

When is it time to call a lawyer

For transport companies, it's usually better to involve a lawyer earlier than most operators think—because in this sector, small issues can escalate quickly into compliance, financial, or liability problems.

Here are the key situations where calling a lawyer is strongly advisable:

1. Serious compliance or regulatory issues

If you're dealing with:

- NZTA / Waka Kotahi audits or enforcement action
- Logbook breaches or work-time/roster non-compliance
- Heavy Vehicle Licensing issues
- Chain of Responsibility concerns

A lawyer helps you respond correctly and avoid self-incrimination or worsening penalties.

2. Serious incidents or accidents

You should get legal advice immediately if there is:

- Injury or fatality
- Significant property damage
- Police involvement or investigations
- WorkSafe notifications

Early legal input helps manage statements, evidence, and liability exposure.

3. IRD or tax risk issues

Call a lawyer (or tax/legal specialist) if you have:

- GST or PAYE disputes
- Contractor vs employee classification issues
- IRD audits or debt enforcement action

Transport businesses often get caught out here due to complex contracting models.

4. Contract disputes

Get legal help when:

- A freight contract is unclear or being enforced against you unfairly
- A major customer is withholding payment or changing terms
- Subcontractor agreements are being challenged
- You're entering long-term haulage or logistics contracts

Small wording issues in transport contracts can carry major cost exposure.

5. Licensing, permits, or operating authority risks

This includes:

- Operator licence reviews or threats of suspension
 - Over-dimension / over-weight permit disputes
 - Dangerous goods compliance issues
 - Freight compliance problems
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6. Employment or contractor disputes

Common triggers:

- Dismissal claims from drivers
- Health and safety disputes
- Misclassification of drivers as contractors
- Wage and holiday pay claims

Transport is a high-risk employment sector because of fatigue rules and scheduling pressure.

7. When regulators start asking formal questions

A good rule:

If something moves from “informal chat” to “written request, notice, or investigation”, it's time to get legal advice.

Simple rule of thumb

If the issue could lead to fines, licence loss, prosecution, or major financial exposure, don't try to “explain it yourself first”—speak to a lawyer early.

Fortune Manning provide advice on all legal issues arising in the operation of a transport service. They also act for National Road Carriers, New Zealand's leading transport industry association and provide advice to their members.

They are involved in the transport industry on the ground and are able to provide clients with practical advice as members of the industry. They advise some major transport organisations, and frequently conduct seminars and training on the legal issues facing the transport sector. Some areas of expertise include:

- Contracts;
- Policy advice;
- Arbitration;
- Owner driver contracts;
- Licensing;
- Carriage of Goods Act;
- Employment;
- Personal grievances;
- Civil disputes including debt collecting.

They regularly attend court throughout New Zealand defending transport operators charged with breaches of the Road User Charges Act, Transport Act, Land Transport Act, Heavy Motor Vehicle Regulations and other relevant legislation.