



Queensland

Transport Operations (Road Use Management) Act 1995

Transport Operations (Road Use Management—Mass, Dimensions and Loading) Regulation 2005

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Reprint No. 2B

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Also see endnotes for information about—

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Transport Operations (Road Use Management—Mass, Dimensions and Loading) Regulation 2005

[as amended by all amendments that commenced on or before 29 September 2008]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Transport Operations (Road Use Management—Mass, Dimensions and Loading) Regulation 2005*.

2 Commencement

This regulation commences on 1 September 2005.

3 Definitions

The dictionary in schedule 11 defines particular terms used in this regulation.

4 Measurement of distance between axles

For this regulation, the distance between axles is measured between the centres of the wheels mounted on the axles and parallel to the length of the vehicle.

Part 2 Mass

Division 1 Preliminary

5 Application of pt 2

This part applies to a heavy vehicle when on a road.

6 Mass requirements

Schedules 1 and 4 set out mass requirements applying to heavy vehicles.

Division 2 Mass requirements

7 Compliance with requirements—vehicles

- (1) The person in control of a vehicle must ensure the vehicle complies with a mass requirement applying to it.

Maximum penalty—

- (a) for a minor risk breach—50 penalty units; or
 - (b) for a substantial risk breach—80 penalty units; or
 - (c) for an excessive overloading offence—50 penalty units; or
 - (d) for a dangerous overloading offence—80 penalty units.
- (2) In a proceeding for an offence against subsection (1) in relation to a minor risk breach or an excessive overloading offence, the person charged has the benefit of the reasonable steps defence for the offence.
- (3) In a proceeding for an offence against subsection (1) in relation to a substantial risk breach or a dangerous overloading offence, the person charged has the benefit of the reasonable steps defence for the offence but only so far as it relates to reliance on the weight stated in a container weight declaration.

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Editor's note—

See section 57G of the Act in relation to reliance on the container weight declaration.

8 Compliance with requirements—trailers

- (1) The person in control of a vehicle towing a trailer must ensure the trailer complies with a mass requirement applying to it.

Maximum penalty—

- (a) for a minor risk breach—50 penalty units; or
 - (b) for a substantial risk breach—80 penalty units; or
 - (c) for an excessive overloading offence—50 penalty units; or
 - (d) for a dangerous overloading offence—80 penalty units.
- (2) In a proceeding for an offence against subsection (1) in relation to a minor risk breach or an excessive overloading offence, the person charged has the benefit of the reasonable steps defence for the offence.
- (3) In a proceeding for an offence against subsection (1) in relation to a substantial risk breach or a dangerous overloading offence, the person charged has the benefit of the reasonable steps defence for the offence but only so far as it relates to reliance on the weight stated in a container weight declaration.

Editor's note—

See section 57G of the Act in relation to reliance on the container weight declaration.

9 Compliance with requirements—combinations

- (1) The person in control of a combination must ensure it complies with a mass requirement applying to it.

Maximum penalty—

- (a) for a minor risk breach—50 penalty units; or
- (b) for a substantial risk breach—80 penalty units; or

- (c) for an excessive overloading offence—50 penalty units;
or
 - (d) for a dangerous overloading offence—80 penalty units.
- (2) In a proceeding for an offence against subsection (1) in relation to a minor risk breach or an excessive overloading offence, the person charged has the benefit of the reasonable steps defence for the offence.
 - (3) In a proceeding for an offence against subsection (1) in relation to a substantial risk breach or a dangerous overloading offence, the person charged has the benefit of the reasonable steps defence for the offence but only so far as it relates to reliance on the weight stated in a container weight declaration.

Editor's note—

See section 57G of the Act in relation to reliance on the container weight declaration.

10 Alternative compliance

- (1) Sections 7 to 9 are provisions for which an alternative compliance scheme may be approved under section 15 of the Act.
- (2) The purpose of prescribing the provisions is to ensure the mass of a vehicle, trailer or combination mentioned in the provision, and the mass placed on components of the vehicle, trailer or combination is safe.

Division 3 Other provisions about mass

11 Vehicle tare

The tare of a vehicle may be determined—

- (a) by weighing the vehicle on a weighing device; or
- (b) from the certificate of registration in force for the vehicle under State or Commonwealth law.

12 Tyre mass

The tyre mass of a vehicle tyre may be determined by weighing on a weighing device.

13 Axle mass

- (1) An axle mass of a vehicle may be determined—
 - (a) for a single axle that is not part of a group of axles—by weighing with the tyres of the axle simultaneously on a weighing device; or
 - (b) for a group of axles—by weighing with the tyres of the group of axles simultaneously on a weighing device.
- (2) However, the axle mass of an axle fitted with dual tyres may be determined by placing only the outside tyres on the weighing device.

14 Axle mass—complying buses

- (1) This section applies despite schedule 1, section 1(6).
- (2) The total mass on the axles of a complying bus must not be more than—
 - (a) for a bus with 2 axles—16t; or
 - (b) for a bus with a rear tandem axle group fitted with single tyres on 1 axle and dual tyres on the other axle—20t; or
 - (c) for a bus with a rear tandem axle group fitted with dual tyres on both axles—22.5t.
- (3) The total mass on the axles of a complying bus with a trailer must not be more than the total of—
 - (a) the mass for the bus allowed under subsection (2); and
 - (b) the mass for the trailer allowed under schedule 2.
- (4) In this section—

air suspension system for a bus means a suspension system in which—

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- (a) vertical movement between each axle, and the body, of the bus is controlled by variations in the air pressure in an air spring; and
- (b) the proportion of the bus's mass that is borne by the air spring remains substantially constant despite variations in the air pressure in the air spring.

complying bus means a bus with 2 or 3 axles, including a single steer axle, that is fitted with an air suspension system and—

- (a) for a bus manufactured on or after 1 July 1994—
 - (i) has a compliance plate; and
 - (ii) meets the occupant protection specifications in ADR 68; or
- (b) for another bus, meets—
 - (i) the emergency exit specifications in ADR 44; and
 - (ii) the rollover strength specifications in ADR 59; and
 - (iii) the occupant protection specifications in ADR 68.

15 Axle mass for ultra-low floor route bus

- (1) This section applies despite schedule 1, section 1(6).
- (2) The total mass on the axles of an ultra-low floor route bus must not be more than 16t.
- (3) The total mass on the axles of an ultra-low floor route bus with a trailer must not be more than the total of—
 - (a) the mass for the bus allowed under subsection (2); and
 - (b) the mass for the trailer allowed under schedule 2.

16 Vehicle mass

The mass of a vehicle or vehicle combination may be determined—

- (a) by weighing all axles simultaneously on a weighing device; or

- (b) by totalling the axle mass of each axle of the vehicle or vehicle combination.

17 Other ways of determining mass may be used

This part does not limit the way a vehicle's tare or mass or a vehicle's tyre or axle mass may be determined.

18 Way of stating GVM

For the definition *GVM* in schedule 4 of the Act, the maximum loaded mass of a vehicle may be—

- (a) if the *GVM* is not stated on the vehicle's compliance plate, the compliance plate is illegible, or the vehicle has no compliance plate—stated in writing by the vehicle's manufacturer; or
- (b) for a vehicle registered—
 - (i) in Queensland—stated in the vehicle's registration certificate issued under a transport Act; or
 - (ii) in another State—stated in writing by the State's registration authority; or
- (c) stated in a certificate of modification for the vehicle, or in a modification plate attached to the vehicle, issued under—
 - (i) a transport Act; or
 - (ii) a corresponding law; or
- (d) if the *GVM* has not been stated in a way mentioned in paragraph (a), (b) or (c)—stated by the vehicle registration authority.

19 Proof of GCM or GVM

A certificate purporting to be signed by the chief executive or commissioner and stating the following matters for a vehicle is evidence of the matters—

- (a) a vehicle's *GCM* and the way it has been stated for the definition *GCM* in schedule 11;

- (b) a vehicle's GVM and the way it has been stated under the Act.

20 Proof of mass

- (1) In a proceeding under this regulation, a certificate of a servicing licensee or trade measurement inspector, stating that a weighing device was tested on a stated date, is, within 1 year after that date, evidence that the mass indicated by the weighing device is accurate to the extent stated in the certificate.

- (2) In this section—

servicing licensee means a licensee under a servicing licence granted under the *Trade Measurement Act 1990*.

trade measurement inspector means an inspector under the *Trade Measurement Administration Act 1990*.

21 Offences against this part

An offence against this part is an information offence for the Act, section 50.

Part 2A Container weight declarations

21A Application of pt 2A

This part applies to a freight container that is consigned for transport by road, or for transport partly by road and partly by some other means.

21B Meaning of *complying container weight declaration*

A container weight declaration for a freight container is a *complying container weight declaration* if—

- (a) it contains the following additional information—

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- (i) the number and other particulars of the freight container necessary to identify the container;
 - (ii) the name and residential address or business address in Australia of the responsible entity for the freight container;
 - (iii) the date of the declaration; and
- (b) it is written and easily legible; and

Note—

Under the *Acts Interpretation Act 1954*, section 36, writing includes any mode of representing or reproducing words in a visible form.

- (c) the information in the container weight declaration is in a form that is readily available to an authorised officer who seeks to ascertain it while in the presence of the freight container, including, for example, by—
- (i) examining documents located in or on the heavy vehicle on which the freight container is loaded or to be loaded; or
 - (ii) obtaining the information by radio or mobile telephone or by other means.

21C Duty of responsible entity

- (1) This section applies in relation to the transport in Queensland of a freight container by a heavy vehicle.
- (2) The responsible entity must not permit the operator or driver of the heavy vehicle to transport the freight container on a road in Queensland unless the operator or driver of the heavy vehicle has been provided with a complying container weight declaration for the freight container.

Maximum penalty—80 penalty units.

- (3) A person charged with an offence under this section has the benefit of the reasonable steps defence.

21D Duty of operator

- (1) This section applies in relation to the transport in Queensland of a freight container by a heavy vehicle.
- (2) The operator must not permit the driver of the heavy vehicle to transport the freight container on a road in Queensland unless the driver has been provided with a complying container weight declaration for the freight container.

Maximum penalty—80 penalty units.

- (3) If the freight container is to be transported by another carrier, the operator must not give the freight container to the carrier unless the carrier has been provided with a complying container weight declaration for the freight container (or the prescribed particulars contained in the declaration).

Maximum penalty—80 penalty units.

- (4) If the driver does not have the complying container weight declaration when transporting the freight container on a road in Queensland, the operator is taken to have contravened subsection (2) unless the operator establishes that the driver was provided with the declaration.
- (5) A person charged with an offence under this section has the benefit of the reasonable steps defence.
- (6) In this section—

prescribed particulars, contained in a complying container weight declaration for a freight container, means—

- (a) information about the weight of the freight container and its contents; and
- (b) the information mentioned in section 21B(a).

21E Duty of driver

- (1) A person must not drive a heavy vehicle loaded with a freight container on a road in Queensland unless the person has a container weight declaration for the container.

Maximum penalty—80 penalty units.

- (2) The driver of a heavy vehicle loaded with a freight container must, when driving the heavy vehicle on a road in Queensland, keep the complying container weight declaration for the container in or about the heavy vehicle in a way that enables the information in the container weight declaration to be readily available to an authorised officer who seeks to ascertain it while in the presence of the freight container.

Maximum penalty—80 penalty units.

- (3) A person charged with an offence under subsection (1) or (2) has the benefit of the reasonable steps defence.

Part 3 Vehicle dimensions

Division 1 Preliminary

22 Meaning of *rear overhang* and *rear overhang line* for pt 3

- (1) This section defines *rear overhang* and *rear overhang line* for this part.
- (2) The *rear overhang* of a vehicle is the distance between the rear of the vehicle and the rear overhang line of the vehicle.
- (3) For a vehicle with an axle group at the rear comprising only 1 axle, the *rear overhang line* is a line running along the centre of the axle.
- (4) For a vehicle with an axle group at the rear comprising 2 axles, 1 of which is fitted with twice the number of tyres as the other, the *rear overhang line* is a line running parallel to the axles that is—
- (a) closer to the axle carrying the greater number of tyres than it is to the other axle; and
 - (b) located at one-third of the distance between the 2 axles.
- (5) For a vehicle with an axle group at the rear that is not an axle group mentioned in subsection (3) or (4), the *rear overhang*

line is a line running parallel to the axles down the centre of the axle group.

- (6) For applying subsection (3), (4) or (5) to a vehicle—
- (a) an axle group is taken to comprise only the fixed and retractable axles in contact with the ground at the particular time the subsection is applied to the vehicle; and
 - (b) an axle group is taken not to comprise any steerable axle unless—
 - (i) the group comprises only 1 axle and that axle is a steerable axle; or
 - (ii) all the axles in the group are steerable axles.

23 Load and other things are part of vehicle's dimensions for pt 3

In this part, a vehicle is taken to include anything on the vehicle, unless otherwise stated.

Division 2 Particular dimensions

24 Length—motor vehicles

- (1) A person must not drive a vehicle on a road if the vehicle is longer than—
- (a) for a combination, other than a B-double or road train—19m; or
 - (b) for an articulated bus—18m; or
 - (c) for any other vehicle—12.5m.

Maximum penalty—

- (a) for a vehicle other than a heavy vehicle—40 penalty units; or
- (b) for a minor risk breach for a heavy vehicle—40 penalty units; or

- (c) for a substantial risk breach for a heavy vehicle—67 penalty units.
- (2) In a proceeding for an offence against subsection (1) in relation to a heavy vehicle, the person charged has the benefit of the reasonable steps defence for the offence.

25 Width

- (1) A person must not drive a vehicle on a road if the vehicle is wider than 2.5m.
Maximum penalty—
 - (a) for a vehicle other than a heavy vehicle—40 penalty units; or
 - (b) for a minor risk breach for a heavy vehicle—40 penalty units; or
 - (c) for a substantial risk breach for a heavy vehicle—67 penalty units.
- (2) When measuring the width of a vehicle for subsection (1), any of the following items that may be fitted to the vehicle are to be disregarded—
 - (a) anti-skid devices mounted on wheels;
 - (b) central tyre inflation systems;
 - (c) lights, mirrors, reflectors, signalling devices or tyre pressure gauges.
- (3) In a proceeding for an offence against subsection (1) in relation to a heavy vehicle, the person charged has the benefit of the reasonable steps defence for the offence.
- (4) Nothing in this section affects a person's liability for a contravention of section 34.

26 Height

- (1) A person must not drive a vehicle on a road if the vehicle is higher than—

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- (a) for a vehicle built to carry cattle, horses, pigs or sheep—4.6m; or
- (b) for a vehicle built with at least 2 decks for carrying vehicles, when carrying a vehicle on the upper deck—4.6m; or
- (c) for a double-decker bus—4.4m; or
- (d) for another vehicle—4.3m.

Maximum penalty—

- (a) for a vehicle other than a heavy vehicle—40 penalty units; or
 - (b) for a minor risk breach for a heavy vehicle—40 penalty units; or
 - (c) for a substantial risk breach for a heavy vehicle—67 penalty units.
- (2) In a proceeding for an offence against subsection (1) in relation to a heavy vehicle, the person charged has the benefit of the reasonable steps defence for the offence.

27 Ground clearance

- (1) A person must not drive a vehicle on a road if the vehicle has a ground clearance of less than—
- (a) at a point within 1m of an axle—100mm; and
 - (b) at the midpoint between adjacent axles—one-thirtieth of the distance between the centre of each axle; and
 - (c) at any other point—the distance that allows the vehicle to pass over a peak in the road if the gradient on either side of the peak is 1:15.

Maximum penalty—30 penalty units.

- (2) In this section—

ground clearance of a vehicle means the minimum distance between the ground and the vehicle's underside, other than its tyres, wheels, wheel hubs, brake backing plates, flexible mudguards and mudflaps.

28 Length—trailers

- (1) A person must not drive a vehicle towing a semitrailer or dog trailer on a road if the semitrailer or dog trailer does not comply with this section.

Maximum penalty—30 penalty units.

- (2) On a semitrailer or dog trailer, the distance from the front articulation point to—
 - (a) the rear overhang line must not be more than 9.5m; and
 - (b) the rear of the trailer must not be more than 12.3m.
- (3) The part of a semitrailer or anything attached to a semitrailer in front of the trailer's front articulation point, other than another vehicle, must not protrude beyond the prescribed limit.
- (4) The prescribed limit is an imaginary line created by drawing a semicircle of 1.9m radius from the centre of, and forward of, the front articulation point.
- (5) A semitrailer with more than 1 front articulation point must comply with subsections (2) and (3) when measured at one of the points.
- (6) A trailer built to carry cattle, horses, pigs or sheep (*animals*) on 2 or more partly or completely overlapping decks must not have more than 12.5m of its length available to carry animals.
- (7) In a B-double built to carry animals, the 2 semitrailers must not have more than 18.8m of their combined length available to carry animals.
- (8) For subsections (6) and (7), the length available for the carriage of animals on a trailer is measured from the inside of the front wall or door of the trailer to the inside of the rear wall or door of the trailer, with any intervening partitions disregarded.

29 Length—rear overhang

- (1) A person must not drive a vehicle on a road if the vehicle does not comply with this section.

Maximum penalty—30 penalty units.

- (2) The rear overhang of a vehicle must not be more than the lesser of 3.7m and—
 - (a) for a semitrailer or dog trailer—60% of the distance between the front articulation point and the rear overhang line; or
 - (b) for any other trailer—the distance between the front of the body or load carrying area and the rear overhang line; or
 - (c) for another vehicle—60% of the distance between the centre of the front axle and the rear overhang line.
- (3) A semitrailer with more than 1 front articulation point must comply with subsection (2)(a) when measured at the same point that is used for measurement for compliance under section 28(5).
- (4) Despite subsection (2), if a vehicle built to carry vehicles has at least 2 decks and a vehicle it is carrying overhangs its rear, the rear overhang of the vehicle built to carry vehicles must not be more than 4.9m.

30 Length—trailer drawbars

- (1) A person must not drive a vehicle towing a trailer on a road if the trailer does not comply with this section.
Maximum penalty—30 penalty units.
- (2) On a dog trailer, the distance between the coupling pivot point on the drawbar and the centre of the front axle group—
 - (a) must not be more than 5m; and
 - (b) if the trailer is used in a road train that is longer than 19m—must not be less than 3m.
- (3) On a trailer, other than a semitrailer, with only a single axle group, the distance between the coupling pivot point on the drawbar and the centre of the axle group must not be more than 8.5m.

Division 3 Projections

31 Meaning of *load* for div 3

In this division—

load includes equipment and the pole of a pole type trailer or jinker.

32 Measuring width for div 3

When measuring a vehicle's width for this division, a back-vision mirror, light or reflector attached to the vehicle is not to be taken into account.

33 Limits on projections of loads—motorbikes

- (1) This section applies only in relation to loads on motorbikes.
- (2) A person must not drive, park or stop a motorbike on a road if any load on the motorbike projects—
 - (a) for a motorbike without a sidecar—
 - (i) more than 150mm in front of the outer extremity of the motorbike's front wheel; or
 - (ii) more than 300mm behind the outer extremity of the motorbike's back wheel; or
 - (iii) past the outer extremity of the motorbike on either side; or
 - (b) for a motorbike with a sidecar—
 - (i) more than 600mm in front of the outer extremity of the motorbike's front wheel; or
 - (ii) more than 900mm behind the outer extremity of the motorbike's back wheel; or
 - (iii) past the outer extremity of the vehicle on either side; or
 - (c) for a motorbike trailer—
 - (i) more than 300mm behind the trailer; or

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- (ii) past the outer extremity of the trailer on either side.

Maximum penalty—20 penalty units.

- (3) If part of the load on a motorbike, or on a trailer towed by a motorbike, projects in a way that it would not be readily visible to a person following immediately behind the motorbike, the driver of the motorbike must ensure—
 - (a) a brightly coloured red, red and yellow, or yellow flag at least 450mm by 450mm is fixed to the extreme back of the load; and
 - (b) at night—
 - (i) a light showing a clear red light to the back, visible under normal atmospheric conditions at a distance of at least 200m, is fixed to the extreme back of the load; or
 - (ii) at least 2 reflectors, capable of projecting a red reflection of light from the headlight of any following vehicle, are fixed to the extreme back of the load.

Maximum penalty—20 penalty units.

34 Limits on projection of loads—motor vehicles other than motorbikes

- (1) This section applies in relation to loads on motor vehicles other than motorbikes.
- (2) A person must not drive, park or stop a motor vehicle on a road if any load on the vehicle projects—
 - (a) for a motor vehicle without a trailer—
 - (i) more than 1.2m in front of the motor vehicle's headlights; or
 - (ii) more than 1.2m behind the motor vehicle; or
 - (iii) more than 150mm past the outer extremity of the motor vehicle on either side; or
 - (b) for a motor vehicle with a trailer—

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- (i) more than 1.2m in front of the motor vehicle's headlights; or
- (ii) more than 1.2m behind either the motor vehicle or the trailer; or
- (iii) more than 150mm past the outer extremity of either the motor vehicle or the trailer on either side.

Maximum penalty—

- (a) for a vehicle other than a heavy vehicle—20 penalty units; or
 - (b) for a minor risk breach for a heavy vehicle—34 penalty units; or
 - (c) for a substantial risk breach for a heavy vehicle—67 penalty units.
- (3) Despite subsection (2), a load may project more than 1.2m behind either a motor vehicle or a trailer if—
- (a) a brightly coloured red, red and yellow, or yellow flag at least 450mm by 450mm is fixed to the extreme back of the load; and
 - (b) at night—
 - (i) a light showing a clear red light to the back, visible under normal atmospheric conditions at a distance of at least 200m, is fixed to the extreme back of the load; or
 - (ii) at least 2 reflectors, capable of projecting a red reflection of light from the headlight of any following vehicle, are fixed to the extreme back of the load.
- (4) If part of the load on a motor vehicle, or on a trailer towed by a motor vehicle, projects in a way that it would not be readily visible to a person following immediately behind the vehicle, the driver of the vehicle must ensure—
- (a) a brightly coloured red, red and yellow, or yellow flag at least 450mm by 450mm is fixed to the extreme back of the load; and
 - (b) at night—

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- (i) a light showing a clear red light to the back, visible under normal atmospheric conditions at a distance of at least 200m, is fixed to the extreme back of the load; or
- (ii) at least 2 reflectors, capable of projecting a red reflection of light from the headlight of any following vehicle, are fixed to the extreme back of the load.

Maximum penalty—20 penalty units.

- (5) In a proceeding for an offence against subsection (2) in relation to a heavy vehicle, the person charged has the benefit of the reasonable steps defence for the offence.

35 Limits on projections of loads—vehicles drawn by an animal

- (1) A person must not drive, park or stop a vehicle drawn by an animal on a road if any load on the vehicle projects—
 - (a) past the animal's head; or
 - (b) if the vehicle is a 2-wheeled vehicle—more than 1m behind the vehicle's body; or
 - (c) if the vehicle is a 4-wheeled vehicle—more than 1m behind the vehicle's body or the back wheels; or
 - (d) if the vehicle is a pole type jinker—behind the back end of the pole; or
 - (e) more than 300mm past the outer extremity of the vehicle's body or wheels on either side.

Maximum penalty—20 penalty units.

- (2) Despite subsection (1), a load may project more than 1m behind a vehicle drawn by an animal, if—
 - (a) a brightly coloured red, red and yellow, or yellow flag at least 450mm by 450mm is fixed to the extreme back of the load; and
 - (b) at night—

- (i) a light showing a clear red light to the back, visible under normal atmospheric conditions at a distance of at least 200m, is fixed to the extreme back of the load; or
- (ii) at least 2 reflectors, capable of projecting a red reflection of light from the headlight of any following vehicle, are fixed to the extreme back of the load.

36 Division does not affect div 2

Nothing in this division authorises a person to drive a vehicle on a road other than in compliance with the requirements of a provision of division 2.

Division 4 Information offences

37 Offences against this part

An offence against this part is an information offence for the Act, section 50.

Part 4 Loading

Division 1 Preliminary

38 Application of part

This part applies to a load on a vehicle or combination on a road.

39 Definition for pt 4

In this part—

schedule 7 loading requirement, for a vehicle, means a provision of schedule 7 applying to it.

Division 2 Loading requirements

40 Compliance with requirements—vehicles

- (1) The person in control of a vehicle must ensure a load on it complies with a schedule 7 loading requirement applying to it.

Maximum penalty—

- (a) for a private vehicle—20 penalty units; or
 - (b) for a prescribed heavy vehicle other than a heavy vehicle—40 penalty units; or
 - (c) for a minor risk breach for a heavy vehicle—40 penalty units; or
 - (d) for a substantial risk breach for a heavy vehicle—67 penalty units.
- (2) In a proceeding for an offence against subsection (1) in relation to a heavy vehicle, the person charged has the benefit of the reasonable steps defence for the offence.

41 Compliance with requirements—trailers

- (1) The person in control of a vehicle towing a trailer must ensure the trailer complies with a schedule 7 loading requirement applying to it.

Maximum penalty—

- (a) for a private vehicle—20 penalty units; or
- (b) for a prescribed heavy vehicle other than a heavy vehicle—40 penalty units; or
- (c) for a minor risk breach for a heavy vehicle—40 penalty units; or
- (d) for a substantial risk breach for a heavy vehicle—67 penalty units.

- (2) In a proceeding for an offence against subsection (1) in relation to a heavy vehicle, the person charged has the benefit of the reasonable steps defence for the offence.

42 Compliance with requirements—combinations

- (1) The person in control of a combination must ensure it complies with a schedule 7 loading requirement applying to it.

Maximum penalty—

- (a) for a private vehicle—20 penalty units; or
 - (b) for a prescribed heavy vehicle other than a heavy vehicle—40 penalty units; or
 - (c) for a minor risk breach for a heavy vehicle—40 penalty units; or
 - (d) for a substantial risk breach for a heavy vehicle—67 penalty units.
- (2) In a proceeding for an offence against subsection (1) in relation to a heavy vehicle, the person charged has the benefit of the reasonable steps defence for the offence.

Division 3 Other provisions

43 Proof of schedule 7 loading offences

In a proceeding for an offence against a schedule 7 loading requirement—

- (a) evidence that a load on a vehicle was not placed, secured or restrained in a way that met a performance standard under the ‘Load restraint guide’ is evidence of a contravention of a schedule 7 loading requirement;¹ and
- (b) evidence that a load, or part of a load, has fallen off a vehicle is evidence that the load was not properly secured; and

¹ The ‘Load restraint guide’ is published by the National Transport Commission and may be accessed on the commission’s website at <www.ntc.gov.au>.

- (c) a court must presume a document purporting to be the ‘Load restraint guide’ is the ‘Load restraint guide’, until the contrary is proved.

44 Offences against this part

An offence against this part is an information offence for the Act, section 50.

Part 5 Protection of roads and structures

45 Damage to road transport infrastructure

- (1) A person must not use, or permit to be used, on a State-controlled road, whether with a gravel formation or sealed surface, a vehicle or other kind of equipment that may damage the road, other than under a permit issued under section 46.

Maximum penalty—80 penalty units.

- (2) A person must not use, or permit to be used, on a State-controlled road, a vehicle or other kind of equipment that is not fitted with pneumatic or rubber tyres, other than—
- (a) under a permit issued under section 46; or
- (b) for the construction of works for, or the maintenance of, road transport infrastructure.

Maximum penalty—80 penalty units.

46 Application for, and issue of, permit

- (1) A person who proposes to use a vehicle or other equipment for which a permit is required under section 45 may apply to the chief executive for a permit under this section.
- (2) The application—

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- (a) must be written; and
 - (b) must be made to the chief executive at least 10 business days before the vehicle or other equipment is used on the State-controlled road.
- (3) The chief executive may issue the permit, with or without conditions, or refuse to issue the permit.
- (4) A permit may include conditions about—
- (a) the State-controlled roads on which the vehicle or other equipment may be used; and
 - (b) the period for which the vehicle or other equipment may be used on State-controlled roads; and
 - (c) the maximum mass and dimensions for the vehicle or other equipment; and
 - (d) preparing or strengthening road transport infrastructure; and
 - (e) the repair, replacement or reconstruction of road transport infrastructure; and
 - (f) other matters the chief executive considers necessary or appropriate.
- (5) Before granting the permit, or as a condition of it, the chief executive may require the applicant to pay the chief executive's costs or estimated costs of the following—
- (a) assessing the vehicle's route and preparing the relevant plans and estimates;
 - (b) preparing and strengthening road transport infrastructure on the route;
 - (c) repairing, replacing or reconstructing road transport infrastructure on the route;
 - (d) ensuring compliance with a condition or a proposed condition of the permit.
- (6) A permit issued under this section is void if a condition included in the permit is contravened.

47 Restriction of loads on structures

- (1) The chief executive may—
 - (a) decide the maximum loaded mass for a vehicle that may use a bridge or culvert forming part of a State-controlled road; and
 - (b) erect on or in the vicinity of the bridge or culvert a conspicuous notice stating—
 - (i) the maximum loaded mass for a vehicle that may use the bridge or culvert; and
 - (ii) any reasonable and relevant conditions the chief executive considers should apply for the safe use of the bridge or culvert by a vehicle.
- (2) A person must not drive a vehicle over a bridge or culvert if—
 - (a) a notice has been erected under subsection (1)(b) in relation to the bridge or culvert; and
 - (b) at least 1 of the following applies—
 - (i) the loaded mass of the vehicle is greater than the mass stated on the notice as the maximum loaded mass for a vehicle that may use the bridge or culvert;
 - (ii) the vehicle is driven in a way that contravenes a condition stated in the notice as applying for the safe use of the bridge or culvert by a vehicle.

Maximum penalty—80 penalty units.

- (3) A person does not contravene subsection (2) if the person—
 - (a) before driving the vehicle over the bridge or culvert, obtains the written consent of the chief executive to drive the vehicle over the bridge or culvert; and
 - (b) in driving the vehicle over the bridge or culvert, complies with all conditions to which the chief executive subjects the written consent.

Part 6 Guidelines and permits

Division 1 Guidelines

48 Guidelines for safe movement of vehicles

- (1) The chief executive may, by gazette notice, issue a guideline for the safe movement on a road of a type of vehicle.
- (2) A guideline can not allow a combination to be more than—
 - (a) for a combination consisting of 1 motor vehicle—the motor vehicle’s GCM; or
 - (b) for a combination consisting of more than 1 motor vehicle—the total of each motor vehicle’s GCM.
- (3) The matters a guideline may relate to include the following—
 - (a) the roads on which the type of vehicle may be driven;
 - (b) the maximum permissible dimensions of the type of vehicle together with any load;
 - (c) the maximum permissible mass of—
 - (i) the type of vehicle together with any load; or
 - (ii) parts of the type of vehicle;
 - (d) any permissible or requisite modifications to the type of vehicle;

Example of paragraph (d)—

Extra lighting may be required to be added to the side of a vehicle carrying a wide load.

- (e) the times when the type of vehicle may be driven;
- (f) signs and warning devices to be displayed on the type of vehicle;
- (g) when the type of vehicle must travel with a pilot vehicle or escort vehicle;
- (h) requirements for pilot vehicles and pilot vehicle drivers, and escort vehicles and escort vehicle drivers;

- (i) the maximum speeds at which the type of vehicle may be driven;
 - (j) operating the type of vehicle under the IAP;
 - (k) other matters relevant to the safe movement of the type of vehicle.
- (4) The roads on which the type of vehicle may be driven may be shown on a map in the guideline.
- (5) If a guideline relates to operating a type of vehicle under the IAP, the guideline must state that the operator of a vehicle of that type must obtain a certificate under section 55B before operating the vehicle under the IAP.

49 Statutory condition on guidelines for oversize vehicles

- (1) A guideline for a type of oversize vehicle is issued on the conditions stated in schedule 8 for the guideline.
- (2) A condition imposed under subsection (1) applies despite any other provision of the guideline.

50 Driving under guideline

- (1) A person who is driving a type of vehicle in accordance with a current guideline issued for the type of vehicle is exempt from complying with the provisions of this regulation for which the guideline states it is a means of alternative compliance.
- (2) However, a guideline that is a means of alternative compliance for driving a pilot or escort vehicle need not state that fact.
- (3) A person must ensure a sign or warning device that is required under a guideline is not displayed on a vehicle being driven by the person unless the person is driving the vehicle for the purpose for which the guideline was issued.

Maximum penalty—40 penalty units.

Division 2 Permits

51 Permits for safe movement of vehicles

- (1) The chief executive may issue a permit for the safe movement on a road of a particular vehicle or type of vehicle.
- (2) The commissioner may issue a permit for the safe movement on a road of a particular oversize vehicle or type of oversize vehicle.
- (3) The chief executive or commissioner may issue a permit by phone, fax, radio or another form of communication if the chief executive or commissioner considers it necessary because of urgent circumstances.
- (4) A permit can not allow a combination to be more than—
 - (a) for a combination consisting of 1 motor vehicle—the motor vehicle’s GCM; or
 - (b) for a combination consisting of more than 1 motor vehicle—the total of each motor vehicle’s GCM.
- (5) The matters a permit may relate to include the following—
 - (a) the roads on which the vehicle or type of vehicle may be driven;
 - (b) the maximum permissible dimensions of the vehicle or type of vehicle together with any load;
 - (c) the maximum permissible mass of—
 - (i) the vehicle or type of vehicle together with any load; or
 - (ii) parts of the vehicle or type of vehicle;
 - (d) any permissible or requisite modifications to the vehicle or type of vehicle;

Example of paragraph (d)—

Extra lighting may be required to be added to the side of a vehicle or type of vehicle carrying a wide load.

- (e) the times when the vehicle or type of vehicle may be driven;

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- (f) signs and warning devices to be displayed on the vehicle or type of vehicle;
 - (g) when the vehicle or type of vehicle must travel with a pilot vehicle or escort vehicle;
 - (h) requirements for pilot vehicles and pilot vehicle drivers, and escort vehicles and escort vehicle drivers;
 - (i) the maximum speeds at which the vehicle or type of vehicle may be driven;
 - (j) operating the vehicle or type of vehicle under the IAP;
 - (k) other matters relevant to the safe movement of the vehicle or type of vehicle.
- (6) The roads on which the vehicle or type of vehicle may be driven may be shown on a map in the permit.
- (7) If a permit relates to operating a vehicle, or type of vehicle, under the IAP, the permit must state that the operator of the vehicle, or a vehicle of that type, must obtain a certificate under section 55B before operating the vehicle under the IAP.

52 Statutory condition on permits for oversize vehicles

- (1) A permit for a particular oversize vehicle or type of oversize vehicle mentioned in section 51 is issued on the conditions stated in schedule 8 for the permit.
- (2) A condition imposed under subsection (1) applies despite any other provision of the permit.

53 Permit contents and conditions

- (1) A permit, other than a permit issued under alternative arrangements under section 54, must state—
 - (a) if the permit relates to a particular vehicle, the registration number of the vehicle it relates to; and
 - (b) the name and address of the person to whom the permit is issued; and
 - (c) how long the permit is in force for; and

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- (d) the conditions of the permit.
- (2) The conditions of a permit may include a condition requiring the permit holder—
 - (a) to pay the reasonable costs incurred by the State in relation to the issue of the permit, including, for example, the costs of—
 - (i) assessing the roads the vehicle is to be driven on; and
 - (ii) preparing any relevant plans and cost estimates; and
 - (iii) preparing or strengthening road transport infrastructure; and
 - (iv) repairing, replacing or reconstructing road transport infrastructure; and
 - (v) ensuring the permit conditions are observed; and
 - (b) to deposit an amount reasonably required by the chief executive as security for the costs mentioned in paragraph (a).
- (3) If, no later than 28 days after the permit ends, the chief executive decides an amount deposited as a condition of the permit is not sufficient security for the costs, the chief executive may require a further amount to be deposited within a reasonable stated time.
- (4) The chief executive must, within 28 days after the permit ends—
 - (a) calculate the costs incurred by the State; and
 - (b) if the costs incurred are less than the amount deposited as security for costs, refund the difference to the permit holder.

54 Alternative arrangements for permits

- (1) The chief executive may enter into an arrangement with a person for the issue to the person of a permit other than in accordance with the requirements of sections 51 and 53.

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- (2) The arrangement—
- (a) may only be made in circumstances in which it is impracticable for the requirements of sections 51 and 53 to be fully complied with; and
 - (b) must provide for compliance with sections 51 and 53 to the greatest practicable extent.

Example of arrangement under subsections (1) and (2)—

The issue of a permit for a particular journey using a 2-stage process for the issue of the permit that involves—

- (a) the identification, in a document of general application, of the contents of permits to apply for all journeys of a particular type; and
- (b) completing the issue of the permit for the particular journey by the electronic issue of a ticket.

55 Driving under permit

- (1) A person is exempt from complying with the provisions of this regulation for which a current permit states it is a means of alternative compliance if the person is—
 - (a) driving a vehicle in accordance with the permit; and
 - (b) carrying the permit in the vehicle.
- (2) However, a permit that is a means of alternative compliance for driving a pilot or escort vehicle need not state that fact.
- (3) A person must ensure a sign or warning device that is required under a permit is not displayed on a vehicle being driven by the person unless the person is driving the vehicle for the purpose for which the permit was issued.

Maximum penalty—40 penalty units.

Division 3 IAP conditions and procedure before operating under IAP etc.

55A IAP conditions

- (1) This section applies if—

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- (a) a guideline relates to operating a type of vehicle under the IAP; or
 - (b) a permit relates to operating a vehicle or type of vehicle under the IAP.
- (2) The ***IAP conditions*** for vehicles operating under the IAP are—
- (a) the conditions stated in schedule 8 for the guideline or permit; and
 - (b) the conditions stated in the guideline or permit about a heavy vehicle's access, or improved access, to the road network under the IAP.
- (3) The IAP conditions—
- (a) must state at least 1 IAP road (***spatial data***); and
 - (b) may state 1 or more of the following—
 - (i) periods during which IAP vehicles are permitted to use the stated IAP road (***temporal data***);
 - (ii) maximum speeds at which IAP vehicles may travel during that use (***speed data***);
 - (iii) any other condition of access to the IAP road, for example, a condition about mass limits.
- (4) If the IAP conditions do not state speed data, the IAP conditions are taken to authorise the use of IAP vehicles on the IAP road at any speed at which a non-IAP vehicle of the same class could be used on the IAP road.
- (5) If the IAP conditions state speed data, the IAP conditions do not authorise an IAP vehicle to travel at a speed in excess of a speed limit that applies to vehicles generally.
- (6) If the IAP conditions do not state temporal data, the IAP conditions are taken to authorise the use of IAP vehicles on the IAP road at any time at which a non-IAP vehicle of the same class could be used on the IAP road.
- (7) The IAP conditions may require an IAP vehicle to be monitored whether or not it uses an IAP road.
- (8) In this section—

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IAP road means a road or road-related area for use by an IAP vehicle.

55B Procedure to obtain certificate relating to IAP vehicle

- (1) This section applies if—
 - (a) under section 48(5), the operator of a vehicle of a particular type must obtain a certificate under this section before operating the vehicle under the IAP; or
 - (b) under section 51(7), the operator of a vehicle, or a vehicle of a particular type, must obtain a certificate under this section before operating the vehicle under the IAP.
- (2) The operator of the vehicle must give the chief executive a request, in the approved form, for a notice from the chief executive stating that the operator may enter into an IAP agreement for the vehicle.
- (3) The approved form may be combined with the approved forms under sections 55C and 55D.
- (4) If the operator of the vehicle gives the chief executive a request under subsection (2) for the vehicle, the chief executive must give the operator a written notice stating that the operator may enter into an IAP agreement for the vehicle.
- (5) After the operator of the vehicle has received written notice under subsection (4), the operator may enter into an IAP agreement for the vehicle.
- (6) If an IAP service provider gives the chief executive written notice that the IAP service provider has entered into an IAP agreement with the operator of the vehicle, the chief executive must give the operator a certificate under subsection (7) for the vehicle.
- (7) The certificate must—
 - (a) identify the IAP conditions to which the vehicle is subject, by reference to the guideline or permit; and
 - (b) state the effect of section 55A(4) and (6).

55C Notice of change of information contained in request

If there is a change in any of the information contained in a request under section 55B(2) made by the operator of a vehicle, the operator must give the chief executive notice in the approved form of the change within 14 days after the change.

Maximum penalty—20 penalty units.

55D Notice that operator no longer wants to operate vehicle under IAP

- (1) The operator of an IAP vehicle may give the chief executive notice, in the approved form, that the operator no longer wants to operate the vehicle under the IAP.
- (2) On receipt of the notice by the chief executive, the operator can no longer operate the vehicle under the IAP.
- (3) Subsection (2) applies despite anything stated in this regulation or a guideline or permit under part 6.

Part 6A Intelligent access program

Division 1 Preliminary

55E What this part is about

This part states the powers, functions, duties and obligations applying to a person in relation to the IAP.

55F Meaning of *malfunctions*

An approved intelligent transport system *malfunctions* if—

- (a) it ceases to work at all, or works only intermittently; or
- (b) it does not perform a function required under the IAP, or performs the function only intermittently; or

- (c) it performs a function required under the IAP in a way that the results of it doing so are inaccurate or unreliable, including intermittently inaccurate or unreliable.

55G Meaning of *noncompliance report*

- (1) A *noncompliance report* is a report, made by an approved intelligent transport system, of a contravention by an IAP vehicle of the IAP conditions.
- (2) A *noncompliance report* may include information generated by an approved intelligent transport system about apparent tampering with, or malfunctioning of, the system.

Division 2 Powers and duties of chief executive in relation to IAP

55H Issue of IAP identifiers

- (1) The chief executive may issue an IAP identifier for an IAP vehicle.
- (2) If an IAP identifier is, or becomes, known to a person or entity that has the ability to associate it with a particular individual, the person or entity must treat the identifier as personal information for the purposes of a law relating to privacy.

Division 3 Duties and obligations of operators of IAP vehicles

55I Operator of an IAP vehicle providing false or misleading information to IAP service provider

- (1) The operator of an IAP vehicle commits an offence if—
 - (a) the operator gives information to an IAP service provider with whom the operator has entered into an IAP agreement; and

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- (b) the information is relevant to the operation of the IAP vehicle; and
- (c) the operator knows, or could reasonably be expected to know, the information is false or misleading in a material particular.

Maximum penalty—80 penalty units.

- (2) Subsection (1) does not apply if the operator gives the information in writing and, when giving the information—
 - (a) tells the IAP service provider, to the best of the operator's ability, how it is false or misleading; and
 - (b) if the operator has, or can reasonably obtain, the correct information—gives the correct information in writing.
- (3) Without limiting subsection (1)(b), information about the IAP conditions that apply, or are capable of applying, to an IAP vehicle is relevant to the operation of the IAP vehicle.
- (4) The operator of a vehicle commits an offence if—
 - (a) the operator gives information to an IAP service provider; and
 - (b) the operator intends that the IAP service provider will enter into an IAP agreement with the operator in reliance on the information; and
 - (c) the operator knows, or could reasonably be expected to know, the information is false or misleading in a material particular.

Maximum penalty—80 penalty units.

- (5) Subsection (4) does not apply if the operator gives the information in writing and, when giving the information—
 - (a) tells the IAP service provider, to the best of the operator's ability, how it is false or misleading; and
 - (b) if the operator has, or can reasonably obtain, the correct information—gives the correct information in writing.
- (6) It is enough for a complaint against an operator for an offence against subsection (1) or (4) to state that the information given was false or misleading to the operator's knowledge.

55J Participating operators' obligation to tell IAP vehicle drivers about collection of personal information and other matters

- (1) A participating operator who operates an IAP vehicle must take reasonable steps to give the IAP vehicle's driver the following information, before the IAP vehicle begins a journey—
 - (a) that the IAP vehicle will be monitored by an IAP service provider;
 - (b) the information that will be collected by the IAP service provider;
 - (c) the purposes for which the information will be collected;
 - (d) the persons and entities to whom the information collected may be disclosed;
 - (e) that the collection of the information is authorised under this part;
 - (f) that, under this part, the driver has rights of access to the information or to have the information changed to ensure it is accurate, up-to-date and complete;
 - (g) how the rights mentioned in paragraph (f) can be exercised;
 - (h) the name and address of the IAP service provider.

Maximum penalty—80 penalty units.

- (2) A participating operator who operates an IAP vehicle must take reasonable steps to tell the IAP vehicle's driver before the IAP vehicle begins a journey—
 - (a) about the IAP vehicle driver's obligation under section 55L; and
 - (b) how the IAP vehicle driver can make the reports required by that obligation.

Maximum penalty—80 penalty units.

- (3) A participating operator who operates an IAP vehicle is taken to comply with subsections (1) and (2) if the operator—

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- (a) places a notice that gives the information mentioned in subsections (1) and (2) in a place in the IAP vehicle's driving cab where it is clearly visible; or
 - (b) gives the information mentioned in subsections (1) and (2) to the IAP vehicle's driver in writing as part of a written contract of employment between the IAP vehicle driver and the participating operator.
- (4) TCA may approve—
- (a) a form of notice that may be used under subsection (3)(a); and
 - (b) for subsection (3)(b), a standard form of words that may be used as part of a written contract of employment.
- (5) If TCA approves a form of notice that may be used under subsection (3)(a), TCA must make the form available on the IAP website.
- (6) If TCA approves a standard form of words as mentioned in subsection (4)(b), TCA must make the standard form of words available on the IAP website.

55K System malfunctions—obligations of participating operators

- (1) If a participating operator who operates an IAP vehicle becomes aware that an approved intelligent transport system fitted to the IAP vehicle is malfunctioning, the participating operator must immediately report the malfunction to the chief executive in person or by telephone, fax or email.

Maximum penalty—50 penalty units.

- (2) The participating operator must keep, for at least 4 years, a written record of a report of a malfunction under subsection (1), containing the following particulars—
- (a) the type of malfunction to which the report relates;
 - (b) the date and time the person making the report became aware of the malfunction;
 - (c) the location of the vehicle when the person making the report became aware of the malfunction;

- (d) the date and time the report was made;
- (e) the location of the vehicle when the report was made;
- (f) the way, by telephone, fax, email or in person, that the report was made;
- (g) the name of the individual who made the report;
- (h) the name of the individual to whom the report was made.

Maximum penalty—50 penalty units.

Division 4 Obligations of IAP vehicle drivers

55L System malfunctions—obligations of IAP vehicle drivers

If the driver of an IAP vehicle becomes aware that an approved intelligent transport system fitted to the IAP vehicle is malfunctioning, the driver must immediately report the malfunction to the IAP vehicle's participating operator in person or by radio, telephone, fax or email.

Maximum penalty—50 penalty units.

Division 5 Duties, powers and obligations of IAP service providers

55M IAP service providers' duties in relation to use and disclosure of IAP information

An IAP service provider must not use or disclose IAP information other than as required or authorised under this regulation or another law.

Maximum penalty—80 penalty units.

55N IAP service providers' powers to collect information that will become IAP information and hold, store, use and disclose IAP information

- (1) An IAP service provider may, for compliance purposes—

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- (a) collect information that when collected will become IAP information; and
 - (b) hold, store and use IAP information.
- (2) An IAP service provider may disclose IAP information to the chief executive, or to TCA, for compliance purposes.
- (3) With the consent of a participating operator, an IAP service provider may disclose IAP information about the participating operator to a person other than the participating operator for any purpose if the information—
 - (a) does not identify any individual; and
 - (b) contains nothing by which the identity of any individual can reasonably be found out.
- (4) An IAP service provider may disclose IAP information, other than the following information, about a participating operator to the participating operator—
 - (a) a report under section 55U;
 - (b) information that a report under section 55U has been made;
 - (c) any information from which the participating operator could reasonably infer that a report under section 55U has been made.
- (5) Also, an IAP service provider may use or disclose IAP information—
 - (a) if the IAP information is personal information—with the consent of the individual that the personal information is about; or
 - (b) as otherwise authorised by this regulation or any other law.
- (6) In this section—

compliance purposes means—

 - (a) deciding whether a transport Act or an alternative compliance scheme has been contravened; or
 - (b) checking compliance with a transport Act or an alternative compliance scheme.

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Example of checking compliance with a transport Act—

checking whether a person is driving in accordance with a guideline or permit issued under part 6

55O IAP service provider must give IAP auditor and TCA access to record

An IAP service provider must give an IAP auditor and TCA access to a record kept by the IAP service provider for the purposes of this part.

Maximum penalty—80 penalty units.

55P IAP service providers' duties in relation to recording use and disclosure of IAP information

- (1) If an IAP service provider uses or discloses IAP information, other than in relation to the IAP or for law enforcement purposes, the IAP service provider must make a record of the use or disclosure in a way complying with subsection (2) and containing the following information—
 - (a) the name of the person who used or disclosed the IAP information;
 - (b) the date of the use or disclosure;
 - (c) for a use of IAP information by the IAP service provider, a brief description of how the information was used;
 - (d) for a disclosure of IAP information by the IAP service provider, the person or entity to whom the information was disclosed;
 - (e) the provision of this regulation or the other law that authorised the use or disclosure;
 - (f) if the use or disclosure is authorised only with a particular document, for example, a warrant, a certificate or a consent, a copy of the document.

Maximum penalty—80 penalty units.

- (2) An IAP service provider must make a record under subsection (1)—

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- (a) within 5 business days after the relevant use or disclosure; and
 - (b) in a form that allows the record to be readily inspected.
- (3) An IAP service provider must keep a record made under subsection (1) for at least 2 years.

Maximum penalty for subsection (3)—80 penalty units.

55Q IAP service providers' obligations relating to quality and security of IAP information

- (1) An IAP service provider must take reasonable steps to ensure that the IAP information the IAP service provider collects—
- (a) is necessary for, or is directly related to, the purpose for which it is collected, or a directly related purpose; and
 - (b) is not excessive for that purpose; and
 - (c) is accurate, up-to-date and complete.

Maximum penalty—50 penalty units.

- (2) An IAP service provider must take reasonable steps to ensure that the collection of IAP information does not intrude to an unreasonable extent on the personal privacy of any individual to whom the information relates.

Maximum penalty—50 penalty units.

- (3) If asked by an individual about whom an IAP service provider holds personal information to make a particular change to the personal information, the IAP service provider must make the change if it is satisfied the change is appropriate to ensure the personal information is accurate, up-to-date and complete.

Maximum penalty—50 penalty units.

- (4) If an IAP service provider is not satisfied as mentioned in subsection (3) in relation to a request under the subsection, the IAP service provider may refuse to comply with the request.

- (5) If, under subsection (4), an IAP service provider refuses to comply with an individual's request under subsection (3), the IAP service provider must—

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- (a) give the individual a written statement of the IAP service provider's reasons for refusing; and
- (b) if asked by the individual, attach to or include with the personal information the request or a record of the request.

Maximum penalty for subsection (5)—50 penalty units.

55R IAP service providers' obligations relating to records of monitoring

- (1) An IAP service provider must keep, in a way complying with subsection (2), records of the IAP information that the IAP service provider collects.

Maximum penalty—80 penalty units.

- (2) Records kept under subsection (1) must be organised in a way that allows the records to be conveniently and properly audited.
- (3) An IAP service provider must keep—
 - (a) a copy of a noncompliance report made by an approved intelligent transport system used by the IAP service provider; and
 - (b) the information that was relied on to make the report; for at least 4 years after the report is made.

Example of information that was relied on to make the report—

GPS information about a vehicle's position at a particular time

Maximum penalty—80 penalty units.

- (4) An IAP service provider must take reasonable steps to protect IAP information collected by the IAP service provider against unauthorised access, unauthorised use, misuse, loss, modification or unauthorised disclosure.

Maximum penalty—80 penalty units.

- (5) An IAP service provider must take reasonable steps to destroy IAP information held by the IAP service provider, other than

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information required to be kept under subsection (3), 1 year after the information is collected by the IAP service provider.

Maximum penalty for subsection (5)—80 penalty units.

55S IAP service providers' obligation to make individuals aware of personal information held

- (1) An IAP service provider must prepare, and make publicly available, a document that sets out its policies on the management of personal information held by it.

Examples of how a document is made publicly available—

- making a document available at an office of the IAP service provider
- making a document available on the IAP service provider's website

Maximum penalty—80 penalty units.

- (2) If asked by an individual about whom an IAP service provider holds personal information, the IAP service provider must, within 28 days after receiving the request, give the individual the following information if the IAP service provider can reasonably give the information—

- (a) the kinds of information the IAP service provider holds about the individual;
- (b) the purpose for which the information is held;
- (c) the way in which the IAP service provider collects, holds, uses and discloses the information;
- (d) the persons and entities to whom the information may be disclosed;
- (e) that the collection of the information is authorised under this part;
- (f) that, under this part, the individual has rights of access to the information or to have the information changed to ensure it is accurate, up-to-date and complete;
- (g) how the rights mentioned in paragraph (f) can be exercised.

Maximum penalty—80 penalty units.

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- (3) An IAP service provider does not commit an offence against subsection (2) if—
- (a) it is not possible for the IAP service provider to give the individual the information required to be given under subsection (2) (the *required information*) within 28 days after receiving the request; and
 - (b) the IAP service provider—
 - (i) within 28 days after receiving the request, gives the individual an interim reply that—
 - (A) gives the individual as much of the required information as the IAP service provider can give within the 28 days; and
 - (B) states the reason the IAP service provider can not give the individual the rest of the required information; and
 - (C) states an estimate of how long it will take the IAP service provider to give the individual the rest of the required information; and
 - (ii) as soon as possible after the interim reply is given to the individual, takes reasonable steps to give the individual the rest of the required information.
- (4) An IAP service provider must, if asked by an individual about whom the IAP service provider holds personal information, give the individual access to the personal information without undue delay or cost.

Maximum penalty—80 penalty units.

- (5) Subsection (2), (3) or (4) does not require an IAP service provider—
- (a) to inform an individual that a report under section 55T or 55U exists or has been made; or
 - (b) to give an individual access to the report.

55T IAP service providers' obligation to give noncompliance reports

- (1) An IAP service provider commits an offence if—

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- (a) an approved intelligent transport system used by the IAP service provider has detected a breach by a participating operator of the IAP conditions; and
- (b) the IAP service provider does not give a noncompliance report complying with subsection (2) to the chief executive within the time allowed under subsection (3).

Maximum penalty—80 penalty units.

- (2) A noncompliance report given under subsection (1) must—
 - (a) be in the form approved for the purpose by TCA; and
 - (b) contain any information reasonably required by TCA.
- (3) An IAP service provider must give a noncompliance report under subsection (1) within the time required by TCA.
- (4) TCA must, as part of the certification of the IAP service provider as a service provider for the IAP, notify, in writing, the IAP service provider of the following—
 - (a) details of the form approved for subsection (2)(a); and
 - (b) the information required under subsection (2)(b); and
 - (c) the time within which a noncompliance report must be given under subsection (3).

55U IAP service providers' obligations relating to reporting tampering

- (1) For subsections (2) and (3), an IAP service provider does not know or suspect an approved intelligent transport system has been tampered with only because the IAP service provider has—
 - (a) accessed a report made by an approved intelligent transport system, including a report contained in a noncompliance report, of the electronic detection of apparent tampering with the system; or
 - (b) analysed information generated by an approved intelligent transport system.
- (2) An IAP service provider commits an offence if the IAP service provider—

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- (a) either—
 - (i) knows that an approved intelligent transport system fitted to an IAP vehicle has been tampered with; or
 - (ii) has reasonable grounds to suspect that an approved intelligent transport system fitted to an IAP vehicle has been tampered with; and
- (b) does not report the tampering or suspected tampering, in a way complying with subsection (4), to the chief executive immediately.

Maximum penalty—80 penalty units.

- (3) An IAP service provider commits an offence if the IAP service provider—
 - (a) either—
 - (i) knows that an approved intelligent transport system, other than an approved intelligent transport system fitted to an IAP vehicle, has been tampered with; or
 - (ii) has reasonable grounds to suspect that an approved intelligent transport system, other than an approved intelligent transport system fitted to an IAP vehicle, has been tampered with; and
 - (b) does not report the tampering or suspected tampering, in a way complying with subsection (4), to TCA immediately.

Maximum penalty—80 penalty units.

- (4) A report under subsection (2)(b) or (3)(b) must be in the form approved for the purpose by TCA, if any.
- (5) TCA must make a form approved under subsection (4) available on the IAP website.
- (6) If an IAP service provider knows, or has reasonable grounds to suspect, that an approved intelligent transport system has been tampered with, the IAP service provider must not disclose to any person other than the chief executive or TCA any of the following information—

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- (a) that the IAP service provider has that knowledge or suspicion;
- (b) any information from which the person to whom the disclosure is made could reasonably infer that the IAP service provider has that knowledge or suspicion;

unless the disclosure is authorised under another law.

Maximum penalty—80 penalty units.

- (7) If an IAP service provider has made a report to the chief executive or TCA under subsection (2) or (3) of apparent tampering or suspicion of tampering, the IAP service provider must not disclose to any person other than the chief executive or TCA any of the following information—

- (a) that the report has been made;
- (b) any information from which the person to whom the disclosure is made could reasonably infer that the IAP service provider has made the report;

unless the disclosure is authorised under another law.

Maximum penalty for subsection (7)—80 penalty units.

55V IAP service providers' obligation to report malfunctions

- (1) For this section, an IAP service provider does not know or suspect an approved intelligent transport system has malfunctioned only because the IAP service provider has—
 - (a) accessed a report made by an approved intelligent transport system, including a report contained in a noncompliance report, of the electronic detection of malfunctioning of the system; or
 - (b) analysed information generated by an approved intelligent transport system.
- (2) An IAP service provider commits an offence if the IAP service provider—
 - (a) either—

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- (i) knows that an approved intelligent transport system fitted to an IAP vehicle has malfunctioned; or
 - (ii) has reasonable grounds to suspect that an approved intelligent transport system fitted to an IAP vehicle has malfunctioned; and
- (b) does not report the malfunction or suspected malfunction, in a way complying with subsection (4), to the chief executive immediately.

Maximum penalty—80 penalty units.

- (3) An IAP service provider commits an offence if the IAP service provider—
- (a) either—
 - (i) knows that an approved intelligent transport system, other than an approved intelligent transport system fitted to an IAP vehicle, has malfunctioned; or
 - (ii) has reasonable grounds to suspect that an approved intelligent transport system, other than an approved intelligent transport system fitted to an IAP vehicle has malfunctioned; and
 - (b) does not report the malfunction or suspected malfunction, in a way complying with subsection (4), to TCA immediately.

Maximum penalty—80 penalty units.

- (4) A report under subsection (2)(b) or (3)(b) must be in the form approved for the purpose by TCA, if any.
- (5) TCA must make a form approved under subsection (4) available on the IAP website.

55W IAP service provider providing false or misleading information to TCA or IAP auditor

- (1) An IAP service provider commits an offence if—
- (a) the IAP service provider gives information to TCA or an IAP auditor; and

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- (b) the information is relevant to a function of an IAP service provider under the IAP, including information that is relevant to the operation of an IAP vehicle; and
- (c) the IAP service provider knows, or could reasonably be expected to know, the information is false or misleading in a material particular.

Maximum penalty—80 penalty units.

- (2) Subsection (1) does not apply if the IAP service provider gives the information in writing and, when giving the information—
 - (a) tells TCA or the IAP auditor, to the best of the IAP service provider's ability, how it is false or misleading; and
 - (b) if the IAP service provider has, or can reasonably obtain, the correct information—gives the correct information in writing.
- (3) It is enough for a complaint against an IAP service provider for an offence against subsection (1) to state that the information given was false or misleading to the IAP service provider's knowledge.

Division 6 Functions, powers and obligations of TCA

55X Failure to comply with particular provisions not an offence

TCA does not commit an offence only by failing to comply with any of the following provisions—

- (a) section 55Z(3), (4) or (5);
- (b) section 55ZC(1) or (2);
- (c) section 55ZD(1) or (2);
- (d) section 55ZE(1), (2) or (4);
- (e) section 55ZF(1), (2), (3) or (4);

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- (f) section 55ZG(1) or (3);
- (g) section 55ZH(2), (3) or (4).

55Y Functions of TCA

For this part, the functions of TCA are—

- (a) to manage the certification and audit regime for the IAP; and
- (b) to certify and audit, and repeal the certification of, IAP service providers; and
- (c) to engage IAP auditors to help it in its certification and audit activities.

55Z TCA's duties in relation to use and disclosure of IAP information

- (1) For section 143 of the Act, TCA may—
 - (a) use or disclose IAP information for a purpose for which the information was collected by TCA; and
 - (b) disclose IAP information relating to a particular participating operator to—
 - (i) the participating operator; or
 - (ii) an IAP auditor; or
 - (iii) the chief executive; or
 - (iv) the IAP service provider with whom the participating operator has entered into an IAP agreement; and
 - (c) disclose IAP information relating to a breach of an IAP service provider's obligations under division 5 or 8 to—
 - (i) the chief executive; or
 - (ii) an IAP auditor; and
 - (d) disclose a noncompliance report, or a report made under section 55U or 55V, to—
 - (i) the chief executive; or

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- (ii) an IAP auditor; or
 - (iii) for a noncompliance report—
 - (A) the IAP service provider who uses the approved intelligent transport system that made the report; or
 - (B) the participating operator who operates the vehicle to which the report relates;
 - (iv) for a report made under section 55U or 55V—the IAP service provider who made the report; or
 - (v) for a report made under section 55V—the participating operator to which the report relates.
- (2) Subsection (1) applies only if TCA is reasonably satisfied, having regard to the purpose for which the information is to be used or disclosed, that the information is accurate, up-to-date and complete.
- (3) If TCA uses or discloses IAP information, other than in relation to the IAP or for law enforcement purposes, TCA must make a record of the use or disclosure in a way complying with subsection (4) and containing the following information—
- (a) the name of the person who used or disclosed the IAP information;
 - (b) the date of the use or disclosure;
 - (c) for a use of IAP information by TCA, a brief description of how the information was used;
 - (d) for a disclosure of IAP information by TCA, the person or entity to whom the information was disclosed;
 - (e) the provision of this regulation or the other law that authorised the use or disclosure;
 - (f) if the use or disclosure is authorised only with a particular document, for example, a warrant, a certificate or a consent, a copy of the document.
- (4) TCA must make a record under subsection (3)—

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- (a) within 5 business days after the relevant use or disclosure; and
 - (b) in a form that allows the record to be readily inspected.
- (5) TCA must keep a record made under subsection (3) for at least 2 years.

55ZA TCA's powers to collect information that will become IAP information and hold, store, use and disclose IAP information

- (1) TCA may collect information that when collected will become IAP information, and hold or store IAP information—
 - (a) for the performance of its functions; and
 - (b) for law enforcement purposes.
- (2) For section 143 of the Act, TCA may use or disclose IAP information—
 - (a) for the performance of its functions; and
 - (b) for law enforcement purposes.
- (3) For section 143 of the Act, TCA may, with the consent of a participating operator, disclose IAP information about the participating operator to a person other than the participating operator for any purpose if the information—
 - (a) does not identify any individual; and
 - (b) contains nothing by which the identity of any individual can reasonably be found out.
- (4) For section 143 of the Act, TCA may use or disclose IAP information—
 - (a) if the IAP information is personal information—with the consent of the individual that the personal information is about; or
 - (b) as otherwise authorised by this regulation or any other law.

55ZB Use of IAP information for research

For section 143 of the Act, TCA may use or disclose IAP information for research purposes, but only if the information contains no personal information.

55ZC TCA's obligations in relation to collecting IAP information

- (1) TCA must take reasonable steps to ensure that IAP information that TCA collects—
 - (a) is necessary for, or is directly related to, the purpose for which it is collected, or a directly related purpose; and
 - (b) is not excessive for that purpose; and
 - (c) is accurate, up-to-date and complete.
- (2) TCA must take reasonable steps to ensure that the collection of IAP information does not intrude to an unreasonable extent on the personal privacy of any individual to whom the information relates.

55ZD TCA's obligations to keep IAP information secure and destroy IAP information

- (1) TCA must take reasonable steps to protect IAP information collected by it against unauthorised access, unauthorised use, misuse, loss, modification or unauthorised disclosure.
- (2) TCA must take reasonable steps to destroy IAP information collected by it 1 year after the information is collected by it unless the information is required as evidence.
- (3) TCA is taken to have complied with subsection (2) if it permanently removes anything by which an individual can be identified from the IAP information that it holds.

55ZE TCA's obligation to make individuals aware of personal information held

- (1) TCA must prepare, and make publicly available, a document that sets out its policies on the management of personal information held by it.

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Examples of how a document is made publicly available—

- making a document available at TCA's office
 - making a document available on the IAP website
- (2) If asked by an individual about whom TCA holds personal information, it must, within 28 days after receiving the request, give the individual the following information if it can reasonably give the information—
- (a) the kinds of information it holds about the individual;
 - (b) the purpose for which the information is held;
 - (c) the way in which it collects, holds, uses and discloses the information;
 - (d) the persons and entities to whom the information may be disclosed;
 - (e) that the collection of the information is authorised under this part;
 - (f) that, under this part, the individual has rights of access to the information or to have the information changed to ensure it is accurate, up-to-date and complete;
 - (g) how the rights mentioned in paragraph (f) can be exercised.
- (3) TCA does not fail to comply with subsection (2) if—
- (a) it is not possible for TCA to give the individual the information required to be given under subsection (2) (the *required information*) within 28 days after receiving the request; and
 - (b) TCA—
 - (i) within 28 days after receiving the request, gives the individual an interim reply that—
 - (A) gives the individual as much of the required information as TCA can give within the 28 days; and
 - (B) states the reason TCA can not give the individual the rest of the required information; and

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- (C) states an estimate of how long it will take TCA to give the individual the rest of the required information; and
 - (ii) as soon as possible after the interim reply is given to the individual, takes reasonable steps to give the individual the rest of the required information.
- (4) TCA must, if asked by an individual about whom TCA holds personal information, give the individual access to the personal information without undue delay or cost.
- (5) Subsection (2), (3) or (4) does not require TCA—
 - (a) to inform an individual that a report under section 55T or 55U exists or has been made; or
 - (b) to give an individual access to the report.

55ZF TCA's obligation to keep records relating to its transactions

- (1) TCA must keep records, in a way complying with subsections (2) to (4), relating to its transactions with the chief executive, IAP service providers or IAP auditors.
- (2) Records kept under subsection (1) must be organised in a way that will enable them to be conveniently and properly audited.
- (3) TCA must keep any noncompliance report received by it for at least 4 years after its receipt.
- (4) TCA must keep any other record to which subsection (1) applies for at least 1 year after the record is made.

55ZG TCA's obligation to correct errors etc.

- (1) If asked by a participating operator or an IAP service provider about whom TCA holds personal information to make a particular change to the personal information, TCA must make the change if it is satisfied the change is appropriate to ensure the personal information is accurate, up-to-date and complete.
- (2) If TCA is not satisfied as mentioned in subsection (1), it may refuse to comply with the request.

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- (3) If TCA refuses, under subsection (2), to comply with the request, it must—
 - (a) give the participating operator or IAP service provider a written statement of TCA's reasons for refusing; and
 - (b) if asked by the participating operator or IAP service provider, attach to or include with the personal information the request or a record of the request.

55ZH TCA's obligations relating to reporting tampering or malfunction

- (1) For this section, TCA does not know or suspect an approved intelligent transport system has been tampered with or has malfunctioned only because it has—
 - (a) accessed a report made by an approved intelligent transport system, including a report contained in a noncompliance report, of the electronic detection of apparent tampering with, or malfunctioning of, the system; or
 - (b) analysed information generated by an approved intelligent transport system.
- (2) If TCA knows, or has reasonable grounds to suspect, that an approved intelligent transport system fitted to an IAP vehicle has been tampered with or has malfunctioned, TCA must report the matter to the chief executive within 5 business days.
- (3) If TCA knows, or has reasonable grounds to suspect, that an approved intelligent transport system fitted to an IAP vehicle has been tampered with, TCA must not disclose to any person other than the chief executive any of the following information—
 - (a) that TCA has that knowledge or suspicion;
 - (b) any information from which the person to whom the disclosure is made could reasonably infer that TCA has that knowledge or suspicion;unless the disclosure is authorised under another law.
- (4) If TCA has made a report to the chief executive under subsection (2) of apparent tampering or suspicion of

tampering, TCA must not disclose to any person other than the chief executive any of the following information—

- (a) that the report has been made;
- (b) any information from which the person to whom the disclosure is made could reasonably infer that TCA has made the report;

unless the disclosure is authorised under another law.

Division 7 Duties, powers and obligations of IAP auditors

55ZI What *IAP audit* is

An *IAP audit* is the process of doing 1 or more of the following—

- (a) reviewing IAP information held by an IAP service provider to decide its completeness and reliability;
- (b) reviewing the processes by which IAP information collected by an IAP service provider is generated, recorded, stored, displayed, analysed, transmitted and reported;
- (c) examining how IAP information held by an IAP service provider is used and disclosed by the IAP service provider;
- (d) examining an intelligent transport system before its approval as an approved intelligent transport system;
- (e) examining an approved intelligent transport system.

55ZJ IAP auditors' duties in relation to use and disclosure of IAP information

- (1) An IAP auditor must not use or disclose IAP information unless the IAP auditor is reasonably satisfied, having regard to the purpose for which the information is to be used or disclosed, that the information is accurate, up-to-date and complete.

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Maximum penalty—80 penalty units.

- (2) An IAP auditor must not use or disclose IAP information for a purpose other than the purpose for which the information was collected by the IAP auditor, unless the use or disclosure is authorised under another law.

Maximum penalty—80 penalty units.

- (3) An IAP auditor must not disclose IAP information relating to a particular participating operator other than to—
- (a) the participating operator; or
 - (b) TCA; or
 - (c) the chief executive; or
 - (d) if for an audit of the IAP service provider with whom the participating operator has entered into an IAP agreement, the IAP service provider;

unless the disclosure is authorised under this regulation or another law.

Maximum penalty—80 penalty units.

- (4) An IAP auditor must not disclose IAP information relating to noncompliance, or tampering with or malfunctioning of an approved intelligent transport system, other than to any of the following—
- (a) the chief executive;
 - (b) TCA;
 - (c) for IAP information relating to noncompliance revealed by an approved intelligent transport system, the IAP service provider who uses the system;
 - (d) for IAP information relating to tampering with an approved intelligent transport system, the IAP service provider who reported the tampering to the chief executive or TCA;
 - (e) for IAP information relating to malfunctioning of an approved intelligent transport system, the IAP service provider who uses the system;

unless the disclosure is authorised under another law.

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Maximum penalty—80 penalty units.

- (5) If an IAP auditor uses or discloses IAP information, other than in relation to the IAP or for law enforcement purposes, the IAP auditor must make a record of the use or disclosure in a way complying with subsection (6) and containing the following information—
- (a) the name of the person who used or disclosed the IAP information;
 - (b) the date of the use or disclosure;
 - (c) for a use of IAP information by the IAP auditor, a brief description of how the information was used;
 - (d) for a disclosure of IAP information by the IAP auditor, the person or entity to whom the information was disclosed;
 - (e) the provision of this regulation or the other law that authorised the use or disclosure;
 - (f) if the use or disclosure is authorised only with a particular document, for example, a warrant, a certificate or a consent, a copy of the document.

Maximum penalty—80 penalty units.

- (6) An IAP auditor must make a record under subsection (5)—
- (a) within 5 business days after the relevant use or disclosure; and
 - (b) in a form that allows the record to be readily inspected.
- (7) An IAP auditor must keep a record made under subsection (5) for at least 7 years.

Maximum penalty for subsection (7)—80 penalty units.

55ZK IAP auditors' powers to collect information that will become IAP information and hold, store, use and disclose IAP information

- (1) An IAP auditor may collect information that when collected will become IAP information, and hold, store, use and disclose IAP information, for—

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- (a) the performance of the IAP auditor's functions under the IAP; or
 - (b) reporting, to TCA, noncompliance or tampering with an approved intelligent transport system by a participating operator; or
 - (c) reporting, to TCA, tampering with an approved intelligent transport system by an IAP service provider, or a failure by an IAP service provider to comply with the IAP service provider's obligations under this part.
- (2) An IAP auditor may use or disclose IAP information—
- (a) if the IAP information is personal information—with the consent of the individual that the personal information is about; or
 - (b) as otherwise authorised by this regulation or any other law.

55ZL IAP auditors' obligations in relation to collecting IAP information

- (1) An IAP auditor may collect IAP information that is reasonably necessary to enable the IAP auditor to prepare a report about an IAP audit conducted by the IAP auditor.
- (2) Subsection (1) does not limit section 55ZK.
- (3) An IAP auditor must take reasonable steps to ensure that IAP information that the IAP auditor collects—
 - (a) is necessary for, or is directly related to, the purpose for which it is collected, or a directly related purpose; and
 - (b) is not excessive for that purpose; and
 - (c) is accurate, up-to-date and complete.

Maximum penalty—50 penalty units.

- (4) An IAP auditor must take reasonable steps to ensure that the collection of IAP information does not intrude to an unreasonable extent on the personal privacy of any individual to whom the information relates.

Maximum penalty for subsection (4)—50 penalty units.

55ZM IAP auditors' obligations to keep IAP information secure and destroy or remove personal information

- (1) An IAP auditor must take reasonable steps to protect IAP information collected by the IAP auditor against unauthorised access, unauthorised use, misuse, loss, modification or unauthorised disclosure.

Maximum penalty—80 penalty units.

- (2) An IAP auditor must take reasonable steps to—
- (a) destroy personal information no longer needed for an IAP audit conducted by the IAP auditor; or
 - (b) remove permanently from the information anything by which an individual can be identified.

Maximum penalty—80 penalty units.

55ZN IAP auditors' obligation to make individuals aware of personal information held

- (1) If asked by an individual about whom an IAP auditor holds personal information, the IAP auditor must, within 28 days after receiving the request, give the individual the following information if the IAP auditor can reasonably give the information—

- (a) the kinds of information the IAP auditor holds about the individual;
- (b) the purpose for which the information is held;
- (c) the persons and entities to whom the information may be disclosed;
- (d) that the collection of the information is authorised under this part;
- (e) that, under this part, the individual has rights of access to the information or to have the information changed to ensure it is accurate, up-to-date and complete;
- (f) how the rights mentioned in paragraph (e) can be exercised.

Maximum penalty—80 penalty units.

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- (2) An IAP auditor does not commit an offence against subsection (1) if—
- (a) it is not possible for the IAP auditor to give the individual the information required to be given under subsection (1) (the **required information**) within 28 days after receiving the request; and
 - (b) the IAP auditor—
 - (i) within 28 days after receiving the request, gives the individual an interim reply that—
 - (A) gives the individual as much of the required information as the IAP auditor can give within the 28 days; and
 - (B) states the reason the IAP auditor can not give the individual the rest of the required information; and
 - (C) states an estimate of how long it will take the IAP auditor to give the individual the rest of the required information; and
 - (ii) as soon as possible after the interim reply is given to the individual, takes reasonable steps to give the individual the rest of the required information.
- (3) An IAP auditor must, if asked by an individual about whom the IAP auditor holds personal information, give the individual access to the information without undue delay or cost.
- Maximum penalty—80 penalty units.
- (4) Subsection (1), (2) or (3) does not require an IAP auditor—
- (a) to inform an individual that a report under section 55T or 55U exists or has been made; or
 - (b) to give an individual access to the report.

55ZO IAP auditors' obligation to keep records of transactions

- (1) An IAP auditor must keep, in a way complying with subsection (2), records relating to its transactions with IAP service providers or TCA.

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Maximum penalty—80 penalty units.

- (2) Records kept under subsection (1) must be organised in a way that will enable them to be conveniently and properly audited.
- (3) An IAP auditor must keep each record to which subsection (1) applies for at least 7 years after the record is made.

Maximum penalty for subsection (3)—80 penalty units.

55ZP IAP auditors' obligation to correct errors etc.

- (1) An IAP auditor must take reasonable steps to ensure that information that the IAP auditor collects is accurate, up-to-date and complete.

Maximum penalty—50 penalty units.

- (2) If asked by a participating operator or an IAP service provider about whom an IAP auditor holds personal information to make a particular change to the personal information, the IAP auditor must make the change if it is satisfied the change is appropriate to ensure the personal information is accurate, up-to-date and complete.

Maximum penalty—50 penalty units.

- (3) If an IAP auditor is not satisfied as mentioned in subsection (2) in relation to a request under the subsection, the IAP auditor may refuse to comply with the request.
- (4) If, under subsection (3), an IAP auditor refuses to comply with a participating operator's or IAP service provider's request under subsection (2), the IAP auditor must—
 - (a) give the participating operator or IAP service provider a written statement of the IAP auditor's reasons for refusing; and
 - (b) if asked by the participating operator or IAP service provider, attach to or include with the personal information the request or a record of the request.

Maximum penalty for subsection (4)—50 penalty units.

55ZQ IAP auditors' obligation to report breaches by IAP service providers

If an IAP auditor knows of a breach by an IAP service provider of an obligation under this part, or of anything that indicates that an IAP service provider may have breached an obligation under this part, the IAP auditor must, as soon as practicable, report the matter to TCA.

Maximum penalty—80 penalty units.

55ZR IAP auditors' obligation to report tampering

If an IAP auditor knows, or has reasonable grounds to suspect, that an approved intelligent transport system has been tampered with, the IAP auditor must, immediately, report the matter to TCA.

Maximum penalty—80 penalty units.

Division 8 Tampering with approved intelligent transport systems

55ZS Meaning of *tampers*

- (1) A person *tampers* with an approved intelligent transport system if—
 - (a) the person engages in conduct that has the result that—
 - (i) the system is changed; or
 - (ii) the system is installed or used in a way that is not in accordance with the conditions of its certification by TCA; or
 - (iii) any operating software that the system uses internally is changed; and
 - (b) the person—
 - (i) does so with the intention of causing the system to—

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- (A) fail to generate, record, store, display, analyse, transmit, or report IAP information; or
- (B) fail to generate, record, store, display, analyse, transmit, or report IAP information correctly; or
- (ii) is negligent or reckless as to whether, as a result of the conduct, the system may—
 - (A) fail to generate, record, store, display, analyse, transmit, or report IAP information; or
 - (B) fail to generate, record, store, display, analyse, transmit, or report IAP information correctly.
- (2) For subsection (1), *fail*—
 - (a) means does not perform as intended in terms of accuracy, timeliness, reliability, verifiability or any other performance parameter; and
 - (b) includes fail permanently, fail temporarily, fail on a particular occasion, and fail in particular circumstances.

55ZT Tampering with approved intelligent transport system

A person must not tamper with an approved intelligent transport system.

Maximum penalty—

- (a) if section 55ZS(1)(b)(i) applies—80 penalty units; or
- (b) if section 55ZS(1)(b)(ii) applies—50 penalty units.

Part 6B Reasonable steps defence

55ZU What is the *reasonable steps defence*

If, under this regulation, a person has the benefit of the reasonable steps defence in relation to an offence against a provision of this regulation, it is a defence to a charge for an offence against the provision if the person charged establishes that—

- (a) the person did not know, and could not reasonably be expected to have known, of the contravention concerned; and
- (b) either—
 - (i) the person took all reasonable steps to prevent the contravention; or
 - (ii) there were no steps the person could reasonably be expected to have taken to prevent the contravention.

55ZV Matters court may consider for deciding whether person took all reasonable steps

- (1) This section applies in relation to proceedings for an offence against a provision of this regulation if the person charged has the benefit of the reasonable steps defence.
- (2) Without limiting section 55ZU, in deciding whether things done or omitted to be done by the person charged with the offence to which the proceedings relate constitute reasonable steps, the court may have regard to the matters mentioned in section 57DA(1)(a) to (e) of the Act.
- (3) For applying the matters mentioned in section 57DA(1)(a) to (e) of the Act to the proceedings, a reference in section 57DA(1)(a) to (e) of the Act to a contravention is taken to be a reference to the contravention constituting the offence to which the proceedings relate.

55ZW Application of s 57E of Act to offences against this regulation

Section 57E of the Act also applies to a provision of this regulation that provides that a person may avoid liability, or is not liable, for an offence if the person took all reasonable steps in relation to a matter.

55ZX Application of s 57F of Act to offences against this regulation

- (1) Section 57F(2) to (4) of the Act also applies for deciding whether a person charged with an offence against a provision of this regulation, if the person charged has the benefit of the reasonable steps defence, took all reasonable steps to prevent the contravention constituting the offence.
- (2) Section 57F(2) to (4) of the Act as applied to an offence against a provision of this regulation under subsection (1) does not limit the circumstances in which the person charged with the offence is to be regarded as having taken all reasonable steps.

Part 7 Miscellaneous

56 Fees generally

The fees payable under this regulation are in schedule 9.

57 Indivisible load permit fees

- (1) This section applies to a motor vehicle with at least 1 trailer (a *vehicle combination*) that—
 - (a) is loaded with an indivisible load; and
 - (b) has a loaded mass of more than 125t.
- (2) The fee for the grant of a permit to operate the vehicle combination is worked out using the formula—

journey length x total esa x \$0.04

(3) In this section—

average load per row means the mass, in tonnes, of the loaded trailer that is transmitted to the ground through its tyres, divided by the number of rows of tyres on the trailer.

equivalent standard axles means the number shown in schedule 10 opposite the number for the average load per row.

journey length means the number of kilometres involved in the journey for which the permit is granted.

total esa means the equivalent standard axles multiplied by the number of rows of tyres on the trailer.

Example—

For a trailer with a loaded mass of 129.5t and 7 rows of tyres, the average load per row is 18.5t (i.e. $129.5t \div 7$).

According to schedule 10, the equivalent standard axles of a trailer that has an average load per row of 18.5t is 4.6.

The total esa for a trailer with equivalent standard axles of 4.6 and having 7 rows of tyres is 32.2 (i.e. 4.6×7).

So the fee for a journey of 100km for a vehicle with a total esa of 32.2 is \$128.80 (i.e. $100 \times 32.2 \times \$0.04$).

58 Regulation repealed

The Transport Operations (Road Use Management) Regulation 1995 SL No. 157 is repealed.

Part 8 Transitional provisions

Division 1 Transitional provisions for Transport Operations (Road Use Management—Mass, Dimensions and Loading) Regulation 2005

59 Definition for div 1

In this part—

former regulation means the repealed *Transport Operations (Road Use Management) Regulation 1995*.

60 Guidelines

A guideline issued under the former regulation and in force immediately before 1 September 2005 continues in force as a guideline issued under this regulation.

61 Permits

A permit issued under section 11A of the former regulation and in force immediately before 1 September 2005 continues in force according to its terms as if it were a permit issued under part 6, division 2.

Division 2 Transitional provision for Transport Operations (Road Use Management—Mass, Dimensions and Loading) and Other Legislation Amendment Regulation (No. 1) 20088

62 Offences against pre-amended regulation

- (1) If a person was or is charged with an offence against the pre-amended regulation for an act done or omission made

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before the commencement of the *Transport Operations (Road Use Management—Mass, Dimensions and Loading) and Other Legislation Amendment Regulation (No. 1) 20088* and the offence, or the penalty for the offence, has been amended by that regulation, the amendment does not affect the liability of the person for the act or omission.

(2) In this section—

pre-amended regulation means this regulation as in force before the commencement of the *Transport Operations (Road Use Management—Mass, Dimensions and Loading) and Other Legislation Amendment Regulation (No. 1) 20088*.

Schedule 1 Mass requirements

section 6

1 Mass limits for tyres, wheels and axles

- (1) The mass on a wheel or axle must not be more than the limit set by its manufacturer.
- (2) The mass on a tyre must not be more than the highest load capacity determined for the tyre by the manufacturer at a cold inflation pressure of not more than—
 - (a) for a radial ply tyre—825kPa; or
 - (b) for another type of tyre—700kPa.
- (3) The mass on an axle group or single axle must not be more than the limit for the axle group or axle in schedule 2.
- (4) For subsection (3), the mass limit for an axle group that includes a retractable axle must be determined as if the axle did not exist.
- (5) However, a retractable axle is part of an axle group for schedule 2 if—
 - (a) the mass on the group is more than—
 - (i) for a tandem axle group fitted with single tyres of a section width of—
 - (A) less than 375mm—4t; or
 - (B) at least 375mm—6.5t; or
 - (ii) for a tandem axle group fitted with dual tyres—6.5t; or
 - (iii) for a triaxle axle group fitted with single tyres of a section width of—
 - (A) less than 375mm—10t; or
 - (B) at least 375mm—13t; or
 - (iv) for a triaxle axle group fitted with dual tyres—13t; and

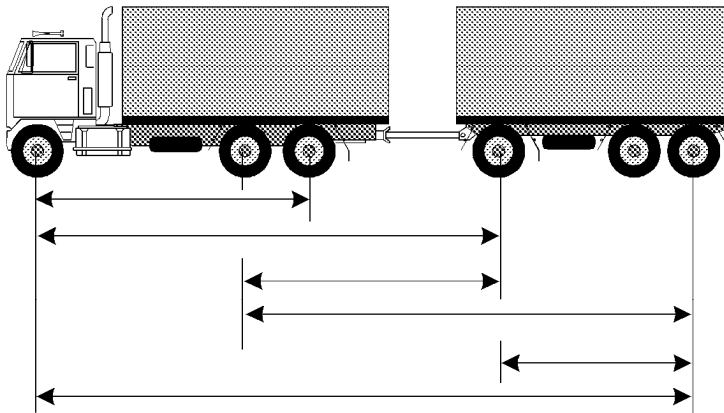
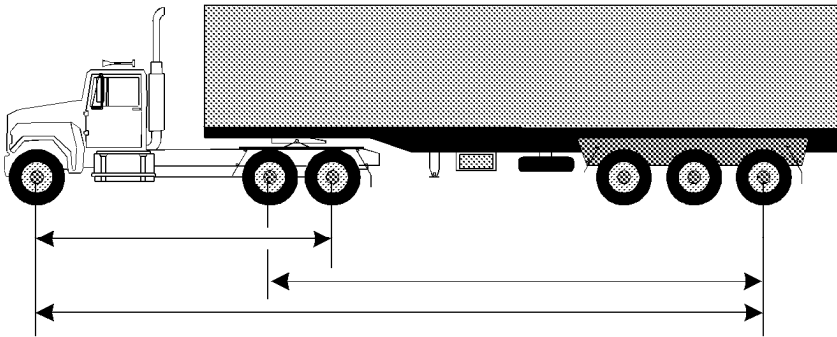
Schedule 1 (continued)

- (b) the tyres on the axle are in contact with the ground and the load-sharing suspension system is operating on each axle, including the retractable axle, and each tyre in the group.
- (6) The sum of the mass on the axle groups and single axles on a single vehicle or combination must not be more than the sum of the mass limits in schedule 2 for the axle groups and single axles.

2 Mass limits relating to axle spacing

- (1) If the total mass of a vehicle or combination and a load on it can not lawfully be more than 42.5t, the mass limit for the vehicle or combination must not be more than the mass limit in the table in schedule 3 for the axle spacing distance for the vehicle or combination.
- (2) Each distance is—
 - (a) the distance from the centre of a single axle to the centre of another single axle; or
 - (b) the distance from the centre of a single axle to the centre of the furthest axle in any axle group; or
 - (c) the greatest distance between the centres of axles in any 2 axle groups.

Schedule 1 (continued)



Measurement of distances for schedule 3

- (3) The mass limits apply to the sum of the mass on each axle group or single axle in the distance in the table, including the axles between which the distance is measured.
- (4) If the distance between any 2 axles that are not part of the same axle group is less than 2.5m, the total mass of a vehicle or combination and any load on it must not be more than 15t.

3 Mass limit for a single vehicle

The total mass of a single vehicle and a load on it must not be more than the vehicle's GVM.

Schedule 1 (continued)

4 Mass limits for combinations

- (1) The total mass of a combination (other than a road train or B-double) and a load on it must not be more than 42.5t.
- (2) The loaded mass of a dog trailer or pig trailer must not be more than the loaded mass of the towing vehicle.
- (3) The total axle mass of a tag trailer must not be more than the total axle mass of the towing vehicle.
- (4) The total mass of a combination and a load on it must not be more than the towing vehicle's GCM.

5 Load-sharing suspension

The axles in each axle group (other than a twinsteer axle group) must relate to each other through a load-sharing suspension system.

6 Non-complying vehicles

If an axle or axle group on a vehicle or combination does not otherwise comply with this schedule, schedule 4 applies to the axle or axle group.

Schedule 2 Mass limits for single axles and axle groups

schedule 1, section 1(3), (5) and (6)

Description of single axle or axle group	Mass limit (tonnes)
Single axles and single axle groups	
Single steer axles on—	
(a) a complying bus	6.5
(b) any other motor vehicle	6.0
Single axle or single axle group fitted with single tyres with section width of—	
(a) less than 375mm	6.0
(b) at least 375mm but less than 450mm.	6.7
(c) at least 450mm.	7.0
Single axle or single axle group fitted with dual tyres on—	
(a) a pig trailer.	8.5
(b) a complying bus, or a bus allowed to carry standing passengers (other than an ultra-low floor route bus)	10.0
(c) an ultra-low floor route bus	11.0
(d) another vehicle.	9.0
Twinsteer axle groups	
Twinsteer axle group without a load-sharing suspension	10.0
Twinsteer axle group with a load-sharing suspension	11.0
Tandem axle group	
Tandem axle group fitted with single tyres with section width of—	
(a) less than 375mm	11.0
(b) at least 375mm but less than 450mm.	13.3
(c) at least 450mm.	14.0

Schedule 2 (continued)

Description of single axle or axle group	Mass limit (tonnes)
Tandem axle group fitted with single tyres on 1 axle and dual tyres on the other axle on—	
(a) a complying bus	14.0
(b) any other motor vehicle	13.0
Tandem axle group fitted with dual tyres on—	
(a) a pig trailer	15.0
(b) another vehicle	16.5
Triaxle groups	
Triaxle group on a vehicle fitted with single tyres with section width of less than 375mm on all axles, or single tyres on 1 or 2 axles and dual tyres on the other axle or axles	15.0
Triaxle group on a pig trailer with either single tyres with section width of at least 375mm, dual tyres on all axles, or a combination of the tyres	18.0
Triaxle group, on a vehicle other than a pig trailer, with either single tyres with section width of at least 375mm, dual tyres, or a combination of the tyres	20.0
Quadaxle groups	
Quadaxle group fitted with single tyres with section width of less than 375mm	15.0
Quadaxle group fitted with single tyres with section width of at least 375mm or dual tyres	20.0

Schedule 3 Mass limits relating to axle spacing

schedule 1, section 2(1)

Distance (metres)		Mass limit (tonnes)
more than	not more than	
0.0	3.7	23.0
3.7	3.8	23.5
3.8	4.0	24.0
4.0	4.2	24.5
4.2	4.3	25.0
4.3	4.5	25.5
4.5	4.7	26.0
4.7	4.8	26.5
4.8	5.0	27.0
5.0	5.2	27.5
5.2	5.3	28.0
5.3	5.5	28.5
5.5	5.7	29.0
5.7	5.8	29.5
5.8	6.0	30.0
6.0	6.2	30.5
6.2	6.3	31.0
6.3	6.5	31.5
6.5	6.7	32.0
6.7	6.8	32.5
6.8	7.0	33.0
7.0	7.2	33.5
7.2	7.3	34.0
7.3	7.5	34.5
7.5	7.7	35.0

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Schedule 3 (continued)

Distance (metres)		Mass limit (tonnes)
more than	not more than	
7.7	7.8	35.5
7.8	8.0	36.0
8.0	8.2	36.5
8.2	8.3	37.0
8.3	8.5	37.5
8.5	8.7	38.0
8.7	8.8	38.5
8.8	9.0	39.0
9.0	9.2	39.5
9.2	9.3	40.0
9.3	9.5	40.5
9.5	9.7	41.0
9.7	9.8	41.5
9.8	10.0	42.0
10.0		42.5

Schedule 4 Mass limits for nonconforming vehicles with single axles or axle groups

schedule 1, section 6

1 Mass limits for single axles and axle groups

The mass on a single axle or axle group must not be more than the limit for the axle or axle group in schedule 5.

2 Mass limits for vehicles and vehicle combinations

- (1) The loaded mass of a vehicle or combination must not be more than the mass in schedule 6.
- (2) The total mass of a single vehicle must not be more than the vehicle's GVM.
- (3) The total mass of a combination and a load on it must not be more than the towing vehicle's GCM.
- (4) The sum of the mass on the single axles and axle groups on a single vehicle or combination must not be more than the sum of the mass limits in schedule 6 for the single axles and axle groups.

Schedule 5 Mass limits for nonconforming single axles and axle groups

schedule 4, section 1

Column 1		Column 2
Axle configuration		Axle mass (tonnes)
Single axles		
1	Single axle fitted with 2 tyres	4.6
2	Single axle fitted with dual tyres or 4 or more tyres (however arranged)	8.1
Axle groups without retractable axles		
3	A group of 2 axles with a load-sharing system, both axles fitted with dual tyres or 4 or more tyres (however arranged), and a distance between axles of more than 2.4m	15.0
4	A group of 2 axles with a load-sharing system, both axles fitted with dual tyres or 4 or more tyres (however arranged), and a distance between axles of not more than 2.4m	13.2
5	A group of 2 axles with a load-sharing system, 1 axle fitted with dual tyres, the other axle with single tyres, and a distance between axles of more than 2.4m	12.0
6	A group of 2 axles with a load-sharing system, 1 axle fitted with dual tyres, the other axle with single tyres, and a distance between axles of not more than 2.4m	11.2
7	Tandem axle group with both axles fitted with single tyres	9.0
8	Twinsteer axle group with both axles fitted with single tyres	9.0
9	Triaxle group with each axle fitted with dual tyres or 4 or more tyres (however arranged)	18.0

Schedule 5 (continued)

Column 1	Column 2
Axle configuration	Axle mass (tonnes)
10 Triaxle group with 2 axles fitted with dual tyres and the other axle with single tyres	17.5
11 Triaxle group with 2 axles fitted with single tyres and the other axle with dual tyres	15.0
12 Triaxle group with each axle fitted with single tyre	13.8
13 Quadaxle group or a group of more than 4 axles with each axle fitted with dual tyres or 4 or more tyres (however arranged)	18.0
Axle groups with retractable axles	
14 Tandem axle group with 1 axle a retractable axle and the other fitted with—	
(a) dual tyres	8.1
(b) single tyres	4.6
15 Triaxle group with 1 axle a retractable axle and the other axles fitted with—	
(a) dual tyres	13.2
(b) single tyres	9.0
(c) dual tyres on 1 axle and single tyres on the other axle	11.2

Schedule 6 Nonconforming vehicle loaded mass

schedule 4, section 2(1) and (4)

Column 1		Column 2				
Distance between extreme axles (metres)		Loaded mass (tonnes)				
from	to less than	2 axles	3 axles	4 axles	5 axles	6 axles
2.0	3.3	16.4	18.6	..	..	..
3.3	3.6	16.7	19.0	21.3	..	..
3.6	3.9	..	19.3	21.6	..	..
3.9	4.2	..	19.7	21.9	..	..
4.2	4.5	..	20.0	22.2	..	..
4.5	4.8	..	20.3	22.5	24.9	24.9
4.8	5.1	..	20.6	22.8	25.1	25.1
5.1	5.4	..	21.0	23.1	25.4	25.4
5.4	5.7	..	21.3	23.4	25.7	25.7
5.7	6.0	..	21.6	23.7	26.0	26.0
6.0	6.3	..	21.9	24.0	26.3	26.3
6.3	6.6	..	22.3	24.3	26.6	26.6
6.6	6.9	..	22.6	24.6	26.8	26.8
6.9	7.2	..	23.0	24.9	27.1	27.1
7.2	7.5	..	23.3	25.2	27.4	27.4
7.5	7.8	..	23.6	25.6	27.7	27.7
7.8	8.1	..	..	25.9	27.9	27.9
8.1	8.4	..	..	26.2	28.2	28.2
8.4	8.7	..	..	26.5	28.5	28.5
8.7	9.0	..	..	26.8	28.8	28.8
9.0	9.3	..	..	27.1	29.1	31.5
9.3	9.6	..	..	27.4	29.4	31.8

*Transport Operations (Road Use Management—Mass,
Dimensions and Loading) Regulation 2005*

Schedule 6 (continued)

Column 1		Column 2				
Distance between extreme axles (metres)		Loaded mass (tonnes)				
from	to less than	2 axles	3 axles	4 axles	5 axles	6 axles
9.6	9.9	..	..	27.7	29.6	32.1
9.9	10.2	..	..	28.0	29.9	32.2
10.2	10.5	..	..	28.3	30.2	32.6
10.5	10.8	..	..	28.6	30.5	32.9
10.8	11.1	..	..	28.9	30.7	33.1
11.1	11.4	..	..	29.2	31.0	33.4
11.4	11.7	..	..	29.5	31.3	33.7
11.7	12.0	..	..	29.8	31.6	33.9
12.0	12.3	..	..	30.1	31.9	34.2
12.3	12.6	..	..	30.4	32.2	34.5
12.6	12.9	..	..	30.7	32.4	34.7
12.9	13.2	..	..	..	32.7	35.1
13.2	13.5	..	..	..	33.0	35.3
13.5	13.8	..	..	..	33.3	35.6
13.8	14.1	..	..	..	33.5	35.9
14.1	14.4	..	..	..	33.8	36.0
14.4	14.7	..	..	..	34.1	36.0
14.7	15.0	..	..	..	34.4	36.0
15.0	15.3	..	..	..	34.7	36.0
15.3	15.6	..	..	..	35.0	36.0
15.6	15.9	..	..	..	35.3	36.0
15.9	16.2	..	..	..	35.5	36.0
16.2	16.5	..	..	..	35.8	36.0

Schedule 7 Loading requirements

section 39

1 Loading

- (1) A load on a vehicle must not be placed in a way that makes the vehicle unstable or unsafe.
- (2) A load on a vehicle must be secured so it is unlikely to fall or be dislodged from the vehicle.
- (3) An appropriate method must be used to restrain the load on a vehicle.²

2 Trailers

- (1) A trailer in a combination must be securely coupled to the vehicle in front of it.
- (2) The components of a coupling used between vehicles must be compatible and properly connected to each other.

² See the 'Load restraint guide' for examples of safe ways of loading vehicles. The 'Load restraint guide' is published by the National Transport Commission and may be accessed on the commission's website at <www.ntc.gov.au>.

Schedule 8 **Statutory conditions on guidelines and permits for oversize vehicles**

sections 49 and 52

- 1 Driving restrictions on guidelines or permits for oversize vehicles**
- (1) This section applies to a guideline or permit issued by the chief executive or the commissioner (*issuer*) for a type of oversize vehicle or a particular oversize vehicle under part 6 if the issuer—
- (a) reasonably believes that driving the type of vehicle under the guideline or the particular vehicle or type of vehicle under the permit during a particular period or periods or along a particular road or roads would—
 - (i) unduly hinder or obstruct other road users; or
 - (ii) compromise road safety; and
 - (b) publishes a gazette notice (*restriction notice*) stating—
 - (i) the type of vehicle or particular vehicle; and
 - (ii) the dimensions of the type of vehicle or particular vehicle mentioned in paragraph (b)(i); and
 - (iii) the period and road;to which the restriction notice applies.
- (2) A person must not drive the type of vehicle under the guideline or the particular vehicle or type of vehicle under the permit contrary to the provisions of the restriction notice.
- (3) However, the issuer may by signed notice (*waiver notice*) to an eligible person waive the requirements of a restriction notice applying to a guideline or permit if the issuer is satisfied that—
- (a) special circumstances exist; and

Schedule 8 (continued)

- (b) in the circumstances the driving of the type of oversize vehicle under the guideline or the particular oversize vehicle or type of oversize vehicle under the permit would not compromise road safety.
- (4) The issuer may impose reasonable and relevant conditions in the waiver notice for driving the type of vehicle under the guideline or the particular vehicle or type of vehicle under the permit in addition to the conditions, if any, in the guideline or permit.
- (5) The waiver notice is taken to be included in, and a part of, the guideline or permit for section 48 or 51.
- (6) In this section—
 - eligible person* means—
 - (a) for a guideline—a person who, apart from a restriction notice, would be authorised to drive the type of oversize vehicle under the guideline; or
 - (b) for a permit—the holder of the permit.

Schedule 9 Fees

section 56

1 Overmass vehicle

The fee for a permit under section 51 for an overmass vehicle is—

- (a) for a single trip—\$72.60; or
- (b) for a stated period—\$275.80.

2 Alternative compliance

- (1) The fee for approval of an alternative compliance scheme, under section 15 of the Act, is \$74.75.
- (2) The fee for each vehicle accredited to participate in an alternative compliance scheme is \$24.85.

Schedule 10 Equivalent standard axles

section 57

Part 1 Trailers with rows of 8 tyres

Average load per row (tonnes)	Equivalent standard axles per row
10 or more but less than 11	0.4
11 or more but less than 12	0.6
12 or more but less than 13	0.9
13 or more but less than 14	1.2
14 or more but less than 15	1.7
15 or more but less than 16	2.2
16 or more but less than 17	2.8
17 or more but less than 18	3.6
18 or more but less than 19	4.6
19 or more but less than 20	5.7
20 or more but less than 21	6.9
21 or more but less than 22	8.4
22 or more but less than 23	10.2
23 or more but less than 24	12.1
24 or more	14.4

Part 2 Trailers with rows of 4 tyres

Average load per row (tonnes)	Equivalent standard axles per row
5 or more but less than 6	0.1
6 or more but less than 7	0.3
7 or more but less than 8	0.5

Schedule 10 (continued)

Average load per row (tonnes)	Equivalent standard axles per row
8 or more but less than 9	0.9
9 or more but less than 10	1.5
10 or more but less than 11	2.2
11 or more but less than 12	3.2
12 or more	4.6

Schedule 11 Dictionary

section 3

ADR means a national standard under the *Motor Vehicle Standards Act 1989* (Cwlth), section 7.

articulated bus means a bus with 2 or more rigid sections that are connected to one another in a way that allows—

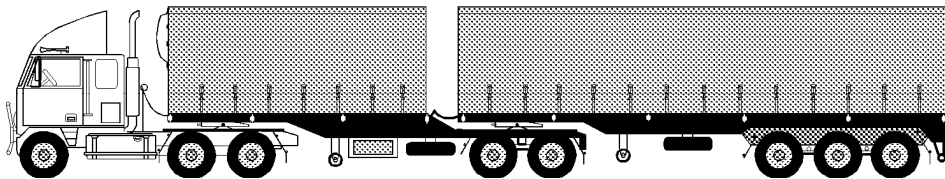
- (a) passenger access between the sections; and
- (b) rotary movement between the sections.

average load per row see section 57.

axle means the axis of rotation of a row of tyres across a vehicle.

axle group means 1 axle or consecutive axles connected by a load-sharing suspension system or steering mechanism.

B-double means a combination consisting of a prime mover towing 2 semitrailers.



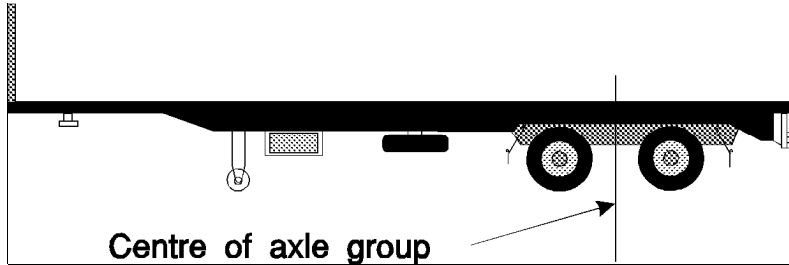
Typical B-double

bus means a motor vehicle built mainly to carry more than 12 seated adults.

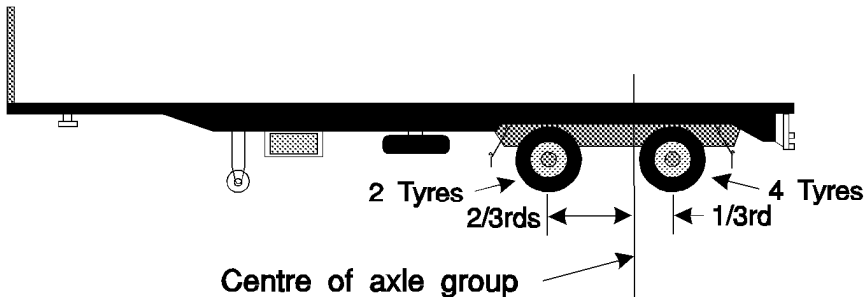
centre of an axle group means—

- (a) a line located midway between the centre-lines of the outermost axles of the group; or
- (b) if there are 2 axles in the group and one of them is fitted with twice the number of tyres as the other axle—a line located one-third of the way from the centre-line of the axle with more tyres towards the centre-line of the axle with fewer tyres.

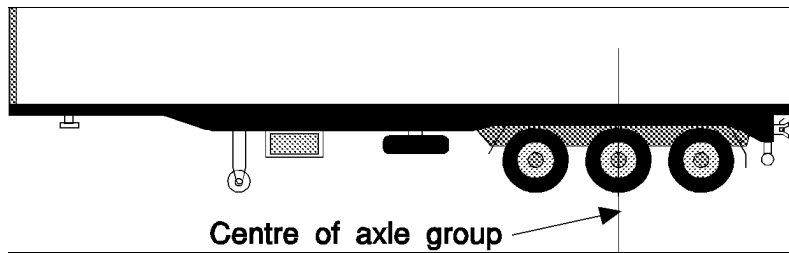
Schedule 11 (continued)



Centre of a typical tandem axle group fitted with an equal number of tyres on each axle

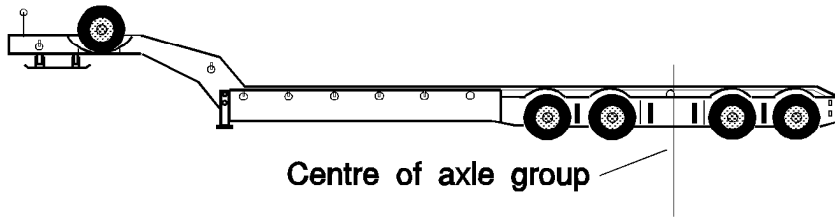


Centre of a typical tandem axle group fitted with a different number of tyres on each axle



Centre of a typical triaxle group

Schedule 11 (continued)



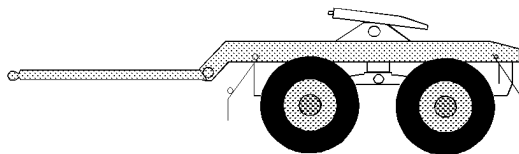
Centre of a typical quadaxle group

combination means a motor vehicle connected to one or more trailers.

compliance plate see the *Motor Vehicle Standards Act 1989* (Cwlth).

complying container weight declaration see section 21B.

converter dolly means a trailer with one axle group or single axle and a fifth wheel coupling designed to convert a semitrailer into a dog trailer.



Typical converter dolly

dangerous overloading offence means an offence committed when a vehicle is loaded to at least 105% of a mass requirement that applies in relation to a component of the vehicle.

dog trailer means a trailer that has 2 axle groups with the front axle group being steered by connection to the towing vehicle.

dolly means a specially designed pig trailer used to convert a semitrailer into a dog trailer.

drawbar means a part of a trailer (other than a semitrailer) that connects the trailer body to a coupling for towing purposes.

driver means the person driving or in control of a motor vehicle.

Schedule 11 (continued)

escort vehicle means a vehicle that—

- (a) travels with an oversize vehicle to warn other road users of the oversize vehicle's presence; and
- (b) is required to be driven by an escort vehicle driver under a guideline or permit under part 6.

escort vehicle driver means a person who holds an appointment under the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2005* as an accredited person with the functions of an escort vehicle driver.

excessive overloading offence means an offence committed when a vehicle is loaded to more than 100% but less than 105% of a mass requirement that applies in relation to a component of the vehicle.

fifth wheel coupling means a device, other than the upper rotating element and the kingpin (which are parts of a semitrailer), used with a prime mover, semitrailer or a converter dolly to permit quick coupling and uncoupling and to provide for a point of rotation.

front articulation point of a trailer means the point of articulation at the front of the trailer.

GCM (gross combination mass) means the maximum loaded mass of a motor vehicle and any vehicles it may lawfully tow—

- (a) stated by the vehicle's manufacturer—
 - (i) on the vehicle's compliance plate; or
 - (ii) if there is no compliance plate—in another place; or
- (b) stated by the vehicle registration authority if—
 - (i) the manufacturer has not stated the vehicle's maximum loaded mass; or
 - (ii) the manufacturer can not be identified; or

Schedule 11 (continued)

- (iii) the vehicle has been modified and the maximum loaded mass stated by the manufacturer is no longer appropriate.

IAP means intelligent access program.

IAP agreement means an agreement between the operator of a vehicle and an IAP service provider under which the IAP service provider agrees to monitor the vehicle's compliance with IAP conditions.

IAP audit see section 55ZI.

IAP auditor see section 61D(4) of the Act.

IAP conditions see section 55A.

IAP information means information, including personal information, that has been generated or collected for any purpose relating to the IAP.

IAP service provider see section 61D(4) of the Act.

IAP vehicle means a vehicle that is subject to IAP conditions, is equipped for monitoring under the IAP, and is covered by an IAP agreement.

IAP website means the website on the internet maintained by TCA for use for the IAP.

Editor's note—

At the commencement of this definition, the IAP website was at <www.iap.gov.au>.

indivisible load means a load that can not, without disproportionate effort, expense or risk of damage, be divided into 2 or more smaller loads for transportation.

journey length see section 57.

law enforcement purposes means the purposes of investigating or prosecuting an offence, whether summary or indictable, against a transport Act.

load, of a vehicle—

- (a) for part 3, division 3, see section 31; or

Schedule 11 (continued)

- (b) otherwise, includes—
- (i) anything normally removed from the vehicle when it is not in use; and
 - (ii) anything that may fall from the vehicle when it is in motion.

load carrying vehicle means a vehicle designed and built to carry goods in addition to any fuel, water, lubricants, tools and any other equipment or accessories necessary for the vehicle's normal operation.

loaded mass of a vehicle means the vehicle's mass together with the mass of the vehicle's load that is transmitted to the ground.

loading requirement, for part 4, see section 39.

load-sharing suspension system means an axle group suspension system—

- (a) built to divide the load between the tyres on the group so no tyre carries a mass more than 10% above the mass it would carry if the load were divided equally; and
- (b) with effective damping characteristics on all axles of the group.

malfunction, of an approved intelligent transport system, see section 55F.

mass requirement, for part 2, see section 6.

noncompliance means a contravention by an IAP vehicle of the IAP conditions.

noncompliance report see section 55G.

overmass vehicle means a vehicle that, together with any load, does not comply with part 2.

oversize vehicle means a vehicle that, together with any load, does not comply with part 3.

Schedule 11 (continued)

participating operator means an operator of a vehicle who has entered into an IAP agreement, and operates at least 1 IAP vehicle.

personal information means information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be found out, from the information or opinion.

pig trailer means a trailer—

- (a) with 1 axle group near the middle of its load carrying surface; and
- (b) connected to the towing vehicle by a drawbar.

pilot vehicle means a vehicle that—

- (a) travels with an oversize vehicle to warn other road users of the oversize vehicle's presence; and
- (b) under a guideline or permit under part 6, is required to be driven by—
 - (i) a pilot vehicle driver; or
 - (ii) an escort vehicle driver; or
 - (iii) another person stated in the guideline or permit.

pilot vehicle driver means a person who holds an appointment under the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2005* as an accredited person with the functions of a pilot vehicle driver.

pole type trailer means a trailer—

- (a) attached to a towing vehicle by a pole or by something fitted to a pole; and
- (b) used to transport loads that are capable of supporting themselves as beams between supports.

Schedule 11 (continued)

Example of loads transported by pole type trailers—

logs or pipes

quadaxle group means a group of 4 axles with a horizontal distance between the centre-lines of the outermost axles of more than 3.2m but not more than 4.9m.

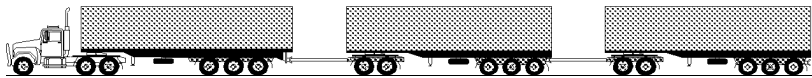
rear overhang, for part 3, see section 22.

rear overhang line, for part 3, see section 22.

registration authority means the authority that is responsible for registering vehicles.

retractable axle means an axle that can be raised so the tyres on it do not touch the ground.

road train means a combination (other than a B-double) consisting of a motor vehicle towing at least 2 trailers (counting as one trailer a converter dolly supporting a semitrailer).



Typical triple road train

road transport infrastructure see the *Transport Infrastructure Act 1994*.

semitrailer means a trailer (including a pole type trailer) that has—

- (a) 1 axle group towards the rear; and
- (b) a way of attaching to a prime mover that results in some of the load being imposed on the prime mover.

single axle group means a group of 2 or more axles with a horizontal distance between the centre-lines of the outermost axles of less than 1m.

State-controlled road means a road or land, or part of a road or land, declared to be a State-controlled road under the *Transport Infrastructure Act 1994*, section 24.

tag trailer means a semitrailer that does not impose a load on the front axle or axle group of the towing vehicle.

Schedule 11 (continued)

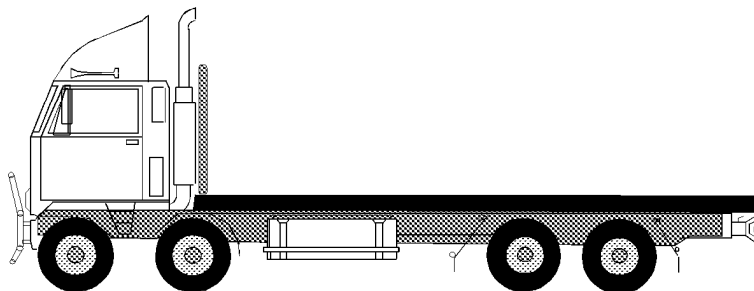
tampers, with an approved intelligent transport system, see section 55ZS.

tandem axle group means a group of at least 2 axles with a horizontal distance between the centre-lines of the outermost axles of at least 1m but not more than 2m.

trailer does not include a vehicle that is not a load carrying vehicle.

triaxle group means a group of at least 3 axles with a horizontal distance between the centre-lines of the outermost axle of more than 2m but not more than 3.2m.

twinsteer axle group means a group of 2 axles connected to the same steering mechanism on a motor vehicle fitted with single tyres, and with a horizontal distance between the centre-lines of the axles of at least 1m but not more than 2m.



Typical twinsteer axle group on a motor vehicle

ultra-low floor route bus means a bus with 2 axles that is specially designed to incorporate the following—

- (a) places for standing passengers;
- (b) stairless entry of passengers.

vehicle includes anything the vehicle carries that is essential for its operation.

Endnotes

1 Index to endnotes

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6	List of annotations	112

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 29 September 2008. Future amendments of the Transport Operations (Road Use Management—Mass, Dimensions and Loading) Regulation 2005 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	1 September 2005	
1A	2006 SL No. 28	1 March 2006	
1B	2006 SL No. 90	1 July 2006	
1C rv	2006 SL No. 173	7 July 2006	
1D rv	2007 SL No. 83	1 July 2007	
2	2008 SL No. 114	15 May 2008	
2A	2008 SL No. 131	1 July 2008	
2B	2008 SL No. 313	29 September 2008	

5 List of legislation

Transport Operations (Road Use Management—Mass, Dimensions and Loading)

Regulation 2005 SL No. 188

made by the Governor in Council on 11 August 2005

notfd gaz 12 August 2005 pp 1297–1303

ss 1–2 commenced on date of notification

remaining provisions commenced 1 September 2005 (see s 2)

exp 1 September 2015 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

Transport Legislation Amendment Regulation (No. 1) 2006 SL No. 28 pts 1, 5

notfd gaz 24 February 2006 pp 798–801

ss 1–2 commenced on date of notification

remaining provisions commenced 1 March 2006 (see s 2(2))

Transport Legislation and Another Regulation Amendment Regulation (No. 1) 2006

SL No. 90 ss 1, 2(1), pt 16

notfd gaz 19 May 2006 pp 252–4

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2006 (see s 2(1))

Transport Legislation and Another Regulation Amendment Regulation (No. 2) 2006

SL No. 173 pts 1, 8

notfd gaz 7 July 2006 pp 1167–9

commenced on date of notification

Transport Legislation (Fees) Amendment Regulation (No. 1) 2007 SL No. 83 pts 1, 15

notfd gaz 18 May 2007 pp 345–8

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2007 (see s 2)

Transport Operations (Road Use Management—Mass, Dimensions and Loading)

Amendment Regulation (No. 1) 2008 SL No. 114

notfd gaz 9 May 2008 pp 277–8

ss 1–2 commenced on date of notification

remaining provisions commenced 15 May 2008 (see s 2)

Transport Legislation (Fees) Amendment Regulation (No. 1) 2008 SL No. 131 pts 1,

15

notfd gaz 23 May 2008 pp 543–5

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2008 (see s 2)

**Transport Operations (Road Use Management—Mass, Dimensions and Loading)
and Other Legislation Amendment Regulation (No. 1) 2008 SL No. 313 pts
1–2**

notfd gaz 19 September 2008 pp 407–9

ss 1–2 commenced on date of notification

remaining provisions commenced 29 September 2008 (see s 2)

6 List of annotations

Application of pt 2

s 5 amd 2008 SL No. 313 s 4

Mass requirements

s 6 sub 2008 SL No. 313 s 5

Compliance with requirements—vehicles

s 7 amd 2008 SL No. 313 s 6

Compliance with requirements—trailers

s 8 amd 2008 SL No. 313 s 7

Compliance with requirements—combinations

s 9 amd 2008 SL No. 313 s 8

Way of stating GVM

s 18 amd 2008 SL No. 313 s 9

Offences against this part

s 21 sub 2008 SL No. 313 s 10

PART 2A—CONTAINER WEIGHT DECLARATIONS

pt 2A (ss 21A–21E) ins 2008 SL No. 313 s 11

PART 3—VEHICLE DIMENSIONS

Length—motor vehicles

s 24 amd 2008 SL No. 313 s 12

Width

s 25 amd 2008 SL No. 313 s 13

Height

s 26 amd 2008 SL No. 313 s 14

Limits on projection of loads—motor vehicles other than motorbikes

s 34 amd 2008 SL No. 313 s 15

Division 4—Information offences

div hdg sub 2008 SL No. 313 s 16

Offences against this part

s 37 sub 2008 SL No. 313 s 16

PART 4—LOADING**Definition for pt 4**

s 39 amd 2008 SL No. 313 s 17

Compliance with requirements—vehicles

s 40 amd 2008 SL No. 313 s 18

Compliance with requirements—trailers

s 41 amd 2008 SL No. 313 s 19

Compliance with requirements—combinations

s 42 amd 2008 SL No. 313 s 20

Proof of schedule 7 loading offences

prov hdg amd 2008 SL No. 313 s 21

s 43 amd 2006 SL No. 173 s 28; 2008 SL No. 313 s 21

Offences against this part

s 44 sub 2008 SL No. 313 s 22

PART 6—GUIDELINES AND PERMITS**Guidelines for safe movement of vehicles**

s 48 amd 2008 SL No. 114 s 4

Permits for safe movement of vehicles

s 51 amd 2008 SL No. 114 s 5

Division 3—IAP conditions and procedure before operating under IAP etc.

div 3 (ss 55A–55D) ins 2008 SL No. 114 s 6

PART 6A—INTELLIGENT ACCESS PROGRAM

pt hdg ins 2008 SL No. 114 s 6

Division 1—Preliminary

div 1 (ss 55E–55G) ins 2008 SL No. 114 s 6

Division 2—Powers and duties of chief executive in relation to IAP

div 2 (s 55H) ins 2008 SL No. 114 s 6

Division 3—Duties and obligations of operators of IAP vehicles

div 3 (ss 55I–55K) ins 2008 SL No. 114 s 6

Division 4—Obligations of IAP vehicle drivers

div 4 (s 55L) ins 2008 SL No. 114 s 6

Division 5—Duties, powers and obligations of IAP service providers

div 5 (ss 55M–55W) ins 2008 SL No. 114 s 6

Division 6—Functions, powers and obligations of TCA

div 6 (ss 55X–55ZH) ins 2008 SL No. 114 s 6

Division 7—Duties, powers and obligations of IAP auditors

div 7 (ss 55ZI–55ZR) ins 2008 SL No. 114 s 6

Division 8—Tampering with approved intelligent transport systems

div 8 (ss 55ZS–55ZT) ins 2008 SL No. 114 s 6

*Transport Operations (Road Use Management—Mass,
Dimensions and Loading) Regulation 2005*

PART 6B—REASONABLE STEPS DEFENCE

pt 6B (ss 55ZU–55ZX) ins 2008 SL No. 313 s 23

Regulation repealed

s 58 amd 2006 SL No. 28 s 18

PART 8—TRANSITIONAL PROVISIONS

Division 1—Transitional provisions for Transport Operations (Road Use Management—Mass, Dimensions and Loading) Regulation 2005

div hdg ins 2008 SL No. 313 s 24

Definition for div 1

s 59 prov hdg sub 2008 SL No. 313 s 25

Division 2—Transitional provision for Transport Operations (Road Use Management—Mass, Dimensions and Loading) and Other Legislation Amendment Regulation (No. 1) 20088

div 2 (s 62) ins 2008 SL No. 313 s 26

PART 9—OTHER REGULATIONS AMENDED

pt hdg om R1 (see RA s 7(1)(k))

Division 1—Amendment of State Penalties Enforcement Regulation 2000

div 1 (ss 62–63) om R1 (see RA ss 7(1)(k) and 40)

Division 2—Amendment of Tow Truck Regulation 1999

div 2 (ss 64–65) om R1 (see RA ss 7(1)(k) and 40)

Division 3—Amendment of Transport Infrastructure (Rail) Regulation 1996

div 3 (ss 66–67) om R1 (see RA ss 7(1)(k) and 40)

Division 4—Amendment of Transport Operations (Road Use Management—Road Rules) Regulation 1999

div 4 (ss 68–71) om R1 (see RA ss 7(1)(k) and 40)

Division 5—Amendment of Transport Operations (Road Use Management—Vehicle Registration) Regulation 1999

div 5 (ss 72–74) om R1 (see RA ss 7(1)(k) and 40)

SCHEDULE 2—MASS LIMITS FOR SINGLE AXLES AND AXLE GROUPS

amd 2006 SL No. 173 s 29

SCHEDULE 9—FEES

sch 9 sub 2006 SL No. 90 s 34; 2007 SL No. 83 s 30; 2008 SL No. 131 s 31

Overmass vehicle

s 1 amd 2006 SL No. 28 s 19

sub 2006 SL No. 90 s 34; 2007 SL No. 83 s 30; 2008 SL No. 131 s 31

Alternative compliance

s 2 sub 2006 SL No. 90 s 34; 2007 SL No. 83 s 30; 2008 SL No. 131 s 31

SCHEDULE 11—DICTIONARY

def “**complying container weight declaration**” ins 2008 SL No. 313 s 27(2)

def “**dangerous overloading offence**” sub 2008 SL No. 313 s 27

def “**excessive overloading offence**” sub 2008 SL No. 313 s 27

def “**extreme overloading offence**” om 2008 SL No. 313 s 27(1)
def “**IAP**” ins 2008 SL No. 114 s 7
def “**IAP agreement**” ins 2008 SL No. 114 s 7
def “**IAP audit**” ins 2008 SL No. 114 s 7
def “**IAP auditor**” ins 2008 SL No. 114 s 7
def “**IAP conditions**” ins 2008 SL No. 114 s 7
def “**IAP information**” ins 2008 SL No. 114 s 7
def “**IAP service provider**” ins 2008 SL No. 114 s 7
def “**IAP vehicle**” ins 2008 SL No. 114 s 7
def “**IAP website**” ins 2008 SL No. 114 s 7
def “**law enforcement purposes**” ins 2008 SL No. 114 s 7
def “**load**” amd 2006 SL No. 28 s 20
def “**malfunction**” ins 2008 SL No. 114 s 7
def “**noncompliance**” ins 2008 SL No. 114 s 7
def “**noncompliance report**” ins 2008 SL No. 114 s 7
def “**participating operator**” ins 2008 SL No. 114 s 7
def “**personal information**” ins 2008 SL No. 114 s 7
def “**prime mover**” om 2008 SL No. 313 s 27(1)
def “**tampers**” ins 2008 SL No. 114 s 7