

## Schedule 8: Key Terminology

<p><b>Chain of responsibility</b></p>	<p>The chain of responsibility describes parties within the supply chain which have responsibility under the HVNL. These parties will include the employers of a driver, prime contractors, operators, schedulers, loading managers, consignors, consignees, packers, loaders and unloaders.</p> <p>A driver is not a party of the chain of responsibility, but does play a critical role in the safety of road transport activity and has their own specific legal obligations under the HVNL.</p> <p>A person or business may fall in the chain of responsibility in more than 1 capacity. For example a person may be simultaneously the driver’s employer and a consignor of goods.</p>
<p><b>Code of practice</b></p>	<p>A code of practice is a general term usually used to describe a set of requirements issued by a regulator in relation to a particular industry or activity. Codes of practice exist under many different types of law, and in particular health and safety related law.</p> <p>A code of practice that does not satisfy the definition under section 706 of the HVNL is not a Register Industry Code of Practice (RICP). For example, the National Code of Practice for Heavy Vehicle Modifications is not an RICP; however industry could use the National Code of Practice for Heavy Vehicle Modifications to develop the content of an RICP. Another example is a code of practice concerning fatigue in relation to Work Health and Safety laws. This cannot be used as a guide to compliance with the fatigue requirements under the HVNL.</p>
<p><b>Consignee</b></p>	<p>A <i>consignee of goods</i> means a person who has consented to being, and is, named or otherwise identified as the intended consignee of the goods in the transport documentation relating to the road transport of the goods; or actually receives the goods after completion of their road transport; but does not include a person who merely unloads the goods.</p>

<p><b>Consignor</b></p>	<p>A <i>commercial consignor</i> is a person who engages a particular operator of a heavy vehicle, either directly or through an agent or other intermediary, to transport goods for the person by road for commercial purposes.</p> <ul style="list-style-type: none"> <li>a. A person consigns goods, and is a consignor of goods, for road transport using a heavy vehicle, if:</li> <li>b. the person has consented to being, and is, named or otherwise identified as a consignor of the goods in the transport documentation relating to the road transport of the goods; or</li> <li>c. there is no person as described in paragraph (a) and: <ul style="list-style-type: none"> <li>(i) the person engages an operator of the vehicle, either directly or indirectly or through an agent or other intermediary, to transport the goods by road; or</li> <li>(ii) there is no person as described in subparagraph (i) and the person has possession of, or control over, the goods immediately before the goods are transported by road; or</li> <li>(iii) there is no person as described in subparagraph (i) or (ii) and the person loads a vehicle with the goods, for road transport, at a place: <ul style="list-style-type: none"> <li>(A) where goods in bulk are stored, temporarily held or otherwise held waiting collection; and</li> <li>(B) that is usually unattended, other than by the vehicle's driver or someone else necessary for the normal use of the vehicle, during loading; or</li> <li>(C) there is no person as described in paragraph (a) or (b) and the goods are imported into Australia and the person is the importer of the goods.</li> </ul> </li> </ul> </li> </ul>
<p><b>Driver</b></p>	<p><i>Driver</i>, of a vehicle or combination, means the person driving the vehicle or combination, and includes:</p> <ul style="list-style-type: none"> <li>a. a person accompanying the person driving the vehicle or combination on a journey or part of a journey, who has been, is or will be sharing the task of driving the vehicle or combination during the journey or part; and</li> <li>b. a person who is driving the vehicle or combination as a driver under instruction or under an appropriate learner licence or learner permit; and</li> <li>c. where the driver is a driver under instruction, the holder of a driver licence occupying the seat in the vehicle or combination next to the driver.</li> </ul>
<p><b>Employer</b></p>	<p>A person is an <i>employer</i> if that person employs someone else.</p>

<p><b>Fatigue-regulated Heavy Vehicle</b></p>	<p>A fatigue-regulated heavy vehicle includes the following:</p> <ul style="list-style-type: none"> <li>a. a vehicle that has a GVM more than 12 t.</li> <li>b. a combination that had a GVM more than 12t.</li> <li>c. a vehicle or combination with a machine or implement attached to it that has a GVM more than 12t.</li> <li>d. a bus that has a GVM more than 4.5t and is fitted to carry more than 12 adults (including the driver).</li> </ul> <p>It does not include vehicles built or modified primarily to operate as a machine or implement off-road, on a road-related area, or on an area of road that is under construction.</p> <p>It does not include a motorhome.</p>
<p><b>Heavy Vehicle</b></p>	<p>A vehicle that has a GVM or ATM of more than 4.5t. Also, a combination that includes a vehicle with a GVM or ATM of more than 4.5t is a <i>heavy vehicle</i> (except for registration purposes).</p> <p>However, rolling stock is not a heavy vehicle.</p>
<p><b>Loader</b></p>	<p>A person loads goods in a heavy vehicle, and is a <i>loader</i> of goods in a heavy vehicle, is a person who:</p> <ul style="list-style-type: none"> <li>a. loads the vehicle, or any container that is in or part of the vehicle, with the goods for road transport; or</li> <li>b. loads the vehicle with a freight container, whether or not it contains goods, for road transport.</li> </ul>
<p><b>Loading Manager</b></p>	<p>A person is a <i>loading manager</i> for goods in heavy vehicles if:</p> <ul style="list-style-type: none"> <li>a. goods are loaded onto, or unloaded from, a heavy vehicle at regular loading or unloading premises for heavy vehicles; and</li> <li>b. the person: <ul style="list-style-type: none"> <li>(i) manages, or is responsible for the operation of, the premises; or</li> <li>(ii) has been assigned by a person mentioned in subparagraph (i) as responsible for supervising, managing or controlling, directly or indirectly, activities carried out by a loader or unloader of goods at the premises.</li> </ul> </li> </ul> <p>Chapter 6 of the HVNL applies to a person as a loading manager only if the premises concerned are premises at or from which an average of at least 5 <i>fatigue-regulated heavy vehicles</i> are loaded or unloaded on each day the premises are operated for loading or unloading heavy vehicles.</p>
<p><b>NTC</b></p>	<p>National Transport Commission</p>
<p><b>Operator</b></p>	<p>A person operates a vehicle or combination, and is an <i>operator</i> of the vehicle or combination, if the person is responsible for controlling or directing the use of:</p> <ul style="list-style-type: none"> <li>a. for a vehicle (including a vehicle in a combination) – the vehicle; or</li> <li>b. for a combination – the towing vehicle in the combination.</li> </ul>

<b>Packer</b>	<p>A person packs goods, and is a <i>packer</i> of goods, if the person –</p> <ul style="list-style-type: none"> <li>• put the goods in packaging, even if that packaging is already on a vehicle;</li> <li>• assembles the goods as packaged goods in an outer packaging, even if that packaging is already on a vehicle;</li> <li>• supervises an activity mentioned in paragraph (a) or (b); or</li> <li>• manages or controls an activity mentioned in paragraph (a), (b) or (c).</li> </ul>
<b>Prime Contractor</b>	<p>A person is a <i>prime contractor</i> if they engage the driver to drive the vehicle under a contract for services.</p>
<b>Registered Code of Practice (RCP)</b>	<p>AN RCP is a voluntary code registered under section 706 of the HVNL that identifies appropriate and effective practices for a particular industry or business to achieve compliance with relevant parts of the HVNL.</p>
<b>Scheduler</b>	<p>A person is a <i>scheduler</i> who schedules the transport of any goods or passengers by a heavy vehicle or schedules the work times and rest times of the vehicle’s driver.</p>
<b>Unloaders</b>	<p>A person unloads goods in a heavy vehicle, and is an <i>unloader</i> of goods in a heavy vehicle, if the person is a person who:</p> <ol style="list-style-type: none"> <li>a. unloads from the vehicle, or any container that is in or part of the vehicle, goods that have been transported by road; or</li> <li>b. unloads from the vehicle a freight container, whether or not it contains goods, that has been transported by road.</li> </ol>