

## ***Are You Protected Or Will You Be Liable? Safety, Responsibility And Light Vehicles***

It's common to see light vehicles being 'put to work' across our cities and towns. But operating vans, cars and other light vehicles can become a legal minefield for organisations – consider issues of liability when something goes wrong, responsibility for vehicle condition, and the blurring of lines when grey fleet is used for business purposes.

Muddying the waters further, regulations governing light vehicle use – and what is even considered a light vehicle in the eyes of the law – differ across state borders.

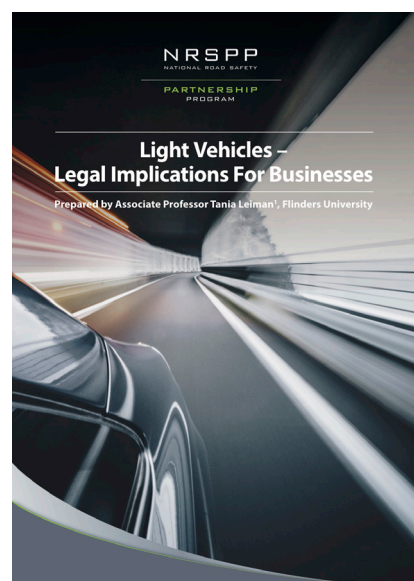
***Light Vehicles – Legal Implications For Businesses*** investigates legal issues around using light vehicles in the workplace, including considering legal questions arising from scenarios light vehicle fleet operators commonly face 'on-the-ground' (See Breakout Box over page: ***Five common scenarios – what would you do?***)

The report aims to help organisations and vehicle owners understand the challenges and considerations of light vehicle operation for business, review their practices and focus on possible risks to ensure the safety of workers and protection against liability.

It investigates, for example:

- Road trauma, the ageing light vehicle fleet, and legal responsibility to eliminate or minimise risk, particularly given light commercials are older on average and therefore 'less safe' than newer vehicles.
- Driver monitoring, vehicle safety and maintenance, how they help identify safety risks, who's responsible for vehicle condition, how aftermarket modifications affect safety, and privacy concerns around grey fleet.
- Light vehicles transporting loads and towing trailers, including issues around ensuring materials are properly loaded and secured, meeting mass limits, and correctly connecting and maintaining trailers.
- Where vehicles are provided as part of an employment and remuneration package, issues around liability for damage, obligations under contracts of employment and unfair dismissal claims.

To access ***Light Vehicles – Legal Implications For Businesses***, visit [www.nrspp.org.au](http://www.nrspp.org.au)



**PARTNERSHIP  
PROGRAM**

***Five common scenarios – what would you do?***

- You want to fit telematics to improve driver performance and safety, but vehicles are used for private and business use. Will installing telematics breach driver privacy? What if data shows a pattern of poor behaviour by a driver involved in a crash, but you hadn't reviewed (or if you had, not acted) on that data?
- A worker loads a light vehicle with a pay load above manufacturer specifications. Were you supposed to train the worker on safe loading of vehicles? What if a worker has difficulty controlling a vehicle towing a trailer and is involved in a crash – who's responsible?
- One of your drivers, who's required to drive for work, lost their licence. They injure another road user while speeding. Would you know if a driver lost their licence? Does the law expect you to know? Are you still liable for the injuries, even if you didn't know?
- Your drivers operate in rural areas, so you fit bull bars and make other vehicle modifications. Did you consider regulations around front axle capacity? What if the driver fitted a non-compliant bull bar to their own grey fleet vehicle – what does your fleet use policy or the contract of employment say about this?
- You supply a company-branded vehicle. After a recurring problem is repeatedly not fixed by your nominated service provider, your worker takes the vehicle to their regular mechanic. Who foots the bill? What if the fault had caused a serious crash – who's responsible: you, the worker, the nominated service provider, the mechanic, or all of the above?

***Adapted from Light Vehicles – Legal Implications For Businesses***