

Information Sheet

Class 2 permits and subcontracting

Purpose

To provide information to drivers and operators about passing a permit to another relevant party for the purpose of further subcontracting.

Keeping a copy of the permit

The following are clauses are from Section 152 of the *Heavy Vehicle National Law* (HVNL).

- (1) The driver of a class 2 heavy vehicle who is driving the vehicle under a class 2 heavy vehicle authorisation (permit) must keep a copy of the permit for the authorisation in the driver's possession
- (2) If the driver of a class 2 heavy vehicle is driving the vehicle under a class 2 heavy vehicle authorisation (permit) granted to a relevant party for the driver and the relevant party has given the driver a copy of a permit for the purpose of subsection (1), the driver must, as soon as reasonably practicable, return the copy to the relevant party if the driver stops working for the relevant party.

Explanatory note for (2):

- a) A relevant party who is the permit holder may give the driver a copy of the permit; and
- b) The driver must return the copy to the relevant party as soon as the driver stops working for the relevant person.

What is a relevant party?

A **relevant party**, for the driver of a class 2 heavy vehicle, means—

- a) an employer of the driver if the driver is an employed driver; or
- b) a prime contractor of the driver if the driver is a self-employed driver; or
- c) an operator of the vehicle if the driver is making a journey for the operator.

What is subcontracting?

A contract for a company or person to do work for another company as part of a larger project.

Can my class 2 permit be passed onto a relevant party for further subcontracting?

The permit holder may only provide copies of a permit to relevant parties. The permit holder cannot authorise another party to issue copies on their behalf.

Relevant parties must stop using a copy of the permit when not directly working for the permit holder.

Important to note:

- A driver who is a subcontractor may operate under a permit for so long as the driver is doing work for the prime contractor (permit holder).
- The driver must obtain the permit from the permit holder.
- A heavy vehicle operating under contract, including subcontract, may obtain network access under a permit held by a person who is the contracting party, providing that:
 - a. the vehicle meets all the requirements of the permit; and
 - b. the driver of the vehicle carries a copy of the permit while working for the permit holder.
- As the permit holder cannot authorise another party to give out permits on their behalf. The copy of the permit must come from the permit holder. However, this is NOT a function of the contracting or subcontracting arrangement itself.
- Subcontracting does not apply to Class 1 and 3 permits. These permits are allocated to specific vehicles with registration details on the permit.

For more information:

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