



Gladstone Regional Council

Council Policy

Title	MOTOR VEHICLE USE
Policy Number	P-2017-08
Responsible Directorate	CORPORATE AND COMMUNITY SERVICES
Authorised User	DIRECTOR CORPORATE AND COMMUNITY SERVICES
Date of Adoption	7 MARCH 2017
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1.0 PURPOSE:

The purpose of this policy is to set out the conditions applicable to the use of Council Supplied Motor Vehicles.

2.0 SCOPE:

This policy applies to all users of Council Supplied Motor Vehicles.

For clarity:

- Motor vehicles under a novated lease arrangement, where Council is not the lessee of the motor vehicle and is not responsible for its maintenance, use or allocation, are not Council Supplied Motor Vehicles¹;
- Where the Elected Members Expenses Reimbursement and Provision of Facilities Policy conflicts with the requirements of this policy the Elected Members Expenses Reimbursement and Provision of Facilities Policy will prevail to the extent of such conflict;
- Existing legacy arrangements² between Council and Council Employees which conflict with the requirements of this policy will

¹ Whilst Council may be a party to such novated lease arrangements, for the purposes of managing associated payment and taxation implications, such motor vehicles are the private vehicle of the individual who hold the responsibility for the novated lease regardless of whether Council pays the individual an allowance for the individual making the vehicle available for work use by the individual in the individuals provision of services to, or employment with, Council.

² A legacy arrangement will only be recognised where there is existing documentation supporting the arrangement.

continue to be honoured by Council until a change in employment or contract conditions³ occur for that Council Employee at which time the Council's Employees conditions of use of the Council Supplied Motor Vehicle will be bought into full conformity with the requirements of this policy and the legacy arrangements ended⁴.

- Where this policy is found to conflict with any existing industrial instrument (Such as the Gladstone Regional Council Certified Agreement 2012) the relevant industrial instrument will prevail to the extent of such conflict.

3.0 RELATED LEGISLATION:

- Local Government Act 2009
- Transport Operations (Road Use Management) Act 1995
- Transport Operations (Road Use Management - Road Rules) Regulation 2009
- Fringe Benefits Tax Assessment Act 1986 (Commonwealth)

4.0 RELATED DOCUMENTS:

- Gladstone Regional Council Certified Agreement 2012
- Council's Motor Vehicle Use Corporate Standard
- Council's Non Smoking Policy
- Council's Elected Member Expenses and Provision of Facilities Policy

5.0 DEFINITIONS:

"Authorised Users" - means the person allocated a Council Supplied Motor Vehicle for use and their Nominated Associate (Where applicable).

"Chief Executive Officer" - means the person holding the position of Chief Executive Officer under the Local Government Act 2009.

"Common Law Contract" - means a written employment contract entered into between Council and a Council Employee that sets out conditions of employment that vary or exclude the application of parts of the Gladstone Regional Council Certified Agreement 2012.

"Commuter Use" - means travel between home and the worksite/workplace Taking The Most Direct Route.

"Contractor" - means a person engaged by Council to provide services where that engagement is not via a contract of employment that makes that person a Council Employee.

"Council" - means Gladstone Regional Council.

"Council Employee" - means the Chief Executive Officer, Senior Executive Employees and persons employed as a local government

³ i.e. a change of position held by the employee or a new contract of employment is entered into.

⁴ The Chief Executive Officer will prepare a register of Council Employees with legacy arrangements at the time of commencement of this policy within 60 days.

employee by the Chief Executive Officer under the Local Government Act 2009.

"Councillor" - means a councillor of Council under the Local Government Act 2009 (includes the Mayor).

"Council Supplied Motor Vehicle" - means a Motor Vehicle supplied by Council where Council is responsible for the Motor Vehicles allocation and retains control of, and is responsible for the Motor Vehicle⁵.

"Directors" - means those Employees with Director in their position title and includes the Chief Finance Officer.

"Executive Team" - means the Chief Executive Officer and Senior Executive Employees.

"Fringe Benefits Tax" - means the Commonwealth Government tax payable by Council on the fringe benefit of Private Use of a Council Supplied Motor Vehicle by a Council Employee or Nominated Associate.

"Legacy Agreement List" - means a list of documented agreements in place for use of Council Supplied Motor Vehicles at the commencement of this policy that provide Private Use rights of Council Supplied Motor Vehicles that are at variance with the Private Use rights allowed in this policy.

"Light Vehicles" - means passenger & light commercial vehicles (excluding trucks) that may be legally driven by holders of a Class "C" drivers licence in Queensland.

"Marked" - means a vehicle that has markings attached to the vehicle that identify the vehicle as a Council vehicle.

"Motor Vehicle" - has the meaning assigned under the Transport Operations (Road Use Management) Act 1995.

"Nominated Associate" - means, where the category of use permits, the person nominated by the Authorised User who has been accepted by Council as a person who may drive the Council Supplied Motor Vehicle.

"Preferred Vehicle List" - refers to a list of vehicles, approved by the Chief Executive Officer or Council, from which Light Vehicles may be selected for Council Supplied Motor Vehicles.

"Private Use" - means the use of Council Supplied Motor Vehicles for non-Council work related travel.

"Rostered-On-Call-Periods" - means periods of time when a Council Employee is required to be available to conduct Council business by being on call outside standard operational hours.

"Running Costs" - means includes motor vehicle insurance, fuel & oils, tyres, servicing and applicable Council overheads for these costs but excludes home garaging and cleaning costs.

⁵ Council may be responsible as the owner of the vehicle under the Transport Operations (Road Use Management) Act 1995 or the Transport Operations (Road Use Management - Road Rules) Regulation 2009 or as the hirer of the vehicle under a lease or hire agreement or by virtue of an agreement or other undertaking with the owner of the vehicle by which the vehicle has been placed in Council's control for allocation to others for use. Council is not responsible for motor vehicles held by others under a novated lease arrangement where Council is not the lessee of the vehicle.

"Senior Executive Employees" - has the meaning set out under section 196(6) of the Local Government Act 2009.

"Taking The Most Direct Route" - means the most direct route between home and the place of work of the Authorised User. This allows for *Minor, Infrequent and Irregular Variations*⁶ from the most direct route.

"Volunteer" - means a person voluntarily assisting Council in the provision of Council services where the work undertaken is not via a contract of employment that makes that person a Council Employee or via a contract for engagement of such services for reward.

6.0 POLICY STATEMENT:

6.1 Provision of Motor Vehicles

Council requires motor vehicles to meet the operational requirement of Council to provide Council services and allocates the use of motor vehicles to Authorised Users to facilitate such service provision.

6.2 Matters to be addressed by the Chief Executive Officer

The Chief Executive Officer shall determine the following matters⁷:

- **Preferred Vehicle Lists:**

With the exception of Preferred Vehicle Lists for Councillors and the Executive Team (which Council alone, by resolution, will determine) the Chief Executive Officer will approve all other Preferred Vehicle Lists under this policy.

In determining the type of motor vehicles available for use, the Chief Executive Officer will have due regard to whole of life costs, operational needs, environmental and safety considerations.

- **Council Supplied Motor Vehicle User Agreement:**

The Chief Executive Officer will determine the content of the Council Supplied Motor Vehicle Use Agreement as required under this policy.

Such agreements must be in place at the time of provision of a motor vehicle by Council once this policy commences and, except for arrangements on the Legacy Agreement List, where no such agreement is in place for existing vehicle use at the time of commencement of this policy, such agreement must be entered into within ninety (90) days of the commencement of this policy.

- **Administrative Requirements required to be met by all users of Council Supplied Motor Vehicles;**

The provision of motor vehicles by Council has always been, and will always be, subject to the requirement to comply with Council

⁶ means (per Tax Ruling 2007/12) trips that are a short deviation on the overall work related trip being undertaken and are happening or occurring at long intervals or not often; not consistent, habitual or regular; and not characterised by any fixed principle, method or rate.

⁷ Such matters will be set out in a Corporate Standard and other procedures as approved by the Chief Executive Officer.

policies, corporate standards and procedures with respect to the use of Council motor vehicles.

As such, all administrative requirements under this policy and associated corporate standards and procedures will apply to all use of Council Supplied Motor Vehicles.

- **Allocation of Motor Vehicles to Council Employees:**

The allocation of motor vehicles shall always require that there be a Council operational need⁸ for the motor vehicle to be so allocated.

The Chief Executive Officer may (excluding category 1, 2 and 9 uses which are determined by Council under this policy and under the Council's Elected Member Expenses and Provision of Facilities Policy), at his/her sole discretion, determine that there is an operational need or is no longer an operational need for the allocation of a motor vehicle and provide or withdraw the provision of a vehicle for categories of use 3, 4, 5, 6, 7, and 8 accordingly.

- **Allocation of Category of Use Applicable to use of Council Supplied Motor Vehicle:**

The Chief Executive Officer will allocate the category of use to be provided to Authorised Users of Council Supplied Motor Vehicles within categories of use 3, 4, 5, 6, 7, and 8 at a level appropriate to the requirements of meeting the operational needs of Council.

- **Allocation of Council Supplied Motor Vehicle to Organisations, Contractors or Volunteers.**

Council will, by resolution, determine when and under what conditions of use Council Supplied Motor Vehicles are provided to organisations, contractors or volunteers under category of use 9. Any existing arrangements in place shall be documented and brought to Council for consideration within 90 days of commencement of this policy.

6.3 Categories of Use

The following categories of use and conditions of use will be utilised when Council Supplied Motor Vehicles are provided to Authorised Users:

6.3.1 Category 1 Use - Councillor

This category of use applies only where Council agrees to supply vehicles to Councillors under the Council's Elected Member Expenses and Provision of Facilities Policy. Councillors, where Council agrees to supply motor vehicles to Councillors, become Authorised Users of the vehicles as supplied.

⁸ An operational need also includes a contractual requirement for the provision of a motor vehicle under a common law contract. Council has also determined that Councillors require a motor vehicle to meet an operational need for Councillors to engage with the community as part of their Councillor duties.

This category allows for private usage of the vehicle by the Authorised User and Nominated Associate as allowed for under the Council's Elected Member Expenses and Provision of Facilities Policy.

Private use allowed under this category of use refers to personal use by the Authorised User and Nominated Associate only and excludes any commercial use of the Council Supplied Motor Vehicle - i.e. use of the Council Supplied Motor Vehicle for commercial or business purposes.

Councillors are required to make the level of contributions for the additional use as set out in Council's Elected Member Expenses and Provision of Facilities Policy.

The requirements for a Council Supplied Motor Vehicle User Agreement and compliance with this policy and the Administrative Requirements set for the use of Council Supplied Motor Vehicles as set out in Council's Motor Vehicle Corporate Standard also apply to Councillors who accept the use of a Council Supplied Motor Vehicle. These requirements are in addition to the requirements set out in Council's Elected Member Expenses and Provision of Facilities Policy.

Councillors are able to choose, at the time of commencement as a Councillor, from the vehicles listed in the Preferred Vehicles List - Category 1 Use - Councillors as approved by Council and attached to this policy.

Vehicles provided under this category of use are not required to be Marked though Councillors may request that their vehicle be Marked.

This category of use vehicle shall be fully maintained (including servicing, registration, fuel, insurance and other maintenance) at Council's cost except for the contribution to be made towards the cost by the Councillor as set out in Council's Elected Member Expenses and Provision of Facilities Policy.

Cleaning and home garaging of the vehicle shall be the responsibility of the Councillor.

6.3.2 Category 2 Use - Executive Team

This category of use applies only where Council supplies a Council Supplied Motor Vehicle to a member of the Executive Team of Council. This category allows for private usage of the vehicle by the Authorised User and Nominated Associate.

Private use allowed under this category of use refers to personal use by the Authorised User and Nominated Associate only and excludes any commercial use of the Council Supplied Motor Vehicle - i.e. use of the Council Supplied Motor Vehicle for commercial or business purposes.

The requirements for a Council Supplied Motor Vehicle User Agreement apply to persons who accept the use of a Council Supplied Motor Vehicle under this category and the Administrative Requirements set for the use of Council Supplied Motor Vehicles as set out in Council's Motor Vehicle Corporate Standard also apply to members of the Executive Team who accept the use of a Council Supplied Motor Vehicle

Vehicles provided under this category of use are not required to be Marked though persons allocated motor vehicles under this category may request that the vehicle be Marked.

Executive Team members are able to choose⁹, at the time of commencement of employment with Council and at the time of vehicle replacement, from the vehicles listed in the Preferred Vehicles List - Category 2 Use - Executive Team as approved by Council and attached to this policy.

This category of vehicle shall be fully maintained (including servicing, registration, fuel, insurance and other maintenance) at Council's cost except for the contribution to be made towards the cost by the Authorised User as set out below.

Council Employees with this category of use will, unless specifically stated otherwise in their contract of employment with Council, be required to contribute to the cost of the Council Supplied Motor Vehicle at a level sufficient to ensure that 25% of the total operating costs of the vehicle to Council (including running costs, depreciation, deemed interest and Fringe Benefits Tax) is covered by employee contributions to Council. The minimum contribution to be paid is not to be less than the Fringe Benefit Tax payable by Council arising from the use of the vehicle by the Authorised User.

Such contributions made must be made out of post-tax earnings. The initial contribution amount for the vehicle will be determined when the vehicle is allocated from existing Fleet stock or newly acquired by Council. Employee contributions will be revised periodically or when a review date is triggered. A review date will be triggered annually with the receipt of advice of fringe benefit tax liabilities in April each year, or when there is a significant change in the operating costs or the annualised kilometres travelled by the vehicle.

Cleaning and home garaging of the vehicle shall be the responsibility of the Authorised User. Vehicles made available under this category may be used by the Authorised User for private purposes during non-work related periods, including periods of approved leave for a maximum of thirteen (13) weeks at a time and maximum usage in the approved leave period of 10,000 kilometres.

For leave periods in excess of thirteen (13) weeks or expected private usage whilst on leave in excess of 10,000 kilometres, approval is required in advance. Such approval shall be required from the Mayor where the Executive Team member is the Chief Executive Officer. Approval by the Chief Executive Officer will be required for requests from other members of the Executive Team.

⁹ If a vehicle is currently held by Council which complies with the Preferred Vehicles List - Category 2 Use - Executive Team and that vehicle is not yet due for replacement and cannot be relocated elsewhere in Council's fleet, the Council Employee will be provided with the existing vehicle held by Council and the Council Employee will only be able to choose a vehicle from the Preferred Vehicles List - Category 2 Use - Executive Team when the supplied vehicle is due for replacement. Where the vehicle provided is not the preferred vehicle and the contribution cost exceeds the amount that would be payable for the preferred vehicle Council will allow for a lesser contribution amount towards the cost of the vehicle until such time as the vehicle is replaced. This will occur where it is in Council's interest that the current vehicle be utilised until its nominal replacement date.

Whilst the Authorised User is at work the vehicle shall be available for use by other Council Employees on the basis as set out in the Motor Vehicle Corporate Standard.

6.3.3 Category 3 Use - Non-Executive Team (Council Employees on Common Law Contract)

This category may only be applied where Council supplies a Council Supplied Motor Vehicle with Private Use to a non-Executive Team Council Employee who is employed by Council under a written Common Law Contract. This category allows for private usage of the vehicle by the Authorised User and Nominated Associate.

Private use allowed under this category of use refers to personal use by the Authorised User and Nominated Associate only and excludes any commercial use of the Council Supplied Motor Vehicle - i.e. use of the Council Supplied Motor Vehicle for commercial or business purposes.

The requirements for a Council Supplied Motor Vehicle User Agreement apply to Council Employees who accept the use of a Council Supplied Motor Vehicle under this category. Vehicles provided under this category of use are not required to be Marked though persons allocated motor vehicles under this category may request that the vehicle be Marked.

Council Employees who are provided a Council Supplied Motor Vehicle under this category are able to choose¹⁰, at the time of vehicle purchase or replacement, from the vehicles listed in the Preferred Vehicle List - Category 3 Use - Non-Executive Team (Council Employees on Common Law Contract) as approved by the Chief Executive Officer and set out in the Motor Vehicle Corporate Standard.

This category of vehicle shall be fully maintained (including servicing, registration, fuel, insurance and other maintenance) at Council's cost except for the contribution to be made towards the cost by the Authorised User as set out below.

Council Employees with this category of use will, unless specifically stated otherwise in their contract of employment with Council, be required to contribute to the cost of the Council Supplied Motor Vehicle at a level sufficient to ensure that 25% of the total operating costs of the vehicle to Council (including running costs, depreciation, deemed interest and Fringe Benefits Tax) is covered by employee contributions to Council. The minimum contribution to be paid is not to be less than the Fringe Benefit Tax payable by Council arising from the use of the vehicle by the Authorised User.

Such contributions made must be made out of post-tax earnings. The initial contribution amount for the vehicle will be determined when the

¹⁰ If a vehicle is currently held by Council which complies with the Preferred Vehicles List - Category 3 Use - Non-Executive Team (Council Employees on Common Law Contract) and that vehicle is not yet due for replacement and cannot be relocated elsewhere in Council's fleet, the Council Employee will be provided with the existing vehicle held by Council and the Council Employee will only be able to choose a vehicle from the Preferred Vehicles List - Category 3 Use - Non-Executive Team (Council Employees on Common Law Contract) when the supplied vehicle is due for replacement. Where the vehicle provided is not the preferred vehicle and the contribution cost exceeds the amount that would be payable for the preferred vehicle Council will allow for a lesser contribution amount towards the cost of the vehicle until such time as the vehicle is replaced. This will occur where it is in Council's interest that the current vehicle be utilised until its nominal replacement date.

vehicle is allocated from existing Fleet stock or newly acquired by Council. Employee contributions will be revised periodically or when a review date is triggered. A review date will be triggered annually with the receipt of advice of fringe benefit tax liabilities in April each year, or when there is a significant change in the operating costs or the annualised kilometres travelled by the vehicle.

Cleaning and home garaging of the vehicle shall be the responsibility of the Authorised User.

Vehicles made available under this category may be used by the Authorised User for private purposes during non-work related periods, including periods of approved leave for a maximum of thirteen (13) weeks at a time and maximum usage in the leave period of 10,000 kilometres.

For leave periods in excess of thirteen (13) weeks or expected private usage whilst on leave in excess of 10,000 kilometres, approval is required in advance. Such approval shall be required to be obtained from the Chief Executive Officer.

Whilst the Authorised User is at work the vehicle shall be available for use by other Council Employees on the basis as set out in the Motor Vehicle Corporate Standard.

6.3.4 Category 4 Use - Commuter

This category applies where Council supplies a Council Supplied Motor Vehicle with Commuter Use to a Council Employee. This category allows for limited private usage (Commuter Use) of the vehicle by the Authorised User only.

Private use allowed under this category of use refers to personal use by the Authorised User only and excludes any commercial use of the Council Supplied Motor Vehicle - i.e. use of the Council Supplied Motor Vehicle for commercial or business purposes.

The requirements for a Council Supplied Motor Vehicle User Agreement apply to Council Employees who accept the use of a Council Supplied Motor Vehicle under this category.

The vehicle allocated will be selected by the Chief Executive Officer, or delegate, from the Preferred Vehicles List - Category 4 Use - Commuter as approved by the Chief Executive Officer and set out in Council's Motor Vehicle Corporate Standard.

Selection of the vehicle from this list shall be at the sole discretion of the Chief Executive Officer or delegate having regard to the operational needs of Council to be met by the vehicle.

This category of use vehicle must be Marked unless the Chief Executive Officer approves otherwise to meet the operational or business requirements of Council - e.g. vehicles on surveillance or similar duties.

This category of vehicle shall be fully maintained (including servicing, registration, fuel, insurance and other maintenance) at Council's cost except for the contribution to be made towards the cost by the Authorised User as set out below.

All Council Employees with this category of use will be required, unless exempted by the Chief Executive Officer, to contribute to the running costs of the vehicle based on the current rate per kilometre as provided for in the Motor Vehicle Use Corporate Standard. This rate will be reviewed as required.

The Chief Executive Officer may approve exemptions to all or part of the contributions required to be made by Council Employees provided with Category 4 Use - Commuter where:

- a) The Council Employee holds a supervisory position or specialist senior role; AND
- b) The position held by the Council Employee requires regular physical attendance by the Council Employee at multiple worksites at the start or finish of the work day by vehicle each week (i.e. 3 or more different worksites) for the purposes of direct supervision of Council Employees or contractors or for the inspection of works, AND
- c) The requirement to start or finish at these multiple worksites rather than at the Council Employees designated base work area (depot or office) is supported by the Council Employee's supervisor; AND
- d) The relevant Director has reviewed the business case (increase in productivity Vs potential additional costs to Council including any additional fringe benefits tax) and:
 - i) is satisfied that the additional costs to Council for the increased productivity are warranted; and
 - ii) accepts the additional costs as a direct charge to the relevant operational budget within the Directors budget area.

Exemptions provided by the Chief Executive Officer shall:

- a) be subject to annual review; and
- b) may be revoked with 30 days' notice to the Council Employee; and
- c) cease if the Council Employee has a change in position or, where under a common law contract, enters into a new contract with Council.

Cleaning and home garaging of the vehicle shall be the responsibility of the Authorised User.

Vehicles supplied under this category must, where the Council Employee takes leave of five (5) consecutive week days or more, be returned for garaging at a Council controlled site and be available for the operational requirements of Council.

Whilst the Authorised User is at work the vehicle shall be available for use by other Council Employees on the basis as set out in the Motor Vehicle Corporate Standard.

It is not permissible for any person other than an Authorised User with Commuter Use to use the Council Supplied Motor Vehicle to travel between their home and the worksite/workplace in the Council vehicle except in emergency/extenuating circumstances or the circumstances as set out in the Motor Vehicle Corporate Standard.

6.3.5 Category 5 Use - Tool of Trade

This category applies where Council supplies a Council Supplied Motor Vehicle with Tools of Trade use to a Council Employee.

This category of use will only be provided where the use satisfies the following pre-requisites:

The vehicle supplied under this category must be a motor vehicle designed to:

- (a) carry a load of more than 1 tonne¹¹
- (b) be required for the transport and use of equipment of substantial bulk¹² to justify the need for a motor vehicle to transport it and where there are sound reasons for the equipment to be transported to the employees home;

And

The employee's private use is limited to¹³:

- (a) travel by the employee between:
 - (i) the place of residence of the employee; and
 - (ii) the place of employment of the employee or any other place from which or at which the employee performs duties of his or her employment; or
- (b) travel by the employee that is incidental to travel in the course of performing the duties of his or her employment.

This category does not allow for any other private use other than that set out above.

Private use allowed under this category of use refers to personal use by the Authorised User only and excludes any commercial use of the Council Supplied Motor Vehicle - i.e. use of the Council Supplied Motor Vehicle for commercial or business purposes.

The requirements for a Council Supplied Motor Vehicle User Agreement apply to Council Employees who accept the use of a Council Supplied Motor Vehicle under this category.

The vehicle allocated will be selected by the Chief Executive Officer, or delegate, from the *Preferred Vehicles List - Category 5 - Tools of Trade* as approved by the Chief Executive Officer and set out in Council's Motor Vehicle Corporate Standard.

Selection of the vehicle from this list shall be at the sole discretion of the Chief Executive Officer having regard to the operational needs of Council to be met by the vehicle.

This category of use vehicle must be Marked unless the Chief Executive Officer approves otherwise to meet the operational or business requirements of Council - e.g. vehicles on surveillance or similar duties.

This category of vehicle shall be fully maintained (including servicing, registration, fuel, insurance and other maintenance) at Council's cost.

¹¹ Refer Fringe Benefits Tax Assessment Act (FBTAA) s. 47(6)

¹² The requirement to transport bulky equipment must be consistent not irregular.

¹³ Refer s.136(1) of FBTAA which further states that any use of a car by an employee or associate that is not exclusively in the course of producing assessable income of the employee will constitute private use.

Cleaning and home garaging of the vehicle shall be the responsibility of the Authorised User.

Vehicles supplied under this category must, where the Council Employee takes leave of five (5) consecutive week days or more, be returned for garaging at a Council controlled site and be available for the operational requirements of Council.

Whilst the Authorised User is at work the vehicle shall be available for use by other Council Employees on the basis as set out in the Motor Vehicle Corporate Standard.

It is not permissible for any person other than an Authorised User with Category 5 Use - Tool of Trade to use the Council Supplied Motor Vehicle to travel between their home and the worksite/workplace in the Council vehicle except in emergency/extenuating circumstances or the circumstances as set out in the Motor Vehicle Corporate Standard.

6.3.6 Category 6 Use - Operational Rostered-On-Call-Periods

This category applies where Council supplies a Council Supplied Motor Vehicle with for Operational Rostered-On-Call-Periods use to a Council Employee.

This category allows for limited private usage and is limited to:

- (a) travel by the employee between:
 - (i) the place of residence of the employee; and
 - (ii) the place of employment of the employee or any other place from which or at which the employee performs duties of his or her employment; or
- (b) travel by the employee that is incidental to travel in the course of performing the duties of his or her employment; whilst the employee is rostered to be on call only.

This category does not allow for any other private use other than that set out above.

This category of use may only be provided whilst the Council Employee is rostered on call to undertake Council work requiring them to use a motor vehicle for transport either after hours or at various job sites away from the Council's Employees base depot or office.

A Council Supplied Motor Vehicle User Agreement will not be required for this use as the vehicle will generally be allocated out of a vehicle pool arrangement however full compliance with all relevant Council's policies, corporate standards and procedures relating to motor vehicle use is required.

Vehicles allocated this category of use will either:

- a. come from the Preferred Vehicle List - Category 6 as approved by the Chief Executive Officer and set out in Council's Motor Vehicle Corporate Standard; or

b. be vehicles other than that as set out in the Preferred Vehicle Lists¹⁴ approved by the Chief Executive Officer¹⁵.
and will be allocated by the Chief Executive Officer having regard to the operational needs of Council to be met by the vehicle.

Selection of the vehicle from this list shall be at the sole discretion of the Chief Executive Officer having regard to the operational needs of Council to be met by the vehicle.

This category of use vehicle must be Marked unless the Chief Executive Officer approves otherwise to meet the operational or business requirements of Council - e.g. vehicles on surveillance or similar duties.

This category of vehicle shall be fully maintained (including servicing, registration, fuel, insurance and other maintenance) at Council's cost.

Cleaning and garaging of the vehicle shall be the responsibility of Council. Cleaning responsibilities may be allocated to the Authorised User as part of their Council duties.

Vehicles allocated under this category of use are to be used strictly for Council purposes and are to be garaged at a Council controlled facility when not being used for Council business purposes.

Vehicles allocated under this category may only be garaged at the Authorised Users home during Rostered-On-Call-Periods.

Vehicles supplied under this category shall be available for use by other Council Employees on the basis as set out in the Motor Vehicle Corporate Standard.

6.3.7 Category 7 Use - Operational General

Council Supplied Motor Vehicles under this category are only made available to Council Employees for use for Council business purposes.

A Council Supplied Motor Vehicle User Agreement will not be required for this use however full compliance with all relevant Council's policies, corporate standards and procedures relating to motor vehicle use is required.

Vehicles under this category will be allocated to Council Employees (the Authorised User) on the basis of operational need.

Vehicles allocated this category of use will either:

- a. come from the Preferred Vehicle List - Category 7 and Category 8 as approved by the Chief Executive Officer and set out in Council's Motor Vehicle Corporate Standard; or
- b. be vehicles other than that as set out in the Preferred Vehicle Lists¹⁶ approved by the Chief Executive Officer¹⁷

¹⁴ Preferred Vehicle Lists are generally cars, sedans, SUV's and utilities (whether 4x2, 4x4, dual cab, extra or single cab) approved by the Chief Executive Officer or Council.

¹⁵ Trucks

¹⁶ Preferred Vehicle Lists are generally cars, sedans, SUV's and utilities (whether 4x2, 4x4, dual cab, extra or single cab) approved by the Chief Executive Officer or Council.

and will be allocated by the Chief Executive Officer having regard to the operational needs of Council to be met by the vehicle.

This category of use vehicle must be Marked unless the Chief Executive Officer approves otherwise to meet the operational or business requirements of Council officers e.g. vehicles on surveillance or similar duties.

This category of vehicle shall be fully maintained (including servicing, registration, fuel, insurance and other maintenance) at Council's cost.

Cleaning and garaging of the vehicle shall be the responsibility of Council. Cleaning responsibilities may be allocated to the Authorised User as part of their Council duties.

Vehicles allocated under this category of use are to be used strictly for Council purposes and are to be garaged at a Council controlled facility outside of normal business hours when not being used for Council business purposes.

Vehicles in this category are not to be home garaged and may not be used for commuter use (home to work or work to home) purposes.

Vehicles supplied under this category shall be available for use by other Council Employees on the basis as set out in the Motor Vehicle Corporate Standard.

6.3.8 Category 8 Use - Operational - Pool Vehicles

This category applies to motor vehicles made available for use by Council to Council Employees temporarily out of a motor vehicle pool.

This category makes no allowance for any Private Usage beyond such private usage that may be incidental arising from home garaging to facilitate attendance at an approved training course, seminar, conference and the like.

Council Supplied Motor Vehicles under this category are only made available to Council Employees for use for Council business purposes.

A Council Supplied Motor Vehicle User Agreement will not be required for this use however full compliance with all relevant Council's policies, corporate standards and procedures relating to motor vehicle use is required.

Vehicles under this category will be allocated to Council Employees (the Authorised User) out of the vehicle pool by the Chief Executive Officer, or delegate, on the basis of operational need.

This category of use vehicle must be Marked unless the Chief Executive Officer approves another arrangement to meet the operational or business requirements of Council (e.g. vehicles on surveillance or similar duties).

¹⁷ Graders, Loaders, Trucks, rollers, tractors etc.

This category of vehicle shall be fully maintained (including servicing, registration, fuel, insurance and other maintenance) at Council's cost. Cleaning and garaging of the vehicle shall be the responsibility of Council.

Authorised Users using pool vehicles shall ensure that vehicles are returned to the vehicle pool fuelled and cleaned after use.

Vehicles under this category must, unless being used on Council business that requires the vehicle to be garaged away from a Council controlled facility overnight, be stored at a Council controlled facility overnight.

6.3.9 Category 9 Use - Organisations, Contractors, Volunteers

This category applies to motor vehicles made available for use by Council to Organisations, Contractors or Volunteers. This category makes no allowance for any Private Usage.

This category includes the provision of vehicles to organisations or emergency service groups (e.g. State Emergency Service units).

Council Supplied Motor Vehicles under this category, where made available to an organisation or emergency service group, are only made available to the organisation or emergency service group for use by members of the organisation or group for the purposes of that organisation or emergency service group objectives and aims and in the manner as approved by Council.

Allocation of vehicles by organisations or emergency service groups to their members shall be carried out by that organisation or group.

Vehicles provided to organisations or emergency service groups will be Marked at the discretion of the Chief Executive Officer where the vehicle is not already to be marked with the relevant logo of the organisation or emergency service group.

This category of vehicle shall generally¹⁸ be fully maintained (including servicing, registration, fuel, insurance and other maintenance) at Council's cost or, where agreed with the relevant organisation or emergency service group, at the cost of the relevant organisation or emergency service group.

Organisations and emergency service groups shall ensure that vehicles are kept clean and securely garaged on premises controlled by such organisation or group or at such other location agreed to with Council.

A Council Supplied Motor Vehicle User Agreement is required for all Council Supplied Motor Vehicles provided under this category. The agreement format for this type of allocation may be modified to reflect the requirements of the circumstances of the use.

¹⁸ Note: On some occasions the agreement between Council and the organisation may require that the organisation or emergency services group fully maintain the vehicle.

Authorised Users under this category must comply with this policy and the administrative requirements set for the use of Council Supplied Motor Vehicles as set out in Council's Motor Vehicle Corporate Standard.

All allocations to organisations, contractors and volunteers under this category must be approved by Council by resolution.

6.4 Conditions Applicable to All Use of Council Supplied Motor Vehicles

Council requires the following conditions to apply to the use of all Council Supplied Motor Vehicles:

6.4.1 Motor Vehicle User Agreement Required

Except where set out otherwise in this policy Authorised Users are required to enter into a user agreement with Council for the use of the Council Supplied Motor Vehicle allocated to them at the category of use provided to them.

Any of the following changes will trigger the termination of the existing motor vehicle user agreement and require the cessation of any private use and return of the motor vehicle to Council for reallocation:

- Change in position held by the Authorised User (i.e. if a Councillor - not being re-elected, if a Council Employee - change in permanent position held, if a contractor - cessation of contract with Council, etc.);
- Removal of allocation of Council Supplied Motor Vehicle to the Authorised User by Council or the Chief Executive Officer;
- Change in category of use applicable for that Council Supplied Motor Vehicle used by the Authorised User by Council or the Chief Executive Officer.

6.4.2 Driving Licence Requirements

Any person driving a Council Supplied Motor Vehicle must hold a current driver's licence for the class of motor vehicle being driven.

When an Authorised User or a Nominated Associate drivers licence is suspended or cancelled:

- They automatically forfeit the right of usage of any Council Supplied Motor Vehicle for the period of licence suspension or cancellation¹⁹.
- The Authorised User must immediately notify the Council (For Councillors and Senior Executive Officers such notification shall

¹⁹ Where the Authorised User is allowed to have a nominated associate drive the Council Supplied Motor Vehicle and the Authorised User has private usage rights Council may allow the Council Supplied Motor Vehicle to remain with the Authorised User on the proviso that the Nominated Associate utilise the vehicle to bring the Authorised User to and from work. Such a determination, where required, shall be made by the Mayor for the Chief Executive Officer and Councillors, the Council for the Mayor and the Chief Executive Officer for all other Authorised Users.

be to the Chief Executive Officer, for the Chief Executive Officer such notification shall be to the Mayor, for other Council Employees such notification shall be to the relevant Director, for Contractors or Volunteers such notification shall be to the relevant Council officer set out in the User Agreement).

6.4.3 Responsibility for Traffic Infringements and Toll Road and Parking Charges

Council will not accept responsibility for any traffic infringements (including, but not restricted to, parking fines and road traffic offences such as speeding offences etc.) incurred by the Authorised User, or persons allowed to use the Council Supplied Motor Vehicles by the Authorised User.

In the event that Council receives a traffic infringement notice as a result of a Council Supplied Motor Vehicle being involved in an alleged traffic infringement (including but not restricted to parking fines and road traffic offences such as speeding offences etc.) the responsibility for the identification of the driver at the time for payment of any related fines, fee or Court-imposed fine will rest with the Authorised User²⁰ of the vehicle at the time the offence was committed.

Unless the Authorised User provides Council with the statutory declaration or other documentation required nominating the driver at the time of the alleged offence, so that Council is no longer liable for the alleged offence, or the driver at the time of the alleged offence provides Council with the statutory declaration or other documentation required nominating themselves as the driver at the time of the alleged offence, so that Council is no longer liable for the alleged offence, the Chief Executive Officer will nominate the Authorised User as the person in control of the vehicle at the time of the alleged offence.

Toll road or parking charges incurred whilst the Council Supplied Motor Vehicle is being used for Private Use must be paid by the Authorised User. Council will only accept responsibility for toll road or parking charges when the toll road or parking charge is incurred whilst the Council Supplied Motor Vehicle is being used on Council business.

²⁰ Note: Where a vehicle is allocated to a person out of a vehicle pool arrangement the Authorised User is the person to whom the vehicle was booked out of the vehicle pool at the time of the alleged offence. In all other cases the Authorised User is the person allocated the use of vehicle.

6.4.4 Responsibility for Fringe Benefits Tax incurred arising from unauthorised private use of Council Supplied Motor Vehicle

Where Council has additional Fringe Benefits Tax imposed on it as a result of unauthorised Private Use of a Council Supplied Motor Vehicle Council will seek to recover the costs to Council of this additional Fringe Benefits Tax from the Authorised User allocated the use of the Council Supplied Motor Vehicle whose unauthorised Private Use resulted in the additional Fringe Benefits Tax.

6.4.5 Insurance Claims

Council-owned vehicles are insured under a comprehensive policy covering all vehicles. Drivers will be covered for incidents where the driver is:

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

Council's insurance cover includes a deductible amount that must be paid by Council in the event of any accident claim.

Provided the Council Supplied Motor Vehicle is being used by the Authorised User or Nominated Associate in accord with the requirements of Council's Motor Vehicle Policy and Motor Vehicle Corporate Standard and procedures Council will accept the cost of the deductible amount.

Where the Council Supplied Motor Vehicle is involved in an incident that requires Council to claim against its insurance policy and the incident leading to the claim occurred whilst the Council Supplied Motor Vehicle was not being used in accord with the requirements of this policy and related corporate standards or procedures Council may seek to recover any expense it incurs, including the deductible from its insurance cover, from the Authorised User.

Where a Council Supplied Motor Vehicle is damaged and/or persons are injured in an incident whilst the Council Supplied Motor Vehicle was not being used in accord with the requirements of this policy and related corporate standards or procedures and such use voids Council's insurance (e.g. driving whilst under the influence) Council will seek to recover all expenses it occurs as a result of such an incident from the Authorised User.

Costs of incidents involving vehicles not covered by Council insurance cover for motor vehicles or otherwise recovered from Authorised Users will be charged to the Council area responsible for that vehicle rather than Council's Fleet operating costs.

Property damage to third parties sustained as part of an incident involving the towing of privately owned boats, trailers, caravans or similarly privately owned items which have not been obtained by Council for official Council business at the time will only be covered by Council's Motor Vehicle Insurance for Category 1, 2 and 3 uses provided the items are registered (where required) and the Council Supplied Motor Vehicle is being used in accord with the requirements of this policy and related corporate standards and procedures at the time of the incident.

6.4.6 Modification of Council Supplied Motor Vehicles

Any modifications to Council Supplied Motor Vehicles must be approved as set out in the Motor Vehicle Corporate Standard before any modifications are carried out.

If modifications are carried out by, or on behalf of, the Authorised User without Council approval, Council will remove the modifications and reinstate the motor vehicle and Council will seek to recover all expenses it incurs as a result from the Authorised User.

6.4.7 Motor vehicle damage arising from inappropriate use

Where a Council Supplied Motor Vehicle sustains damage as a result of use by the Authorised User or the Nominated Associate that is not in accord with the requirements of this policy and related corporate standards and procedures Council will seek to recover all expenses it incurs in repairing the damage from the Authorised User.

6.4.8 Not roadworthy, not safe or not registered vehicles

The Authorised User is to not drive a Council Supplied Motor Vehicle if they become aware that the vehicle is not roadworthy, is unsafe or is not registered (where use requires the motor vehicle to be registered).

6.4.9 Restrictions to apply to taking Council Supplied Motor Vehicles Home

Only Council Supplied Motor Vehicles, where the Authorised User has a Category 1, 2, 3, 4, 5 or 6 use may be garaged overnight at other than a Council controlled facility, depot or workplace (or where supplied to an organisation that Organisations controlled facility, depot or workplace). (i.e. all vehicles where the Authorised User has a Category 7, 8 or 9 use assigned must garage the vehicle at a Council controlled facility, depot or workplace or where supplied to an organisation that Organisations controlled facility, depot or workplace).

The only exception to this is where a Council Supplied Motor Vehicle has been allocated to an Authorised User for temporary use for attendance at a location which requires the vehicle to be stored overnight away from a Council (or Organisation where category 9 Use) controlled facility, depot or workplace (e.g. to attend a conference, meeting, training session etc. that involves an overnight stay).

Where a vehicle is supplied with Category 9 Use (Organisations, Contractors, Volunteers) the default is that these vehicles are to be garaged overnight at a Council controlled facility and for organisations at a facility controlled by that organisation (e.g. SES vehicles stored at SES building). The Chief Executive Officer may authorise alternative arrangements through stipulations in the Motor Vehicle User Agreement for these alternative arrangements.

6.4.10 Storage of Vehicles when not at a Council controlled facility

Authorised Users, wherever vehicles are not stored overnight at a Council (or Organisation where category 9 Use applies) controlled facility, depot or workplace are to:

- store the vehicle after hours within the confines of, or adjacent to their residential property (vehicles must not be parked across footpaths) or the property at which they are staying whilst away, or at a secure parking area if Authorised User is away from their residential address overnight;
- ensure that tools and equipment are locked in the vehicle out of sight or kept within secure locked boxes on the vehicle; and
- ensure that the vehicle is securely locked at all times whilst unattended.

6.4.11 Smoking in Vehicles

Smoking is strictly prohibited in all Council Supplied Motor Vehicles at all times.

6.4.12 Markings on Vehicles

Except for organisation decals (SES emblem etc.) for vehicles with Category 9 Use and vehicle model emblems of the relevant vehicle only Council approved emblems and markings may be placed on Council vehicles.

7.0 ATTACHMENTS:

Preferred Vehicles List - Category 1 Use - Councillors
Preferred Vehicles List - Category 2 Use - Executive Team

8.0 REVIEW TRIGGER:

This policy will be reviewed when any of the following occur:

1. The related legislation/documents are amended or replaced.
2. Other circumstances as determined from time to time by a resolution of Council
3. Periodic Review – 3 years from date of adoption.

TABLE OF AMENDMENTS		
Originally Adopted	4/5/10	10/142
Amendment 1	21/12/10	G/10/412
Amendment 2	19/4/11	G/11/524
Amendment 3	5/11/13	G/13/1770
Amendment 4	21/06/16	G/16/0026 (CSC/16/0026 - 13/06/2016) Formerly P-2013/23
Amendment 5	7/03/2017	G/17/2994 (formerly P-2016-22 Motor Vehicle Use Policy)

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MARK HOLMES
ACTING CHIEF EXECUTIVE OFFICER

Preferred Vehicles List - Category 1 Use - Councillors

1. Vehicle Models and Types

SUV	Toyota Rav 4 GX AWD
4X2 Dual Cab	Mazda BT 50 2WD
4X4 Dual Cab	Mazda BT 50 4WD

2. Standard Accessories that will be supplied

The following items will be fitted as standard where available:

- Cruise Control
- Air conditioning
- Mud Flaps - front and rear
- Headlight and Bonnet protectors
- Window Tint
- Seat covers - front
- Blue Tooth connectivity
- Reverse Camera

In addition to the above, light commercial vehicles will be fitted with the following:

- Sump Guard
- Access Steps to tray

Preference is for the vehicle to have a diesel engine and automatic transmission

3. Allowable Extras

(Subject to demonstrated need to meet Council's service obligations)

None

4. Other Allowable Optional Accessories

(Subject to meeting the requirements of Councillor Elected Member Expenses and Provision of Facilities Policy)

Accessory	SUV	4 x 2 Dual Cab	4 x 4 Dual Cab
Style Side	Yes	Yes	Yes
Tonneau Cover - Hard	NA	Yes	Yes
Tonneau Cover Soft	NA	Yes	Yes
Tray Mat - Rubber	Yes	Yes	Yes
Fibreglass Canopy	NA	Yes	Yes
Cargo Barrier	Yes	Yes	Yes
Tow Bar	Yes	Yes	Yes
Trailer pin attachment	Yes	Yes	Yes
Front Spot Lights	Yes	Yes	Yes
Roof Racks	Yes	Yes	Yes
Rear Seat Covers	Yes	Yes	Yes

Preferred Vehicles List - Category 2 Use - Executive Team

1. Vehicle Models and Types

<u>Small Vehicles</u>	
	Hyundai I30 Active
	Toyota Corolla Petrol Hybrid Hatch
<u>SUV</u>	
- Small SVU	Nissan Qashqai TS
	Hyundai Tucson Elite AWD
	Mazda CX5 AWD
	Toyota Rav 4 GX AWD
	Ford Kuga Trend
- Large SUV	Hyundai Santa Fe AWD
	Isuzu MUX 4WD
	Ford Territory 4WD
	Toyota Prado GX
<u>4X2 Dual Cab</u>	
	Isuzu D-Max SX
	Mazda BT 50 2WD
<u>4X4 Dual Cab</u>	
- Small Engine	Nissan NP300 RX
	Toyota Hilux
- Larger Engine	Isuzu D-Max
	Ford Ranger XL
	Mazda BT 50 4WD
	Ford Ranger 3.2L

2. Standard Accessories that will be supplied

The following items will be fitted as standard where available:

- Cruise Control
- Air conditioning
- Mud Flaps - front and rear
- Headlight and Bonnet protectors
- Window Tint
- Seat covers - front
- Blue Tooth connectivity
- Reverse Camera

In addition to the above, light commercial vehicles will be fitted with the following:

- Sump Guard
- Access Steps to tray

Preference is for the vehicle to have a diesel engine and automatic transmission

3. Allowable Extras

(Subject to demonstrated need to meet Council's service obligations)

Accessory	SUV	4 x 2 Dual Cab	4 x 4 Dual Cab
GPS Telematics Unit (Next G)	Yes	Yes	Yes
GPS Iridium Modem	Yes	Yes	Yes
GPS Duress (☐ Dash Mount or ☐ Remote)	Yes	Yes	Yes
Council two-way radio	Yes	Yes	Yes

Preferred Vehicles List - Category 2 Use - Executive Team

4. Other Allowable Optional Accessories

Subject to:

a) the Authorised User entering into an agreement with Council for the reimbursement of the additional costs incurred by Council; OR

c) where the contract of employment of the Authorised User allows for the optional extras to be provided at no cost to the Authorised User.

Accessory	Small Vehicles	SUV	4 x 2 Dual Cab	4 x 4 Dual Cab
Style Side	NA	NA	Yes	Yes
Tonneau Cover - Hard	NA	NA	Yes	Yes
Tray Mat - Rubber	NA	NA	Yes	Yes
Fibreglass Canopy	NA	NA	Yes	Yes
Cargo Barrier	NA	Yes	Yes	Yes
Tow Bar	No	Yes	Yes	Yes
Trailer pin attachment	No	Yes	Yes	Yes
Front Spot Lights	Yes	Yes	Yes	Yes
Roof Racks	No	Yes	Yes	Yes
Rear Seat Covers	Yes	Yes	Yes	Yes
UHF Radio	Yes	Yes	Yes	Yes
20L Water Tank	NA	Yes	Yes	Yes