

## COMPETENCIES



## SCOPE

This guideline applies to Australian service providers, support workers and Clients whereby agreement has been reached between the support worker, the service provider and in some cases the funder, for a support worker to drive their private motor vehicle while delivering supports or services in accordance with the plan. **This does not include the use of a support worker's private motor vehicle to drive to and from work.**

## DISCLAIMER

*This guideline is provided to help guide best practice in the disability, aged care and community support industry. This information does not in any way replace legislative, regulatory, or contractual requirements. Users of this document should seek appropriate expert advice in relation to their circumstances. ACIA does not accept any liability on the use of this guideline.*

## PURPOSE

This guideline is intended to provide guidance to service providers, support workers, Clients, stakeholders and funders regarding the use of a support worker's private motor vehicle for transporting Clients while delivering supports or services.

## BACKGROUND

In the course of delivering a service, a support worker may be required, subject to agreement with the service provider, to drive their personal motor vehicle. This could include using the support worker's private motor vehicle to transport a Client in accordance with the plan or attending duties required as part of the plan without the Client being present (eg. shopping, collecting medications).

As Client involvement and service direction has increased it is imperative to involve the Client in all aspects of the service delivery and the direction of their services to their ability. It is further acknowledged that dignity of risk is an important part of this choice and control.

## DESIRED OUTCOME

- To maintain a quality and safe standard of support
- To guide when it is appropriate for a support worker to transport a Client in the support worker's private motor vehicle

# DEFINITIONS & SUPPORTING INFORMATION

**Support Worker** - A paid person who assists people to perform tasks of daily living so as to participate in social, family and community activities in the person's home and their community. Support Workers have been commonly known in the past as attendant care worker, disability worker, aged care worker, community worker, homecare worker, care worker or paid carer. The Support Worker is a paid person who has access to education, support and advice from the Service Provider line manager or team leader.

**Service Provider** - Organisation or person accountable for the delivery of supports to Clients.

**Carer** - a person that provides supports to the Client at no cost (generally family or friend).

**Client** means the service user, participant, user, care recipient, consumer or person receiving the nursing or support services. As Client involvement and service direction has increased it is imperative to involve the client in all aspects of the service delivery and the direction of their services to their ability.

## GUIDELINE

If a support worker uses their private motor vehicle while delivering supports or services in accordance with the Client's individualised plan, it is the responsibility of the support worker to maintain an appropriate level of motor vehicle insurance. As a minimum, the support worker must maintain compulsory third party (CTP) personal injury insurance for their private motor vehicle.

Insurance can be very complex legally. For example, different insurance companies' policies have different rules about when a person is insured while driving their private vehicle for work purposes. It is important that all parties seek advice from an insurance broker or legal adviser to ensure they maintain the appropriate level of insurance cover for their circumstances.

The standard driving rules and regulations in each jurisdiction apply a support worker driving their private motor vehicle while delivering supports or services.

In instances where damage is caused to the support worker's vehicle during the course of delivering services or support, the support worker will be liable for any insurance excess or associated costs to repair their vehicle. The exception is when a Client causes the damage to the support workers vehicle.

If a service provider requires that a support worker use their private motor vehicle for work purposes, it is the responsibility of the support worker to provide the service provider with assurance that the support worker:

- Is duly licensed;
- Does not have any restrictions on their license; and
- Maintains current CTP and comprehensive insurance.

# RESOURCE DOCUMENTS

- Australian Community Industry Standard (ACIS)
- Road Rules 2008 (NSW)
- Road Rules 2014 (NSW Legislation)
- Road Transport Act 2013 (NSW)
- Road Transport (Driver Licensing) Act 1999 (ACT)
- Road Transport (Third-Party Insurance) Act 2008 (ACT)
- Traffic Act 1987 (NT)
- Transport Operations (Road Use Management) Act 1995 (QLD)
- Road Traffic Act 1961 (SA)
- Road Safety (Alcohol and Drugs) Act 1970 (TAS)
- Traffic Act 1926 (TAS)
- Road Safety Act 1986 (Vic)
- Road Traffic (Authorisation to Drive) Act 2008 (WA)
- Road Traffic (Vehicles) Act 2012 (WA)