1. Application

These Terms and Conditions set out the requirements for:

a) enrolment in the IAP and approved On Board Mass (OBM) systems linked to the IAP (IAP-linked OBM) in NSW for eligible vehicles under Safety, Productivity and Environment Construction Transport Scheme (SPECTS); and

b) the issuing of an IAP Certificate of Enrolment stating SPECTS and OBM SPECTS as the IAP networks/schemes; and

c) the terms of use of the SPECTS application form, which includes the enrolment in the IAP and IAP-linked OBM in NSW.

By completing and submitting an SPECTS application form the Operator agrees to observe these Terms and Conditions.

2. Permitted Use

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

3. Background

Under the Heavy Vehicle National Law (HVNL), the National Heavy Vehicle Regulator (NHVR) is responsible for the administration of the IAP and the issuing of access permits. Roads and Maritime Services will continue to administer all IAP services (excluding the issuing of Class 2 permits) in NSW under the delegation from the NHVR. Transport Certification Australia (TCA) nationally administers the use of IAP linked-OBM allowing Roads and Maritime and other road managers in NSW to grant access to routes that may have previously been unavailable for these vehicle types due to infrastructure risks. Additional information is available at www.nhvr.gov.au.

Maintaining enrolment in the IAP and IAP-linked OBM with Roads and Maritime is a condition of access under SPECTS in NSW.

Operators seeking to operate any of the eligible vehicles under SPECTS in NSW must enrol in the IAP and IAP-linked OBM with Roads and Maritime (even if already enrolled in IAP in other jurisdictions) and carry a current IAP Certificate of Enrolment issued by Roads and Maritime stating SPECTS and OBM SPECTS as the IAP networks/schemes specifically for these vehicles.

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

4. Interpretation
4.1 Terms and Definitions

**Enrolled** - A nominated vehicle is enrolled in the IAP and IAP-linked OBM in NSW when:

a) certified IAP and IAP-linked OBM equipment have been installed in the nominated vehicle by a certified IAP Service Provider engaged by the Operator; and

b) an IAP Certificate of Enrolment has been issued by Roads and Maritime stating the nominated vehicle is monitored under the SPECTS and OBM SPECTS IAP networks/schemes.

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

**IAP-linked OBM** – An approved OBM systems linked to IAP. Transport Certification Australia (TCA) nationally administers the use of IAP-linked OBM, allowing Roads and Maritime Services and other road managers in NSW to grant access to routes approved as suitable that may have previously been unavailable for these vehicle types due to identified infrastructure risks.

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

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

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

**Nominated vehicle** – An eligible vehicle nominated by the Operator on the “SPECTS application form” for enrolment in the IAP and IAP-linked OBM in NSW.

**On Board Mass (OBM)** – OBM systems monitor all the axle groups in the vehicle combination and provide the mass readings of these axle groups to the IAP system.

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

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

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


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

Safety, Productivity & Environment Construction Transport Scheme (SPECTS) - SPECTS is a voluntary scheme designed to enable the efficient movement of construction materials by allowing enrolled trucks to carrying more materials greater road access in return for meeting higher environmental, safety and compliance standards, including enrolment in the IAP and IAP-linked OBM in NSW and vehicle approvals through PBS.

SPECTS Eligible vehicle – An eligible vehicle/combination is a vehicle that meets the conditions set in the SPECTS Business Rules.

SPECTS Notice - The NSW Class 2 Safety, Productivity & Environment Construction Transport Authorisation Notice 2016 is a legal instrument used to manage the access and compliance of specific eligible vehicles in NSW. The SPECTS Notice can be assessed at www.nhvr.gov.au/law-policies/notices-and-permit-based-schemes/state-hvnl-notices.

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

Eligible vehicles must have the following safety and environmental features set out in the Scheme Business Rules:

- Electronic Stability Control (ESC) – on vehicles manufactured on or after 1 January 2017 as defined in the SPECTS Business Rules
- Roll-over control system on trailer – to be fitted to on vehicles manufactured on or after 1 January 2017 in conjunction with ESC as defined in the SPECTS Business Rules
- Systems to improve visibility and detection of vulnerable road users, such as blind spot mirrors as defined in the SPECTS Business Rules
- Reversing lights on both truck and trailer as defined in the SPECTS Business Rules
- Enhanced vehicle visibility markings – using retro-reflective tape to provide a contour outline of the vehicle as defined in the SPECTS Business Rules
- “Smart” reversing alarm, which adjusts the noise level to be appropriate for the environment that the vehicle operates in, on both the truck and trailer as defined in the SPECTS Business Rules
- At least Euro 5 diesel engine as defined in the SPECTS Business Rules.

6. Enrolment

6.1 Enrolment process

The Operator of the nominated vehicle is required to complete an IAP and IAP-linked OBM enrolment application using the SPECTS application form available at www.rms.nsw.gov.au/spects.

Upon receipt of the SPECTS application form, Roads and Maritime will assess the application to determine whether each nominated vehicle is eligible to enrol in the IAP and IAP-linked OBM in NSW. If a nominated vehicle meets the conditions for entry into SPECTS and is eligible for enrolment in the IAP and IAP-linked OBM, Roads and Maritime will issue two interim Intelligent Access Conditions (IACs) relating to that vehicle to the Operator at the email address provided. If a nominated vehicle is not eligible for enrolment, Roads and Maritime will advise the Operator at the email address provided. Each interim IAC is valid for six months.

The Operator must provide a copy of both interim IACs to the certified IAP Service Provider engaged by the Operator to install the IAP and IAP-linked OBM equipment in the nominated vehicle before the interim IACs expire. If the interim IAC has expired, the Operator must restart the IAP and IAP-linked OBM enrolment process from the beginning by completing a new SPECTS application available at www.rms.nsw.gov.au/spects.

The certified IAP Service Provider will advise Roads and Maritime when the IAP and IAP-linked OBM equipment have been installed and available for monitoring.

Roads and Maritime will then issue an IAP Certificate of Enrolment for the nominated heavy vehicle stating the SPECTS and OBM SPECTS IAP networks/schemes. The nominated vehicle is then enrolled in the IAP in NSW and can operate under the SPECTS Notice when the Operator has also received a Welcome Letter with SPECTS stickers for each of the nominated vehicles.
6.2 Enrolment information

Operators must ensure that any information submitted for the IAP and IAP-linked OBM enrolment is:

a) Complete, correct and accurate; and

b) Complies with all applicable laws, business rules and other written guidelines.

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

Giving false or misleading information is a serious offence.

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

a) the Operator's details (i.e. Operator's name, nominated contact person, Australian Business Number (ABN), email address, phone and fax numbers);

b) the nominated vehicle’s registration details (e.g. Registered Operator, registration number plate, VIN or Chassis);

c) the IAP Service Provider.

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

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

6.3 Enrolment is not transferable

Enrolment in IAP and IAP-linked OBM is not transferable. Where ownership or control of nominated vehicle changes the new Operator of the vehicle must re-apply for enrolment in IAP and IAP-linked OBM in NSW.

7. Network Access

Roads and Maritime publishes maps and/or lists of approved networks that are updated from time to time by the addition of new approved roads and the removal of roads that are no longer approved for use by nominated vehicles enrolled in SPECTS.

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

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


Additional routes may be granted under a PBS access permit.
8. Responsibilities and Obligations

8.1 Mass declaration requirements

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

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

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

8.2 On Board Mass

IAP-linked OBM systems monitor all the axle groups in the vehicle combination and provide the mass readings of these axle groups to the IAP system.

a) The vehicle must have an IAP-linked OBM that meets the requirements of the Interim OBM Mass Monitoring Business, Operational and Technical Requirements issued by TCA.

b) When an OBM system type-approved by TCA becomes available for use in the IAP, all vehicle combinations operating under this permit will be required to transition to an OBM system that is type-approved by TCA for use in the IAP, at a timeframe specified by Roads and Maritime.

“OBM system that is type-approved by TCA” means On-Board Mass scales or weighing devices or load cell systems capable of accurately measuring vehicle axle and gross weights that are type-approved by Transport Certification Australia.

c) The IAP-linked OBM must be maintained operable and regularly calibrated in accordance with the manufacturer’s recommended frequency for the application and in accordance with the Interim OBM Mass Monitoring Business, Operational and Technical Requirements issued by TCA.
9. Audit

The Operator:

a) acknowledges that the NHVR or Roads and Maritime may from time to time audit compliance with these terms and conditions; and

b) agrees upon request to promptly give the NHVR or Roads and Maritime or its nominee access to relevant records held by or under the control of that Operator; and

c) agrees to be available to the NHVR or Roads and Maritime or its nominee upon request in order for the NHVR or its nominee to conduct the audit; and

d) acknowledges that any information or documents supplied may be verified or validated.

10. Roads and Maritime’s Use of Information

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

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

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

Roads and Maritime may use IAP and OBM information to provide statistical reporting to road managers to inform them of mass and route compliances.

11. Acknowledgments and Liability

11.1 Roads and Maritime liability

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

11.2 Exclusion of terms

If the Competition and Consumer Act 2010 (Cth) ("the Act") or similar legislation applies to these terms and conditions at any time (which is not admitted by Roads and Maritime), nothing in these terms and conditions excludes or limits any liability Roads and Maritime may have under the Act or similar legislation that Roads and Maritime is not permitted by law to exclude or limit, including liability to a "consumer" (as that term is defined in that Act). Roads and Maritime limits any liability it has to such a consumer for breach of a warranty implied under the Act or similar legislation to resupplying the services in respect of which the breach occurred.
Except as otherwise expressly stated in these Terms and Conditions, all terms, conditions, warranties, undertakings, inducements or representations whether express or implied, statutory or otherwise relating to these Terms and Conditions are excluded to the fullest extent permissible at law.

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

12. Term and Termination

12.1 Commencement

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

12.2 Renewal of IAP Certificate of Enrolment

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

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

12.3 Termination

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

Once IAP or IAP-linked OBM has been cancelled, the IAP Certificate of Enrolment issued by Roads and Maritime is no longer valid and the nominated vehicle will no longer be allowed to operate in SPECTS IAP.

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