



# Murweh Shire Council Vehicle Policy

|                         |        |               |               |
|-------------------------|--------|---------------|---------------|
| Policy No:              | HR-021 | Date adopted: | 17 March 2022 |
| Council Resolution Ref: |        | Review Date:  | Jan 2025      |
| Responsible Officer:    |        | Version No:   | 2             |
|                         |        |               |               |

## 1. Purpose

The purpose of this policy is to outline the conditions under which a vehicle is used by employees of Murweh Shire Council (MSC) and the obligations of employees who have been provided with a vehicle

## 2. Commencement of Policy

This Policy will commence on adoption. It replaces all other specific vehicle policies of Council (whether written or not).

## 3. Application

This policy applies to all permanent, temporary and casual employees.

## 4. Process

The Chief Executive Officer (CEO), Directors and other eligible employees may be provided with a vehicle for official and private use as part of their terms and conditions of employment.

Other employees may be provided with a vehicle for operational purposes where the CEO or delegate approves the provision of a vehicle.

### Categories of Vehicle Allocation

There are three categories of vehicle allocation:

1. Full Private Use (FPU) – extends to the CEO and Directors only
2. Restricted Private Use (RPU) – extends to other eligible employees
3. Commuter Use (CU) – extends to approved employees

#### Full Private Use

Vehicles under this category are required primarily and specifically for operational or business activities of MSC. The availability of this category of vehicle for full private use is secondary to the above requirement and must also provide a quantifiable benefit to MSC. It is at the sole discretion of the CEO or delegate if this benefit is offered to an employee as part of the employee's terms and conditions of employment.

The benefit provides for a fully maintained, comprehensively insured and registered MSC vehicle including fuel, for use at the discretion of the responsible officer, subject to the contents of this policy and employment contract provisions (if applicable).

Private use is not available during periods of unpaid leave.

#### Restricted Private Use

Vehicles under this category are required primarily and specifically for operational or business activities of MSC. The availability of this category of vehicle for restricted private use is secondary to the above

requirement and must also provide a quantifiable benefit to MSC. It is at the sole discretion of the CEO or delegate if this benefit is offered to an employee as part of the employee's terms and conditions of employment.

The benefit provides for a marked, fully maintained, comprehensively insured and registered MSC vehicle including fuel, for use at the discretion of the responsible officer, subject to the contents of this policy and employment contract provisions (if applicable).

The private use of the allocated vehicle is restricted to within the Shire boundary.

### Commuter Use

Vehicles under this category are required primarily and specifically for operational or business activities of MSC. The availability of this category of vehicle for commuting home to work is secondary to the above requirement and must also provide a quantifiable benefit to MSC.

Under this category of use, MSC provides a marked, fully maintained, comprehensively insured and registered MSC vehicle for the specific business use of the responsible officer, subject to the contents of this policy. The vehicle is to be used for work purposes only and for travel between home and the worksite/workplace using the most direct route to be negotiated on a case by case basis, subject to the approval of the CEO.

The provision of a commuter use vehicle may be withdrawn at any time by the CEO.

Commuter use does not include:

- a) Transportation of family members or members of the public, unless for work related purposes.
- b) Transportation of other MSC employees to and from work unless they live on a direct route to work or meet the driver at the premises where the vehicle is garaged.
- c) Visits to private or non-work related locations other than isolated instances such as stopping at a shop on the way home via the direct route.
- d) Use of the vehicle during work breaks for private purposes.

Employees approved for commuter use may not nominate other drivers to use the vehicle for commuting purposes other than in instances where the vehicle is required to attend to MSC business such as an after-hours callout and the responsible officer is unavailable to attend.

The vehicle will be made available to all other employees during business hours and must be returned to the workplace in all instances of leave exceeding two days or circumstances where the manager deems there is a reasonable operational need for the vehicle during the officer's absence.

## **Conditions of Use**

### **Motor Vehicle Agreement**

Responsible officers shall enter into a *Motor Vehicle Agreement* with the CEO or delegate on behalf of MSC that ensures compliance with this policy.

The CEO may suspend or cancel any Motor Vehicle Agreement at his/her discretion.

## Maintenance

An employee who is provided with a vehicle must:

- The vehicle is to be kept **clean and tidy inside and out at all times or as reasonably practical**. Vehicles need to be cleaned in the responsible officer's own time.
- Ensure that the vehicle is properly and responsibly maintained and serviced, particularly in accordance with warranty requirements.
- Ensure that the provisions of any insurance policy relating to the vehicle are observed.
- Not allow the vehicle to be driven by anyone other than the employee. Permission must be obtained for any other person to use the vehicle.
- Not fit any accessories or stickers to the vehicle without prior written approval from the CEO.
- Ensure that the vehicle is securely locked when left unattended and that any alarm system fitted to the vehicle is turned on.
- Ensure that the vehicle is available for use by other employees when required.
- Drive and use the vehicle only for the purpose for which it is intended.
- Ensure that the vehicle is properly garaged when not in use. Vehicles are not to be kept on footpaths.
- When required by law, immediately report any accidents involving the vehicle to the police.
- Immediately inform MSC of any damage to the vehicle by completing an Incident Report form.

The MSC vehicle assigned to a responsible officer must not be used:

- a) For transportation of persons or goods for hire or reward.
- b) For any unlawful purpose.
- c) For any purpose of a commercial nature which is not MSC related (e.g. a personal business venture).
- d) To compete in any race, speed test, car rally or competition whatsoever.
- e) In a manner which may contravene the insurance policy and result in refusal to honour the insurance cover and/or the vehicle manufacturer's warranty.

Interpretation regarding implementation of the Motor Vehicle Policy shall be at the sole discretion of the CEO.

## Fuel

If supplied with a fuel card the authorised officer is responsible for completing expense vouchers and providing them to administration staff in a timely manner.

## Driving Licence Requirements

No person is permitted to drive a MSC vehicle unless they hold a current driver's licence for the class of vehicle provided, except where authorised tuition to upgrade a licence is being undertaken by a MSC employee.

Any Responsible Officer whose licence is cancelled for any reason shall immediately notify their Director/CEO and will automatically forfeit rights for usage of any MSC vehicle for at least the period of licence cancellation. The vehicle must be returned to the relevant Director.

Drivers in MSC vehicles shall at all times:

- Have regard to all road traffic and other relevant regulations including the *Transport Operations (Road Use Management – Road Rules) Regulation 1999*.
- Show consideration for others on the road.
- Set a good example to other road users.

### **Authorised Drivers**

In general, it is not permissible for any person other than the responsible officer or nominated spouse, partner or family member in the Motor Vehicle Agreement, to drive the MSC vehicle.

In the case of responsible officers with full private use, nominated persons in the Motor Vehicle Agreement are permitted to drive the vehicle. The nominated person is restricted to spouse (including de-facto spouse or partner) and duly licenced driver or duly licenced qualifiers. Where the driver is other than the spouse, either the employee or his/her spouse must be present in the vehicle.

Notwithstanding the above, the CEO may, where special or extraordinary circumstances exist, authorise the driving of the vehicle by an immediate family member or business associate without the employee or their spouse being present in the vehicle at the time, provided that the arrangement is temporary in nature.

### **Infringements**

MSC will not be liable to pay any fine or costs incurred by the driver of a MSC vehicle if that person infringes against road traffic regulations, the local laws of any local government with respect to parking restrictions or any other regulation that relates to the use of vehicles.

The obligation for payment of an infringement and costs resides with the person in charge of the vehicle at the time of the infringement. The responsible officer is accountable for determining the driver at the time of the infringement if they were not in charge of the vehicle at that time. If the actual driver cannot be determined, the responsible officer will be held liable for the penalties and costs involved.

By default the responsible officer is deemed to be using the vehicle at all times.

### **Parking/Tolls**

Any costs incurred for parking and tolls for work related purposes will be paid for by MSC. The responsible officer is responsible for payment of any costs incurred whilst using the vehicle for private purposes.

### **Storage of Vehicles**

Wherever possible, responsible officers are to store the MSC vehicle within the confines of their residential property after hours and preferably undercover. The vehicle must be securely locked at all times.

### **Smoking in Vehicles**

Smoking is strictly prohibited in all MSC vehicles at all times.

### **Motor Vehicle Insurance**

MSC vehicles are insured under a comprehensive policy covering all vehicles, drivers and authorised passengers.

This insurance policy becomes null and void if the driver:

- Is not in possession of a current appropriate driver's licence; or
- Is convicted of being under the influence of alcohol or any prohibited substance.

In such cases the driver could become liable for damages including third party vehicles, injury and property damage.

The responsible officer is responsible for the payment of any excess imposed on Council by the insurance company as a consequence of the driver at the time of any accident being of an age which renders the imposition of an additional age-excess possible.

#### **Log Books/FBT**

The responsible officer will ensure the completion of any log book relating to vehicle use as required by MSC.

#### **Fatigue Management**

The responsible officer must not drive the allocated vehicle when tired. Where there is another suitable qualified driver/s in the vehicle, the driver of the vehicle shall be changed after every two hours of driving.

Where the responsible officer is the only suitable qualified driver in the vehicle, a rest break of 10 minutes should be taken outside the vehicle after each period of two hours.

#### **Satellite GPS Monitoring**

Allocated MSC vehicles will be fitted with a satellite GPS monitoring unit to improve the safety of the employees in the vehicle given the remote location. By driving the vehicle, the responsible officer accepts that Council may monitor the location of the vehicle at any time in accordance with its policy in this regard.

Staff must not remove or interfere with a Council tracking device and the Navman screen unit and the windscreen are to be kept clean. Staff must comply with the requirements of this policy and must notify the Workshop Foreman of any damage to equipment or suspected breaches of this policy. Any interference with GPS equipment may be subject to disciplinary action.

#### **Identification**

All vehicles, other than those with full private use (and where the vehicle is being driven outside the Shire on approved leave), shall be clearly marked with MSC logo unless the CEO approves another arrangement to meet MSC business needs.

#### **Return and Inspection of Vehicle**

The employee must return the vehicle when the employment is terminated, or at any other time as MSC may direct.

MSC may inspect the motor vehicle at any time without notice.

MSC considers the provision of a motor vehicle as a significant privilege. Accordingly, MSC reserves the right to withdraw use of the motor vehicle for any employee who is in breach of this Policy. Such breach may also result in other disciplinary action, including, but not limited to, termination of employment

## **5. Variations**

Murweh Shire Council reserves the right to vary, replace or terminate this policy from time to time.

## **6. Audit and Review**

This policy shall be reviewed every **three years** or as required by changes to process of legislation, relevant Standards and industry best practice.

## 7. References

### VERSION CONTROL

| Version No. | Date          | Approved | Amendment   |
|-------------|---------------|----------|---|
| 1           | 13 Sept 2018  |          | Council Resolution  |
| 2           | November 2019 |          | Additional information added to Satellite GPS Monitoring clause |
|             |               |          |   |
|             |               |          |   |

### APPROVAL

|                         |  |               |  |
|-------------------------|--|---------------|--|
| Chief Executive Officer |  | Neil Polglase |  |
| Date:                   |  | Signature:    |  |