such a consumer for breach of a warranty implied under the Act or similar legislation to resupplying the services in respect of which the breach occurred.

Except as otherwise expressly stated in these Terms and Conditions, all terms, conditions, warranties, undertakings, inducements or representations whether express or implied, statutory or otherwise relating to these Terms and Conditions are excluded to the fullest extent permissible at law.

Nothing in these Terms and Conditions affects the liability of the Operator in relation to any road or vehicle offences.

12 TERM AND TERMINATION

12.1 Commencement

An IAP Certificate of Enrolment issued by Roads and Maritime is valid for up to 12 months.

12.2 Renewal of IAP Certificate of Enrolment

A confirmation renewal request will be emailed to the Operator contact person's email address around six weeks before the expiration of the current IAP Certificate of Enrolment. A new IAP Certificate of Enrolment will be issued by Roads and Maritime to the Operator at the email address provided for the nominated vehicle when the Operator confirms the vehicle still requires IAP in NSW and the vehicle information has been confirmed as currently held by Roads and Maritime.

Expired IAP Certificate of Enrolment must be disposed in a secure manner.

12.3 Termination

The Operator must contact Roads and Maritime to cancel their IAP enrolment for each of their enrolled vehicles that no longer require IAP in NSW.

Once IAP has been cancelled, the IAP Certificate of Enrolment issued by Roads and Maritime is no longer valid and the vehicle will no longer be allowed to operate in NSW with the network access or mass exemption available under the IAP.

IAP Certificate of Enrolment must be disposed in a secure manner.