



Your DRIVERS - Are YOU responsible for them or not?

It is our experience that few understand the curious relationship at law between a Taxi Owner and his driver(s).

The scope of the relationship was established about 15 years ago by the Federal Court of Australia in a test case against the ATO (pleasingly the Taxis won!)

In essence, a driver is the Bailee of the owner. This means that he operates independently of the owner.

However, due to the usual nature of the relationship between an owner and his driver in other areas, (e.g. a courier driver employed on wages), most people, even lawyers and magistrates, will believe that a Taxi Driver is the same.

We believe however, that at the end of the day, it will come down to a case by case analysis in each instant.

Have you therefore ensured your legal relationship with your driver(s) is clear?

What happens if they have an accident? What happens if they move on and they can't be located? What if they won't pay an excess? Have they been paying "shift protection"?

One claim against you is all it might take for there to be disastrous consequences.

For more information about this issue or other legal issues affecting your business, please contact *Robert Bakker, For a Better Result.....*

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