

These Licence Conditions apply to all new and existing Licensed Vehicle Testers and are revised periodically.

New licence applicants and current Licence Holders must read this document carefully as it imposes obligations that must be understood before signing the acceptance declaration on the Licenced Vehicle Tester (LVT) licence application or renewal.

Pursuant to Parts 1 and 6 of the Road Safety (Vehicles) Regulations 2021, an LVT licence is issued by the Secretary subject to the conditions, limitations and restrictions set out in this document.

1. Compliance with Regulations

- 1.1 The Licence Holder must be the proprietor of the business and comply at all times with the requirements of the Regulations that relate to the examination and testing of vehicles.
- 1.2 The Licence Holder must conduct an audit of the licence operation at the time of application for licence renewal as per the directions of the Secretary or a person authorised by the Secretary.
- 1.3 The Licence Holder must also conduct a compliance audit of the licence operation every three months using the **Licensed Vehicle Tester Audit Checklist** as varied from time to time (refer vicroads.vic.gov.au). The completed Audit Checklist must be retained at the Licence Holder's premises, and be made available for review on request.

2. Corporate Licence Holders

If the Licence Holder is a corporation it must:

- 2.1 Ensure that its employees comply with the requirements of Part 6 of the Regulations and with these Conditions;
- 2.2 Appoint a person who has completed the prescribed accreditation training as its Delegate to liaise with the Secretary in relation to the licence. Accreditation requirements are set out in Clause 4.16 of these Conditions;
- 2.3 Notify the Secretary in writing of the name and contact details of the Delegate at the time of being appointed and of any changes to the name and contact details of the Delegate; and
- 2.4 Notify the Secretary in writing at least fourteen (14) days prior to any change in the name, location, ownership, or control of the corporation. Evidence of company structure and ownership must be produced on request.

3. Classes of vehicles

The Licence Holder may only permit the examination and testing of vehicles in classes that are specified in the licence. Those classes may include:

- LV - Light Vehicles (vehicles up to and including 4.5 tonne GVM)
- HV - Heavy Vehicles (vehicles over 4.5 tonne GVM - including trailers)
- MC - Motorcycles and motor trikes
- LB - Light Buses (vehicles with 10 or more seats including the driver and up to and including 4.5 tonne GVM) - refer to Appendix 4
- HB - Heavy Buses (vehicles with 10 or more seats including the driver and over 4.5 tonne GVM) - refer to Appendix 4
- LP - LPG equipped vehicles.

4. Suitability, qualification and accreditation requirements

- 4.1 An individual applying to become a Licenced Vehicle Tester and all existing Licence Holders, their Delegates, Examining Mechanics and Administrators must meet suitability requirements as set by the Secretary. Individuals will be deemed as not suitable if a review of their **National Police Check Certificate** indicates any charges where a finding of guilt or convictions relating to any of the following matters are recorded within the last ten (10) years:
 - a. any offence that indicates poor judgement of character or dishonesty;
 - b. theft or an offence involving deception or fraud;
 - c. an act of violence, or threats of violence;
 - d. any vehicle related crime;
 - e. firearms related matters;
 - f. crimes associated with drugs;
 - g. failing to notify police while being the driver of a vehicle that was involved in an accident which resulted in the injury of persons or damage to property; or
 - h. an offence involving the risk of injury to the public.
- 4.2 Individuals are required to provide a current **National Police Check Certificate** to confirm their suitability as a Licence Holder, Delegate, Examining Mechanic or Administrator when requested by the Secretary at any point in time.
- 4.3 Individuals must produce a medical certificate to confirm fitness to perform all aspects of examination and testing functions of an Examining Mechanic when requested by the Secretary at any point in time.
- 4.4 Individuals must be appropriately qualified prior to being considered for accreditation as an Examining Mechanic. The qualification required is a:
 - a. Certificate III Motor Mechanic specific to the vehicle class applied for, as issued by a recognised Registered Training Organisation (RTO) approved to provide this course; or
 - b. motor mechanic with at least seven (7) years of verifiable trade experience of a type recognised by the Secretary.To be considered as a recognised RTO, the RTO must not have any current or existing record of investigation, suspension or cancellation listed with the national training regulator (the **Australian Skills Quality Authority**) and must offer the course under the Australian Qualifications Framework.

- 4.5 If the Licence Holder is a corporation, or is an individual who is not a qualified mechanic (within the meaning provided by Clause 4.4), the Licence Holder must employ on a permanent basis at least one qualified and accredited Examining Mechanic to perform examinations and tests at each premises used to examine and test vehicles. Accreditation requirements are as set out in Clause 4.16 of these Conditions. Evidence of employment must be produced on request.
- 4.6 The Licence Holder must apply to the Secretary, and be provided with approval in writing by the Secretary, for an accredited individual to be authorised and added to their Licence as an Examining Mechanic. An Examining Mechanic can only be assigned to one LVT licence at any given time.
- 4.7 Any person authorised by the Secretary as an Examining Mechanic must hold a full, unconditional (excluding S and Z condition, refer vicroads.vic.gov.au) and current driver licence issued by an Australian State or Territory for the class of vehicles they are testing.
- 4.8 Before conducting any testing of vehicles, an Examining Mechanic must have satisfactorily completed the Licensed Vehicle Tester Accreditation course for the class of vehicle being tested. Accreditation requirements are as set out in Clause 4.16 of these Conditions.
- 4.9 Part A (Vehicle and Presenter Details) of a Certificate of Roadworthiness can only be completed, and the certificate can only be signed, by an authorised Licence Holder, Delegate, Examining Mechanic or Administrator who has successfully completed the Licensed Vehicle Tester Administration Course delivered by an accredited training provider (refer vicroads.vic.gov.au).
- 4.10 The Licence Holder must not allow any person to sign Certificates of Roadworthiness unless they have successfully completed the Licensed Vehicle Tester Administration Course.
- 4.11 Part B (Test Report) of a Certificate of Roadworthiness can only be completed and signed by an authorised Examining Mechanic and must be the individual who has completed both the examination and the road test.
- 4.12 The Licence Holder must not allow any person who is not an authorised Examining Mechanic to conduct an inspection in relation to the issuing of a Certificate of Roadworthiness or complete Part B of a Certificate of Roadworthiness.
- 4.13 If an Examining Mechanic ceases to be employed or engaged by the Licence Holder, the Licence Holder must give the Secretary written notice within seven (7) days of the Examining Mechanic ceasing to be employed or engaged. The Licence Holder must ensure that the myVicRoads partner portal account for the Examining Mechanic is deleted.
- 4.14 The Licence Holder must apply to the Secretary using the **Application to Authorise Employee form** to request addition of an authorised person, and be provided with approval in writing by the Secretary, prior to that person conducting any duties in relation to the issuing of a Certificate of Roadworthiness.
- 4.15 Licence Holders, Delegates and Examining Mechanics are required to complete any additional training as directed by the Secretary.
- 4.16 Permanently employed staff required to be involved in any aspect of examining and testing vehicles for roadworthy must complete relevant training requirements as outlined below.

Accreditation courses for LVTs

Course	Date applicable from	Category
LVT Accreditation Course (LV, MC or HV)	June 2001	All Examining Mechanics (by category)
LVT Administration Course	June 2001	All Licence Holders, and administrative staff required to complete Part A of the certificate, or to sign a certificate
LPG Accreditation Course	January 2005	LV and HV category Examining Mechanics who want to inspect LPG gas installations
Structural Awareness Course	July 2013	All LV category Examining Mechanics
HV Refresher Course	September 2015	HV Examining Mechanics accredited prior to September 2015
LV Refresher Course	November 2017	LV Examining Mechanics accredited prior to April 2013
MC Refresher Course	February 2018	MC Examining Mechanics accredited prior to October 2016
HB Course (Must be an approved HV LVT)	December 2020	HV Examining Mechanics who want to inspect Heavy Buses (only with prior approval from the Secretary)
LB Course (Must be an approved LV LVT)	December 2020	LV Examining Mechanics who want to inspect Light Buses (only with prior approval from the Secretary)

5. Premises

- 5.1 The Licence Holder must have the legal right to occupy any premises at which vehicles are examined and tested. Premises must be suitable for the class of vehicles being tested. Those premises must:
 - a. be a retail motor vehicle repair or inspection facility that is readily accessible to members of the public (except in the case of premises used solely for testing buses);
 - b. not be primarily involved in vehicle panel repairs or spray painting; any vehicle panel repairs or spray painting must be conducted in a separate, isolated space;
 - c. be under the sole control of the applicant and/or Licence Holder, and not shared with another entity;
 - d. be suitable for the purpose of examining and testing all configurations of the vehicle classes the Licence Holder is approved to examine and test, and be readily accessible to all configurations of vehicle classes required to be tested;

- e. be maintained to a standard and in a condition which would be reasonably acceptable to the Secretary and comply with any applicable WorkSafe Victoria and Environment Protection Authority Victoria requirements (or the relevant authorities if the premises are located in a jurisdiction other than Victoria); and
 - f. have clear access and sufficient testing space and height for the classes of vehicles to be examined and tested.
- 5.2 The Licence Holder must obtain and hold any consent or approval required by the municipal council or other statutory planning body for the premises to be used for the examination and testing of vehicles.
- 5.3 New licence applicants, or existing Licence Holders requesting a change of premises and/or additional premises, are required to supply a completed **Automotive Workshop Inspection Checklist** (refer vicroads.vic.gov.au). This inspection checklist must be completed and signed by the applicant, or the Licence Holder or their nominated company Delegate or director.
- 5.4 To be considered for approval, all new licence applicants, or existing Licence Holders requesting a change of premises and/or additional premises are required to comply with the further requirements below as a minimum:
- a. test facilities must be housed in a weatherproof building capable of being totally enclosed and providing a satisfactory working area;
 - b. there must be unobstructed, safe, and easy access from the site entrance to the building entrance;
 - c. there must be adequate secure off-street parking for a minimum of four (4) vehicles. Parking within the workshop area cannot be considered and parking must be separate to any customer walkways or waiting areas. Parking must be suitable for all vehicle types and configurations within the approved vehicle class;
 - d. there must be a clearly identified weatherproof public waiting room for a minimum of two (2) people that is separate to the workshop area. Access to the customer waiting area cannot be via any workshop-related areas; and
 - e. the workshop, public waiting room and testing facilities must conform to all relevant WorkSafe Victoria requirements (or the relevant authorities if the premises are located in a jurisdiction other than Victoria). The **Automotive Workshop Inspection Checklist** must be provided as evidence of this.
- 5.5 Any roadworthy inspection bay must have:
- a. clear unobstructed entry and exit from the entrance of the building;
 - b. entries and exits that have appropriate dimensions to cater for the categories of vehicles being tested for roadworthiness; and
 - c. sufficient clearance around and above the vehicle when on a hoist or inspection pit to allow the roadworthy inspection to be conducted in a safe and correct manner. There must be a minimum of 600mm clearance around and above the vehicle.

6. Equipment

- 6.1 The Licence Holder must have the following equipment calibrated (where applicable) and in a serviceable condition at each of the premises at which vehicles will be examined and tested:
- a. either a headlight testing bay or a headlight testing machine;
 - b. either a roller brake testing machine with printout capability or a decelerometer with printout capability and/or ability to save results on a computer;
 - c. a window tint meter with a digital display in % value;
 - d. a digital camera or camera-enabled device (tablet or mobile phone); and
 - e. if the licence permits the testing of LPG vehicles, an electronic gas leak detector that meets the requirements of AS/NZS 1425:2013.
- All equipment above must comply with the specifications set out in Appendix 1 and Appendix 2 of these Conditions.
- 6.2 If the licence permits the testing of Light Vehicles, the Licence Holder must also have a vehicle hoist of at least 2.5 tonne capacity.
- 6.3 If the licence permits the testing of Heavy Vehicles and/or buses, the following additional requirements apply:
- a. any inspection pit must be at least 9 metres long and be constructed in such a manner that if it is less than 18 metres long, then the vehicle must be able to drive through (this condition may be varied for Light Buses); and/or
 - b. must have a hoist or combination of hoists to a minimum capacity of 20 tonnes for all Heavy Vehicles, and 5 tonnes for Light Buses.
- 6.4 If the licence permits the testing of Motorcycles, the Licence Holder must have a suitable motorcycle work stand or hoist that is capable of lifting a minimum of 500mm. The device must also be able to hold the front wheel while the bike is raised from the centre to test swing arms.
- 6.5 Any change of equipment, or additional equipment, must be advised in writing to the Secretary prior to use, providing equipment type, brand, serial number, and calibration date (where applicable).

7. Signage and use of logos

- 7.1 The Licence Holder must display a sign purchased from the Secretary at each premises at which vehicles will be examined and tested that:
- a. states the licence number of the Licence Holder and the classes of vehicles that may be examined and tested; and
 - b. is located outside the premises in a position visible to the members of the public.
- 7.2 Use of Department of Transport and Planning (DTP) or VicRoads logos and signage:
- a. Subject to paragraph (b), the Licence Holder must not use or display any DTP, Victorian Government or VicRoads logo, marks or branding except with the Secretary's prior written consent.
 - b. The Licence Holder must, at the Licence Holder's cost, display or make available any signs, notices, logos, marks, branding and other materials provided by the Secretary and required to be displayed or made available by the Secretary in connection with services offered at the approved premises.
- 7.3 The Licence Holder must also display in reception or the customer waiting area the current Licensed Vehicle Tester licence in a position where customers can see it.

8. Examination and directions

- 8.1 When requested to do so by the Secretary, or a person authorised by the Secretary, the Licence Holder must allow that person to enter any premises at which vehicles are examined and tested, to enable the person to examine whether:
 - a. the premises are suitable and the specified equipment is serviceable and available to carry out examinations and tests; and
 - b. a person in the premises is qualified and accredited to carry out examinations and tests; and
 - c. the requirements of Part 6 of the Regulations are being complied with.
- 8.2 The Licence Holder must allow the Secretary, or a person authorised by the Secretary, to remove for examination and copying, any copies or originals of notes or records or any other data in connection with the testing and examination of vehicles, including any documents supplied by the Secretary.
- 8.3 The Licence Holder must also comply with all other lawful directions of the Secretary or a person authorised by the Secretary.
- 8.4 Examining Mechanics are required to take inspection photographs as set out in Appendix 3 of these Conditions.
- 8.5 All vehicles presented for examination and testing for a Certificate of Roadworthiness must have a road test performed. The road test must be performed by the approved Examining Mechanic who also performs the examination. The road test must be of a reasonable duration to allow sufficient time for the vehicle to warm, and to assist with identification of fluid leaks, emissions or vehicle handling issues.
- 8.6 All vehicles except Motorcycles and Heavy Trailers presented for examination and testing for a Certificate of Roadworthiness must have a brake test performed. The brake test must be performed using suitable and calibrated equipment as outlined in Appendix 1 of these Conditions. When using a decelerometer to test brakes, Examining Mechanics must ensure a safe environment for performing tests from a driving speed of 35 km/h for Light Vehicles as per Table 1 and Table 2 of Section C of VSI26; or as per Section 2 of the National Heavy Vehicle Inspection Manual for Heavy Vehicles. The brake test results must be recorded for each examined vehicle either by electronic print-out or photographic image. The print-out or photographic image must include the date, time and brake test results from the actual vehicle inspected.
- 8.7 The Licence Holder must ensure that copies of any relevant inspection manuals, Australian standards, guidelines and written directions are available to authorised staff at all premises for the purpose of performing required administrative and/or examination and testing requirements.

9. Communications and information access

- 9.1 The Licence Holder or Delegate must have a current email address for communication with the Secretary. The onus is on the Licence Holder or Delegate to advise the Secretary of any change to the email address.
- 9.2 The testing premises must have internet access. Testing staff must be provided with access to the premise's internet for the purpose of obtaining information relevant to the examination and testing of vehicles and, when instigated, the processing of inspection information via a web browser.
- 9.3 The Licence Holder or Delegate is responsible for communicating on behalf of the Licence Holder and any of its authorised Examining Mechanics to the Secretary. Any communication between the Secretary and the Delegate will be deemed to be between the Secretary, the Licence Holder and each of its authorised Examining Mechanics.
- 9.4 All electronic communications from the Secretary to the Licence Holder, Examining Mechanic or Delegate will be taken as received at the date and time sent, if the Secretary does not receive any error message in respect of that communication.

10. Roadworthy eCertificate system

- 10.1 Unless otherwise agreed with the Secretary, the Licence Holder must use the Secretary's online Roadworthy eCertificate system which is accessed via a myVicRoads Partner Account to record test report details as identified following the examination and test of a vehicle for the purpose of a roadworthy inspection and to issue a Certificate of Roadworthiness, and must:
 - a. provide all computer equipment and proprietary software necessary for the operation of the system;
 - b. comply, and ensure that all of its authorised personnel comply, with the **myVicRoads Terms and Conditions** as varied from time to time.;
 - c. take all reasonable care in utilising the information technology systems including all hardware, software and applications and observe all relevant security procedures, access policies and work practices;
 - d. not interfere with or disrupt or cause any damage to the information technology systems; and
 - e. ensure that the information technology systems are protected from unauthorised access or use, misuse, damage or destruction by any person.
- 10.2 The following requirements must be adhered to when accessing and using the Roadworthy eCertificate system on the myVicRoads Partner Portal for the recording of inspection outcomes and issuing of Certificates of Roadworthiness:
 - a. Only individuals authorised by the Secretary will be approved to access the Roadworthy eCertificate system and provided with login credentials.
 - b. Login credentials must not be shared with any other person and must not be displayed in any way that other individuals can access or use. Only the approved individual is permitted to access the Roadworthy eCertificate system using their allocated login details.
- 10.3 Any further security measures applied or required to be used as stipulated by the Secretary must be implemented by the Licence Holder and activated for each authorised user of the Roadworthy eCertificate system. This may include multi-factor authentication and malware protection.
- 10.4 Access to elements of the Roadworthy eCertificate system is based on the level of accreditation granted to an individual. The Roadworthy eCertificate system has three Parts and authority to access each Part will be as stipulated by the Secretary from time to time.
- 10.5 Licence Holders are required to keep at least one paper Certificate of Roadworthiness book on hand at each authorised premise at all times for use with authorisation from the Secretary. Paper Certificate of Roadworthiness books must be kept secure at all times and Licence Holders must ensure that books cannot be accessed or viewed by any unauthorised persons. Licence Holders must immediately report to the Secretary any incidence of unauthorised access to a Certificate of Roadworthiness book including if the book is lost, stolen or tampered with in any way including if certificate pages have been removed, or certificates issued without approval.
- 10.6 Roadworthy eCertificate serial numbers or paper books must be purchased via the VicRoads Online Bookshop or via the myVicRoads Partner Portal.

- 10.7 Data entered into the Roadworthy eCertificate system must be verified by the user prior to submission, and required information and inspection photographs must be uploaded.
- 10.8 Licenced Bus Testers (LBTs) are required to record Annual Bus Safety Inspections in the Roadworthy eCertificate system.

11. Records

- 11.1 In accordance with Regulation 250, the Licence Holder must retain the following records and ensure that they are retained for seven (7) years in a location notified in writing to the Secretary:
- a copy of every paper Certificate of Roadworthiness issued by the Licence Holder;
 - all original or copies of notes and other data made or reviewed by the Licence Holder or an Examining Mechanic while examining and testing vehicles; and
 - any other records that are necessary to ascertain the nature of the examination and testing of vehicles carried out; who presented the vehicle for inspection; the time, date and place on which it was carried out; and the identity of the Examining Mechanic who carried it out.
- 11.2 The Secretary, at its discretion, may collect and archive any records specified in Clause 11.1 which are kept by the Licence Holder.
- 11.3 Except as required by law, the Licence Holder must return to the Secretary or, at the Secretary's discretion, delete or destroy in accordance with the requirements of the Secretary and in the presence of a person authorised by the Secretary, materials and records in the Licence Holder's possession or control which contain Scheme Personal Information:
- when the Scheme Personal Information is no longer required by the Licence Holder for the purposes of the Licence;
 - on expiry or suspension or cancellation of the Licence; or
 - on demand by Secretary.

12. Privacy and data protection – use and disclosure of information

Disclosure of personal information to the Secretary

- 12.1 The Licence Holder warrants to the Secretary that in relation to any personal information that the Licence Holder or the Licence Holder's authorised staff discloses to the Secretary in connection with the Licence:
- the personal information has been collected in accordance with applicable Privacy Law;
 - the individual to whom the personal information relates has been made aware of the Secretary's identity, of how to contact the Secretary and of the other matters of which an individual is required to be made aware when personal information about them is collected by the Secretary; and the Secretary is authorised, either by the express or implied consent of the individual or by law, to collect and use the personal information.

Information privacy principles

- 12.2 The Licence Holder acknowledges that the Secretary is bound by the information privacy principles set out in the *Privacy and Data Protection Act 2014 (Vic)* (Information Privacy Principles).
- 12.3 The Licence Holder agrees to be bound by the information privacy principles and any code of practice that applies to the Secretary in relation to any act done or practice engaged by the Licence Holder for the purposes of these Licence Conditions in the same way and to the same extent as the Secretary would be bound by the information privacy principles and any applicable code of practice in respect of that act or practice had it been directly done or engaged in by the Secretary.

Informing the Secretary

- 12.4 The Licence Holder must:
- immediately inform the Secretary if they become aware of any:
 - breach or possible breach of any of the obligations contained in, or referred to in, this clause, by the Licence Holder; or
 - complaint concerning the Licence Holder's handling of scheme personal information.
 - promptly comply with any reasonable directions of the Secretary in relation to:
 - the handling, management or protection of personal information by the Licence Holder;
 - any actual or alleged interferences with privacy or breaches of Privacy Law in relation to scheme personal information;
 - a complaint concerning the handling of scheme personal information; and
 - an investigation or the exercise of other functions by the Privacy Commissioner.

Part 7B of the Road Safety Act 1986

- 12.5 The Licence Holder must ensure that any customer information that identifies an individual or from which an individual's identity can be reasonably ascertained is protected from unlawful use or disclosure in accordance with Part 7B of the *Road Safety Act 1986 (Vic)*.
- 12.6 The Licence Holder acknowledges that it is a "relevant person" for the purposes of Part 7B of the *Road Safety Act 1986 (Vic)*, and that its rights under these Licence Conditions to collect, use, disclose, store, transfer or otherwise handle personal information relating to the registration of vehicles or licensing of drivers are subject to its obligations under that section.

Handling scheme personal information

12.7 Without limiting this clause, the Licence Holder must:

- a. handle scheme personal information only for the purpose of providing Services in accordance with the Regulations and the Licence Conditions, or as required by law;
- b. ensure that its authorised staff are only given access to scheme personal information for the purposes of the Licensed Vehicle Tester Scheme and on a "need to know" basis;
- c. take all reasonable steps to ensure scheme personal information is protected from misuse, interference and loss and from unauthorised access, modification or disclosure; and
- d. not transfer, disclose or access, or allow any person to transfer, disclose or access, scheme personal information outside of Australia without the Secretary's prior written consent.

Notification of data breaches and incidents

12.8 The Licence Holder must immediately notify the Secretary if it becomes aware that there has been, or suspects that there may have been, a data breach or data incident, and must provide with that notification all information of which the Licence Holder is aware about:

- a. the nature and circumstances (including time and place) of; and
- b. the person or persons responsible for – the data breach or data incident or suspected data breach or data incident.

12.9 The Licence Holder must provide to the Secretary, in a manner and within the time reasonably specified by the Secretary:

- a. such further information about a data breach or data incident, or suspected data breach or data incident, as the Secretary requires; and
- b. all reasonable assistance requested by the Secretary to investigate, or mitigate the effects of, a data breach or data incident, or suspected data breach or data incident.

12.10 Where the Secretary requires, the Licence Holder must notify a data breach or data incident, or suspected data breach or data incident to the Privacy Commissioner and such other persons that the Secretary directs and shall do so in accordance with the Secretary's reasonable directions (whether or not the Provider is required to make the notification under a Privacy Law).

Data security practices and processes

12.11 The Licence Holder must implement practices and processes to ensure compliance with this clause and under Privacy Law. Without limitation, such practices and processes shall:

- a. sufficiently identify and protect against risks of complete or partial loss, destruction or corruption, or unauthorised (whether malicious or accidental) access, disclosure, alteration or deletion, of scheme personal information;
- b. be consistent with good industry practice; and
- c. ensure that up-to date protection against viruses, malware and other threats to the security and integrity of scheme personal information are maintained.

13. Confidentiality

Obligations of confidence

13.1 If the Licence Holder receives confidential information, the Licence Holder must, subject to the terms of these Licence Conditions, comply with the following obligations at all times:

- a. keep the confidential information private and preserve its confidential nature;
- b. not use the confidential information for any purpose other than a purpose permitted by the Regulations or Licence Conditions;
- c. not disclose or permit the disclosure of confidential information to any person except as permitted by the Regulations or Licence Conditions;
- d. only copy or reproduce confidential information for the purposes of the Regulations, Licence Conditions or with the written consent of the Secretary;
- e. establish and maintain appropriate security measures to protect the confidential information against unauthorised access, use or disclosure;
- f. immediately notify the Secretary of any unauthorised access to, use or disclosure of the confidential information;
- g. not reverse engineer, decompile or disassemble any confidential information; and
- h. ensure that adequate physical (in the case of confidential information in hard copy form) and electronic (in the case of confidential information in electronic form) security measures have been taken to protect the confidential information from misuse or loss or from unauthorised access, modification or disclosure.

13.2 The Licence Holder must ensure that staff are duly authorised by the Secretary before receiving or being given access to the confidential information or systems.

13.3 These Licence Conditions do not prohibit the disclosure of confidential information by the Licence Holder in the following circumstances:

- a. the disclosure is specifically contemplated and permitted by the Regulations or the Licence Conditions;
- b. the disclosure is required by a court or any governmental or administrative authority;
- c. the disclosure is required by or under Law or regulation.

Compliance and undertakings by authorised staff

13.4 The Licence Holder must ensure that its authorised staff are made aware of and comply with:

- a. the Licence Holder's obligations of confidence set out in this clause;
- b. **myVicRoads Terms and Conditions** as varied from time to time (refer vicroads.vic.gov.au); and
- c. all applicable Privacy Law.

Provision of confidential information at the Secretary's discretion

13.5 Nothing in these Licence Conditions or the Regulations imposes any obligation on the Secretary to provide, or provide access to, any confidential information. The Secretary may at the Secretary's absolute discretion refuse to provide, or provide access to, its confidential information. Where the Secretary provides, or provides access to, its confidential information, the Secretary does so subject to any conditions that it thinks fit. The Secretary is not obliged to give reasons for providing or withholding its confidential information or access or for giving access to its confidential information subject to conditions.

Equitable remedies

13.6 The Licence Holder acknowledges that a breach of the confidentiality obligations set out in these Licence Conditions may cause the Secretary irreparable damage for which monetary damages would not be an adequate remedy. Accordingly, in addition to a claim for damages and any other remedies available at law or in equity, the Secretary may seek specific performance or injunctive relief (as it determines is appropriate) against any breach or threatened breach by the Licence Holder, or its authorised staff, and the Licence Holder irrevocably consents to an application for that relief.

Return of confidential information

13.7 The Licence Holder must immediately on demand, or at the expiry or suspension or cancellation of the Licence (except as required otherwise by the *Public Records Act 1973 (Vic)* or any other legislation):

- a. deliver to the Secretary any material containing confidential information in its possession, power or control, including any material created or generated by the Licence Holder; and
- b. ensure that it does not retain copies of any confidential information in any form.

14. Duration and renewal of licence

14.1 The LVT licence continues in force for a period of 12 months from the date of issue.

14.2 A Licence Holder may apply to the Secretary for a renewal of the licence.

15. Definitions

In this document, unless expressed or implied to the contrary:

Approved Vehicle Examiner means a person approved by the National Heavy Vehicle Regulator (NHVR) to certify and approve certain modifications to Heavy Vehicles.

Administrator means a person employed by the Licence Holder who has completed the LVT Administration Course and been added to the Licence as an Administrator with the approval of the Secretary to assist the Licence Holder to complete Part A of the Certificate and manage users to the Roadworthy eCertificate system.

Authorised staff means any employees of the Licence Holder who have been authorised by the Secretary including Examining Mechanics, Delegates and Administrators.

Confidential information means any information provided by the Secretary or any of its employees, to the Licence Holder or any of its employees, or otherwise obtained by the Licence Holder or any of its employees, regardless of when it was obtained, in connection with these conditions or the Secretary in any way. Without limiting the foregoing:

- a. Confidential information includes confidential business information, documents, records, financial information, reports, intellectual property, product specifications, technical information and forecasts which relate to the Secretary and the fact that the confidential information may be or has been provided, and the terms of these conditions; and
- b. Confidential information does not include information which is in or becomes part of the public domain (other than through a breach of these conditions or an obligation of confidence) or which the recipient of the confidential information can prove was independently acquired or developed by it without breaching the terms of these conditions.

Data breach means an incident involving the misuse, loss or unauthorised access, modification or disclosure of scheme personal information handled by the Licence Holder.

Data incident means unauthorised action (including a threat of, or attempt at, such action) by a person (whether known or unknown) that:

- a. is, or if successfully completed is reasonably likely to be, an attack, penetration, denial of service, misuse of system access, unauthorised access or intrusion (hacking), virus intrusion or scan of the systems, networks, technology, content or websites of the Licence Holder; and
- b. results in, or if successfully completed is reasonably likely to result in, a data breach or could adversely affect an online system.

Delegate means the delegate of the Licence Holder appointed to communicate with the Secretary in accordance with Clause 2.2.

Examining Mechanic means the Licence Holder or a person employed by the Licence Holder who has completed the required training and been added to the Licence as an Examining Mechanic with the approval of the Secretary to examine and test vehicles under Part 6 of the Regulations.

Good industry practice means the exercise of the highest degree of skill, care, prudence, foresight and operating practice which can reasonably be expected from a well-managed, skilled and experienced provider of services in the nature of the services, under the same or similar circumstances.

Licence Holder means the person named in the Licensed Vehicle Tester Licence issued by the Secretary.

Licensed Vehicle Tester means a person who holds a Licensed Vehicle Tester Licence issued by the Secretary under r 233 of the Regulations and referred to as licensed tester in the Regulations.

Motor trike means a vehicle with three wheels and handle bars.

Personal information has the meaning given to that term in the *Privacy and Data Protection Act 2014 (Vic)*.

Privacy Law means any law that applies to the handling of scheme personal information by the Licence Holder, and includes:

- a. the *Privacy and Data Protection Act 2014 (Vic)*;
- b. Part 7B of the *Road Safety Act 1986 (Vic)*;
- c. Victorian Protective Data Security Standards;
- d. *Privacy Act 1988 (Cth)* and
- e. a privacy principle specified in, or a regulation, code, direction or other requirement made under, or given effect by, a Privacy Law.

Privacy Commissioner means the Commissioner appointed under Part 7 of the *Privacy and Data Protection Act 2014 (Vic)*.

Provider means the Licence Holder, their Delegate, or authorised personnel.

Regulations means the Road Safety (Vehicles) Regulations 2021.

Safety Director means the Safety Director of Safe Transport Victoria.

Scheme personal information means any personal information which is handled by or on behalf of the Licence Holder in connection with the Licenced Vehicle Tester scheme.

Secretary means the State of Victoria as represented by its Department of Transport and Planning (DTP), of 1 Spring Street, Melbourne, Victoria, 3000.

Appendix 1: Approved testing equipment for use by Licensed Vehicle Testers

1. Brake testing equipment options

One or more of the following:

- **Decelerometers with printout capability**

Any device that meets an Australian Standard or International Standard.

- **Roller brake testing machines with printout capability**

Any commercially manufactured roller brake testing machine that can be demonstrated to produce brake efficiency and balance results that relate to the roadworthiness standards and meets an Australian Standard or International Standard.

- **Brake testing plates with printout capability**

Any device that meets an Australian Standard or International Standard.

All brake test printouts must contain the brake test results, vehicle identity, tester name and date/time of test.

2. Headlight testing machines

Either of the following:

- Any headlight testing device that meets an Australian Standard or International Standard.

- A headlight screen and testing bay located in a clear area as specified in the description in Appendix 2 and the accompanying diagram.

3. Tint meter

Must have a tint meter device that has a digital display reading in (%) value.

4. Liquefied petroleum gas (LPG) combustible gas detector (If Licence Holder is authorised for LPG inspections)

Must have an electronic LPG combustible gas detection device that meets the requirements of AS/NZS 1425:2013 and is capable of detecting 40 parts per million (ppm) of liquefied petroleum gas in air.

5. Digital device used for inspection photographs

Either of the following:

- A digital camera with minimum five (5) megapixel image capacity and the capability to take video footage.

- An internet-capable device (tablet or mobile phone) with inbuilt digital camera that has five (5) megapixel image capacity for use with the Roadworthy eCertificate system.

6. Storage media

Licence Holders must keep an independent hard drive storage backup unit that is not a USB stick or a writable compact disk on hand at all times, for storing images in instances when the Roadworthy eCertificate system is not able to be accessed.

Appendix 2: Headlight screen and testing bay

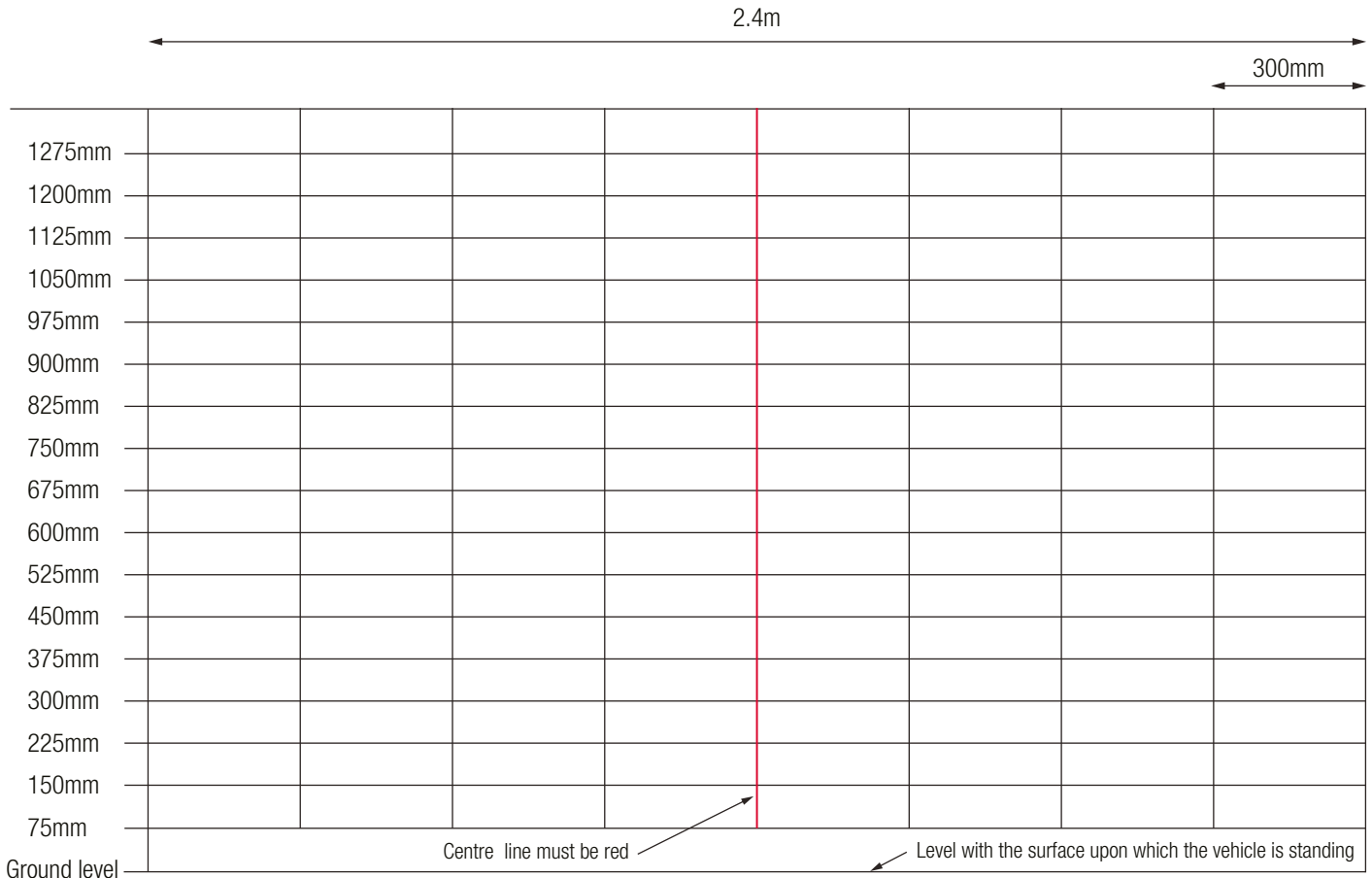
Headlight screen: The surface of the screen is to be “flat” white. A glossy finish must not be used. The horizontal lines are to be 75mm apart, measured from centre to centre of the lines. Vertical lines are to be 300mm measured from centre to centre of the lines. All lines are to be black except the centre vertical, which is to be red. All lines are to be as narrow as possible consistent with good visibility for an observer 9 metres away. The heights indicated for the horizontal lines are for the actual distance above the level surface upon which the vehicle is standing during the test.

Testing bay: The floor lines are to be 50mm wide, white or a colour strongly contrasting with the floor colour so as to be clearly visible to the person locating the vehicle.

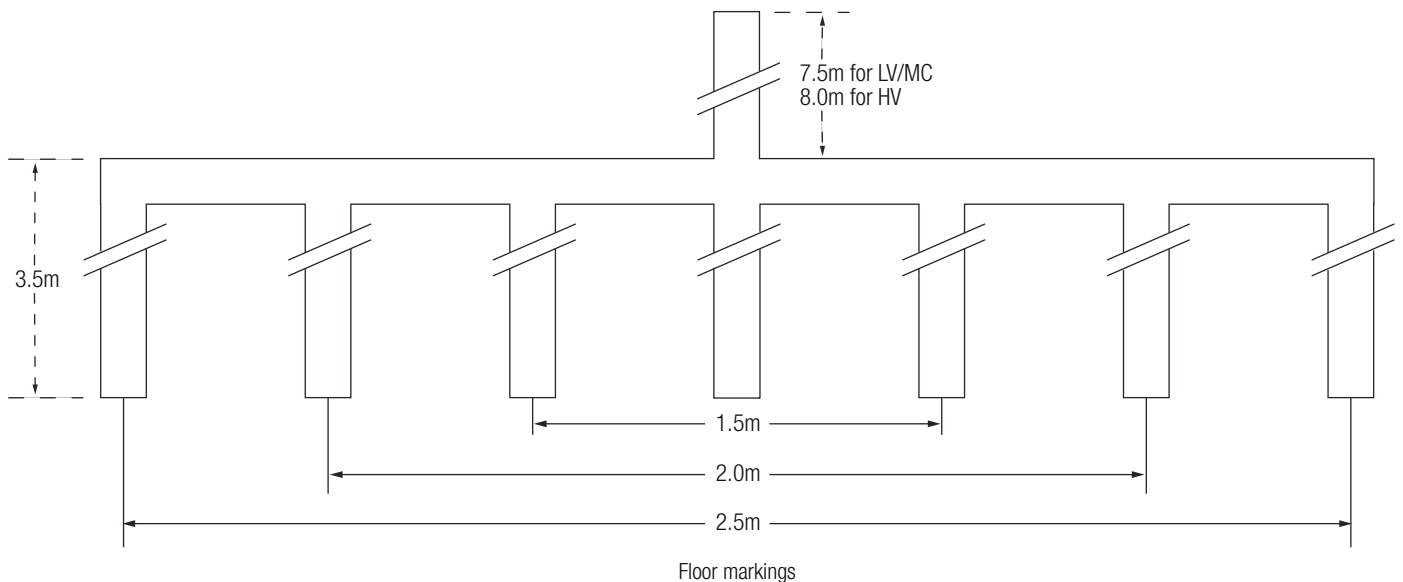
Testing: When in the alignment checking position, the vehicle must be resting on concrete or similar hard standing surface. The screen must be located such that the headlight beams show clearly on the screen surface regardless of the ambient lighting.

Headlight screen diagram

A suitable headlight testing area 12 metres by 2.5 metres must be available on which the screen can be used.



Front elevation of screen



Appendix 3: Taking and storage of inspection photographs

1. Guidelines for taking photos of vehicles tested

- 1.1 All vehicles inspected for the purpose of issuing a Certificate of Roadworthiness must be photographed using a digital camera or camera-enabled device (tablet or mobile phone) with a minimum of five (5) megapixel capacity, plus be capable of capturing video footage.
- 1.2 The device used for inspection photographs must be set for correct date and time, and each photograph must clearly represent the date and time taken.
- 1.3 The minimum number of photos required to be taken varies depending on the category of vehicle being inspected and are detailed in Tables 1-4 below.

2. Storage of inspection photographs and digital files when using the Roadworthy eCertificate system

- 2.1 The Examining Mechanic must ensure that the inspection photos and any other relevant digital files are uploaded to the Roadworthy eCertificate system as each test report is completed.
- 2.2 The digital device used for inspection photographs must be set for correct date and time, and each photograph must clearly represent the date and time taken.
- 2.3 There is no requirement for inspection photographs to be copied to other storage media when using the eCertificate system for roadworthy inspections, however the practice of maintaining inspection photographs and files on independent storage media is encouraged.

3. Storage of inspection photographs and digital files when using paper certificates

In instances where the Secretary has provided written permission to use paper-based Certificates of Roadworthiness, the Examining Mechanic must ensure that the inspection photographs and any other relevant digital files are stored in the following manner:

- 3.1 The photographs are stored on two (2) independent storage media, excluding removable USB sticks and writable compact disks. Cloud-based services are acceptable for use as the independent storage medium.
- 3.2 The copies of all inspection photographs are transferred from the primary storage device to backup storage media on a daily basis.
- 3.3 The photographs are stored in a file identified by the Certificate of Roadworthiness number in a manner that makes them readily available for audit for a period of seven (7) years.

Table 1: Inspection photographs for Light Vehicles

Examining Mechanics are required to take the following photographs when conducting a roadworthy inspection.

Photographs required for the first examination

Vehicle on ground:

- Entire vehicle at testing premises – front of vehicle*
- Entire vehicle at testing premises – rear of vehicle*
- VIN (as stamped on body/chassis)*
- Compliance Plate (if fitted)
- Modification Plate (if fitted)*
- Engine number (if accessible)
- Entire engine bay (under bonnet)*
- Dashboard cluster including odometer showing function of warning lights
- Dashboard cluster including odometer prior to road test (with engine running)*
- Odometer after road test, at inspection conclusion (with engine running)*
- LPG tank plate (if fitted)

Vehicle on hoist:

- Photo of vehicle on inspection hoist - with all wheels removed for brake inspection, and wheels to be visible for tread and rims*
- Underside of vehicle – engine and front axle*
- Underside of vehicle – between axles
- Underside of vehicle – differential and rear axle

Equipment usage:

- Brake test printout*
- Headlight aimer in use or image of light on aiming board through windscreen (driver position)*
- Photo of tint meter readout – if possible (if tinted)

Fault identification:

- Clear photo or video of each identified fault (where present) *

Plus any other inspection photographs deemed relevant.

Photographs required for the second examination

- Photo of entire vehicle at testing premises – front of vehicle*
- Odometer at time of second inspection*
- Clear photo of each item rectified on second inspection - showing rectification*

Plus any other inspection photographs deemed relevant.

Note: Items marked with an asterisk (*) are mandatory photos required to be uploaded into the Roadworthy eCertificate system.

Table 2: Inspection photographs for Heavy Vehicles

Examining Mechanics are required to take the following photographs when conducting a roadworthy inspection.

Photographs required for the first examination

Vehicle on ground:

- Entire vehicle at testing premises – front of vehicle*
- Entire vehicle at testing premises – rear of vehicle*
- Entire vehicle at testing premises – left side of vehicle*
- Entire vehicle at testing premises – right side of vehicle*
- VIN (as stamped on body/chassis)*
- Compliance Plate (if fitted)
- Modification Plate (if fitted)*
- Engine number (if accessible)
- Dashboard cluster including odometer showing function of warning lights
- Dashboard cluster including odometer prior to road test (with engine running)*
- Odometer after road test, at inspection conclusion (with engine running)*
- Fifth wheel, towing hitch and coupling, or pintle coupling (where fitted), showing Compliance Plate*
- Trailer drawbar (if a trailer)*
- LPG tank plate (if fitted)

Vehicle on hoist or over pit:

- Photo of vehicle on inspection hoist or over pit - with wheels or backing plate removed for brake inspection (if removed). Wheels to be visible for tread and rims*
- Underside of vehicle – engine and front axle
- Underside of vehicle – between axles
- Underside of vehicle – differential and rear axle (or rear axle for trailers)
- Underside of vehicle – at any subsequent axle

Equipment usage:

- Brake test printout*
- Headlight aimer in use, or image of light on aiming board through windscreen (driver position)*
- Photo of tint meter readout – if possible (if tinted)

Fault identification:

- Clear photo or video of each identified fault (where present) *

Plus any other inspection photographs deemed relevant.

Photographs required for the second examination

- Photo of entire vehicle at testing premises – entire front of vehicle*
- Odometer at time of second inspection (with engine running)*
- Clear photo of each item rectified on second inspection – showing rectification*

Plus any other inspection photographs deemed relevant.

Note: Items marked with an asterisk (*) are mandatory photos required to be uploaded into the Roadworthy eCertificate system.

Table 3: Inspection photographs for Motorcycles

Examining Mechanics are required to take the following photographs when conducting a roadworthy inspection.

Photographs required for the first examination

Vehicle on ground:

- Entire vehicle at testing premises – front of vehicle*
- Entire vehicle at testing premises – rear of vehicle*
- Entire vehicle at testing premises – left side of vehicle*
- Entire vehicle at testing premises – right side of vehicle*
- Exhaust silencing device*
- VIN (as stamped on body/chassis)*
- Compliance Plate (if fitted)
- Modification Plate (if fitted)*
- Engine number (if accessible)
- Dashboard cluster including odometer showing function of warning lights
- Dashboard cluster including odometer prior to road test (with engine running)*
- Odometer after road test, at inspection conclusion (with engine running)*

Vehicle on hoist:

- Photo of vehicle on inspection hoist – with wheels removed for brake inspection (if removed), and wheels to be visible for tread and rims*

Equipment usage:

- Headlight aimer in use, or image of light on aiming board from rider position*

Fault identification:

- Clear photo or video of each identified fault (where present) *

Plus any other inspection photographs deemed relevant.

Photographs required for the second examination

- Photo of entire vehicle at testing premises – front*
- Photo of entire vehicle at testing premises – exhaust side*
- Odometer at time of second inspection (with engine running)*
- Clear photo of each item rectified on second inspection – showing rectification*

Plus any other inspection photographs deemed relevant.

Note: Items marked with an asterisk (*) are mandatory photos required to be uploaded into the Roadworthy eCertificate system.

Table 4: Roadworthy inspection photographs specific for buses

Examining Mechanics are required to take the following photographs when conducting a roadworthy inspection.

Light Bus inspection photograph requirements

A Light Bus (LB) is any vehicle with 10 seats or more (including the driver seat), up to and including 4.5 tonnes GVM.

As per Light Vehicle photograph requirements in Table 1 plus bus inspection-specific photographs listed below.

Heavy Bus inspection photograph requirements

A Heavy Bus (HB) is any vehicle with 10 seats or more (including the driver seat), over 4.5 tonnes GVM.

As per Heavy Vehicle photograph requirements in Table 2 plus bus inspection-specific photographs listed below.

Bus inspection specific photographs:

- Vehicle on roller brake tester showing date of test (HB only)*
- Internal view along bus showing number of seats*
- Mandatory internal signage including carrying capacity*
- Fire extinguisher/s including tested plates*
- Mandatory external signage (including school bus signage and lights - where applicable)*
- All access doors and emergency exits (including stairs and required equipment)*
- Frame inspection report as required by standards*

Annual Bus Safety Inspection photograph requirements (LB and HB)

When conducting an Annual Bus Safety Inspection, only the following photographs are required:

- Bus at testing premises clearly showing registration plate*
- Where tested on a roller brake tester, an image of the bus on the roller brake tester*

(Note that one photo may be used to satisfy both requirements above)

- Image of brake test result*
- Where practical, an image of any identified fault

Note: Items marked with an asterisk (*) are mandatory photos required to be uploaded into the Roadworthy eCertificate system.

Appendix 4: Requirements for Licenced Bus Testers

The Secretary licenses suitably accredited LVTs to perform roadworthy inspections on buses. Inspections may be for the regulatory purposes of a Certificate of Roadworthiness, or for the purpose of an Annual Bus Safety Inspection as required by the *Bus Safety Act 2009*. Testers authorised to perform bus inspections are identified as Licenced Bus Testers (LBTs).

Annual Bus Safety Inspections for buses are conducted as a roadworthy inspection, with inspection requirements as outlined in the Regulations, these Conditions and applicable inspection standards required to be adhered to. Note that buses presented for an Annual Bus Safety Inspection are not required to return for a re-inspection if unable to pass on first inspection unless directed by the Secretary or the Safety Director of Safe Transport Victoria.

Application to become an LBT

Applications to be licenced as an LBT must be made in writing to the Secretary. Only existing LVTs who can demonstrate a need to become an LBT and meet application criteria will be considered. Criteria include, but are not restricted, to:

- a requirement to be an existing LVT with at least five (5) years' experience in the scheme; and
- the LVT must be accredited and authorised as an LV tester to be considered for the LB category, or accredited and authorised as a HV tester to be considered for the HB category; and
- the LVT must have premises suitable for the inspection and testing of buses in the applicable category; and
- the LVT must have no identified audit or inspection non-conformances from a minimum of three (3) consecutive audits; and
- the LVT must be able to demonstrate a need for bus tester services in the region where the LVT is located.

Third party locations for annual inspections

LBTs are permitted to perform Annual Bus Safety Inspections from a third-party workshop only if this location has been approved by the Secretary. Applications to perform annual inspections from a third-party location must be made in writing to the Secretary and will be reviewed on merit. Premises must meet all applicable WorkSafe requirements to be considered for approval. A lease agreement between the premise owner and the LBT must be provided to enable consideration for approval.

Annual Bus Safety Inspection monthly reporting

LBTs are required to submit a report on a monthly basis to outline Annual Bus Safety Inspection activity. Reporting is mandatory and must be submitted directly to Safe Transport Victoria (ST Vic) via email to businspections@safetransport.vic.gov.au. Reports must be sent in the required format within the first week following month end. Monthly reporting is required even if no annual inspections have been completed. In this instance, the LBT should email 'Nil inspections' to the above email address.

Critical fault reporting

Any critical safety faults identified during an Annual Bus Safety Inspection must be reported to ST Vic on the day of inspection. Critical safety faults are any faults that are likely to result in immediate failure of the specific component.

Areas of specific concern include brakes, suspension and steering, wheels and tyres. Any brake test that returns a result of less than 40% balance or more than 60% imbalance on any one axle must be reported as a critical issue. Any bus that is identified as having a large number of faults must also be reported as a critical issue.

Critical issues must be reported by emailing a copy of the Test Report and the brake test result to bus.criticaldefectreports@safetransport.vic.gov.au and an outline of the specific critical defect/s.

Provide photographs of the critical faults with the email notification where photographs are able to be taken.

Modified vehicles

Vehicles that have been modified may require inspection and certification by an Approved Vehicle Examiner (AVE) or Vehicle Assessment Signatory Scheme (VASS) Signatory. Modifications may include seat addition or removal, or structural modification (e.g., stretch limousine).

Structural reports

All buses regardless of age must meet the applicable inspection standard in relation to body structure. Any identified fault to body structure in contravention of the applicable inspection standard may warrant a request for a structural assessment. The structural assessment may be in the form of a structural integrity report from the manufacturer or dealer representative, a body or crash repairer, or from an approved provider (VASS Signatory). Where a bus is more than 25 years old (as calculated from the build date), proof of a current acceptable structural assessment must be provided and sighted by the tester.

Road and brake testing requirements

LBTs are required to perform a road test and brake test as part of any roadworthy inspection, including for Annual Bus Safety Inspections.

All Heavy Buses must have a roller brake test performed as part of an Annual Bus Safety Inspection. For the purpose of Annual Bus Safety Inspections, the bus may be brake-tested by a third party using a roller brake test machine. In this instance, test results can only be accepted within seven (7) days of brake test report issue and must be supported by a photograph clearly identifying the bus on the test machine showing date and time.