

Application information

As per Clause 86:

A stand-by tow truck can only be used to overcome a short period of time when your tow truck is off the road for repair or alteration. The period of time for which a vehicle can be on stand-by must be justified, and is subject to approval by the Secretary. Generally speaking a maximum of 1 month will apply unless extenuating circumstances can be demonstrated. The following procedures will also apply.

- The use of the stand-by vehicle by a licensed operator must be approved in advance by the Secretary and details of the vehicle must be included on the operator licence schedule.
- Any application must be made at least 72 hours (or such other time as approved by the Secretary) before the stand-by tow truck is used or operated in place of the licensed tow truck.
- An application fee applies for each stand-by tow truck. A full list of fees and charges is available on the NSW Fair Trading website.
- The stand-by tow truck must comply with all requirements of the *Tow Truck Industry Act 1998* and the *Tow Truck Industry Regulation 2020*.
- All records required under the Act and Regulation must be maintained noting the use of the stand-by tow truck.

What do you need to do

1. Complete the application form and attach all required documents and the application fee.
2. Deliver to NSW Fair Trading (licensing team) one of the tow truck plates from the tow truck that is off the road. This number plate will be retained by Fair Trading (licensing team). The plate must be hand delivered or delivered by courier to Fair Trading (licensing team) at the operator's cost and a receipt will be issued by the licensing team.
3. Under Section 57 of the *Tow Truck Industry Act 1998* the other number plate is to be displayed on the front of the stand-by tow truck.
4. An approved sign must be display with/adjacent to the number plate. This will be provided by the licensing team on approval of your application and receipt of your number plate.
5. The licensing team will issue a new licence schedule for any licence affected by the stand-by arrangement.

Note: You must not use the stand-by tow truck for any towing work until you receive a copy of the amended tow truck operator licence from NSW Fair Trading.

What happens when the stand-by period is over?

- At the end of the stand-by period you must return the approved signs to the licensing team and the original number plate kept by the licensing team will be returned to you.
- Any licence schedule will be amended and reissued to you.

Stand-by Tow Truck conditions of issue

Under Part 6, clause 86, of the *Tow Truck Industry Regulation 2020*:

1. If a licensed tow truck is temporarily out of operation while undergoing repair or service, the licensee concerned may use and operate a tow truck (other than a tow truck specified in the licence) in place of the licensed tow truck, but only with the approval of the Secretary. Such a tow truck is referred to in this clause as a *stand-by tow truck*.
2. A licensee may apply to the Secretary, in the approved form and manner, for approval of the use and operation of a stand-by tow truck. Such an application must be made at least 72 hours (or such other time as may be approved by the Secretary) before the stand-by tow truck is used and operated in place of the licensed tow truck specified in the application.
3. The Secretary may approve the use and operation of a stand-by tow truck only if the Secretary is satisfied that the following requirements are complied with:
 - (a) the number-plate issued under section 57 of the Act to the licensed tow truck that is being replaced must be displayed on the stand-by tow truck,
 - (b) the stand-by tow truck must be registered under road transport legislation and display its registration number-plates,
 - (c) the stand-by tow truck must comply with the requirements of the Act and this Regulation, and with the conditions of the licence concerned, in relation to tow trucks,
 - (d) an approved sign must be displayed in the approved manner on the stand-by tow truck indicating that the tow truck is a stand-by tow truck.
4. A licensee who is using or operating a stand-by tow truck must:
 - (a) ensure that the requirements specified in subclause (3) are complied with, and
 - (b) maintain a record, in the approved form, of the use and operation of the stand-by tow truck and keep that record in the approved manner.
Maximum penalty—20 penalty units.
5. A person must not hire, lease or supply a tow truck to a licensee for use and operation as a stand-by tow truck without the approval of the Secretary.
Maximum penalty—20 penalty units.
6. Any such approval may only be given if an application is made to the Secretary in the approved form and manner.
7. While a stand-by tow truck is being used and operated in place of a licensed tow truck in accordance with this clause, the stand by tow truck is taken to be a licensed tow truck for the purposes of this Act and Regulation.

Please return this form to:

Mail to: NSW Fair Trading, PO Box 972, Parramatta NSW 2124

www.fairtrading.nsw.gov.au T 13 32 20 E towtrucks@customerservice.nsw.gov.au

1. Operator details

Surname

Given names *(list all names)*

Company, Partnership, Sole Trader, Registered Business Name

Operator licence number

Address

<input type="text"/>
<input type="text"/>
<input type="text"/>
Postcode

Phone

Mobile

2. Details of vehicle being replaced

Registration number

Expiry date

day	/	month	/	year
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Reason for replacement

<input type="text"/>
<input type="text"/>

Stand-by period

From

day	/	month	/	year
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To

day	/	month	/	year
-----	---	-------	---	------

3. Replacement vehicle details

Registration number

Expiry date

day	/	month	/	year
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Registered owner *

Business address

<input type="text"/>
<input type="text"/>
<input type="text"/>
Postcode

Holding yard address

<input type="text"/>
<input type="text"/>
<input type="text"/>
Postcode

Applicant's signature

* If the proposed stand-by vehicle is not registered in the current operator's name, a formal agreement stating the current owner authorises the operator to use the stand-by vehicle must be attached to the application. The time period of authorisation and any financial consideration must be specified in the agreement. A copy of the current registration papers must also be attached.

Office use only

Checklist:

- Agreement to use of stand-by vehicle
- Copy of registration papers
- Copy of hook-on insurance
- Administration fee received
- TT plate received

Date commences

day	/	month	/	year
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Date expires

day	/	month	/	year
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Approved:

- Yes
- No

Approved by:

Officer's name

Officer's signature