



**WINTON SHIRE COUNCIL
ADMINISTRATIVE**

MOTOR VEHICLE POLICY

MOTOR VEHICLE - POLICY

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MOTOR VEHICLE - POLICY

PURPOSE

Winton Shire Council (Council) maintains a fleet of motor vehicles to meet its operational needs. In some cases, private use of motor vehicles is permitted for efficiency of operations or as a component of employee remuneration.

This policy regulates the use and management of motor vehicles across Council to ensure that the fleet is operated as efficiently as possible and as safely as possible.

SCOPE

This policy applies to all Winton Shire Council controlled motor vehicles (owned or leased) excluding road-based plant. The policy covers:

- The safe operation of vehicles.
- Care and maintenance of vehicles.
- Infringement notices.
- The private use of vehicles.

This policy also covers the use of employees' private vehicle/s for work purposes.

DEFINITIONS

The following definitions are provided for the purpose of interpretation and application of this policy.

Authorised Person	A person who has a current valid Australian Driver's License and who is either an employee of Council, a volunteer for Council or a person permitted to drive the vehicle pursuant to an employment contract.
Commuter Use	For the purposes of this policy commuter use is defined as use of a Council vehicle to travel to and from the employee's principle residence to work.
Council Vehicle Maintenance Costs	Includes the cost of purchase or lease, regular servicing, fuel, oil, tyres, and repairs.
Inappropriate Use of Vehicle	The use of a Council vehicle for non-work purposes in excess of the allowed private use under an employee's terms of employment or in excess of the approvals for use by the Chief Executive Officer (CEO).
Misuse of Vehicle	The use of a Council vehicle to gain reward (cash or non-cash benefit), the use of a council vehicle in the conduct of a business enterprise of any sort, the use of a vehicle by an unauthorised person, or failing to operate the vehicle in a safe manner as set out in this policy.
Motor Vehicle	A motor vehicle includes passenger cars, utility vehicles with a maximum GVM of 4.5 tonne and vehicles designed to carry no more than 12 adults including the driver.
Private Use	Private use of a vehicle for the purposes of this policy is defined as discretionary use of a vehicle unrelated to the vehicle custodian's role at Council.
Proper Care and Maintenance	Includes regular cleans both inside and outside of the vehicle and regular checking of oil, water, lights and tyres (pressure and tread).
Vehicle Custodian	The person to who's position the vehicle is attached to and is the primary driver of the vehicle.
Council	Winton Shire Council.

POLICY STATEMENT

Council maintains a fleet of motor vehicles to facilitate efficient and effective operations. The number and type of vehicles in Council's Fleet is determined according to the needs of the organisation.

Council shall meet the full cost of ownership, operational maintenance and repairs of the vehicles. The Vehicle Custodian is responsible for the proper care and maintenance of the vehicle.

SAFE OPERATION OF VEHICLE

All employees using Council Motor Vehicles must ensure they are operated in a safe manner to ensure, to the extent possible, that the user of the vehicle, passengers and the public do not come to any harm as a result of how the vehicle is operated. The safe operation of the vehicle also reduces the risk of damage to the vehicle.

To ensure the safe operation of the vehicle drivers must ensure that as a minimum the following factors apply:

- The Vehicle Custodian must always be in control of the vehicle and is responsible for the judgement they exercise when they delegate driving the vehicle to a third party.
- Vehicles are only to be driven by authorised persons as defined in this policy.
- The vehicle must be driven in a safe and responsible way with due regard to the road conditions.
- Night driving is not encouraged however, it is acknowledged this may be required on occasions to meet operational requirements.
- State road rules must be complied with in respect to speeds travelled, traffic management and vehicle operation.
- The Vehicle Custodian is responsible for proper care and maintenance of the vehicle.
- The vehicle is not to be operated in an unsafe manner or driven recklessly.
- The vehicle is not to be operated by a person with a blood alcohol content exceeding .05%.
- The vehicle is not to be operated by a person whose faculties are impaired due to the taking of drugs (prescription or illicit).
- The vehicle is not to be operated by a person who is fatigued.
- Log Books recording the driver of the vehicle, destinations, distances travelled, and times must be maintained.

Failure by employees (both the vehicle custodian and the driver) to operate Council vehicles in a safe manner may result in disciplinary action being taken against the employee. It may also result in access to Council vehicles being withdrawn.

MAINTENANCE AND PROPER CARE OF VEHICLES

Council is responsible for all ownership and operational costs of its vehicle fleet.

The vehicle custodian is responsible for basic maintenance checks and record keeping associated with vehicles under their control, including:

- Maintaining appropriate levels of fuel.
- Checking oil and water (in radiators if applicable and windscreen wipers).
- Checking tyre air pressure and monitoring tyre tread.
- Cleaning the interior and exterior of the vehicle on a regular basis.
- Reporting vehicle faults via the completion of Defect Notices.
- Ensuring the vehicle is available for servicing at scheduled times.
- Ensuring that the log book is completed accurately when the vehicle is in use.
- Modifications to vehicles cannot be made without the approval of the CEO or delegate.
- Council vehicles are to be kept under cover or in a shed where possible, when not in use.

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- Council vehicles that are designated to Council employees are to be housed in a secured and covered area while the employee is on leave.

A failure by employees (both the vehicle custodian and the driver) to undertake proper care of the vehicle may result in disciplinary action being taken against the employee. It may also result in access to Council vehicles being withdrawn.

INFRINGEMENT NOTICES

The Vehicle Custodian is responsible for any infringement notices issued against the vehicle.

It is the responsibility of the vehicle custodian to ensure that logbooks are correctly filled out and signed. This will ensure that in the event of an infringement notice received against the vehicle when the custodian is not driving the vehicle that the actual driver can be identified and the responsibility for the infringement transferred to that driver.

PRIVATE USE OF VEHICLES

Private use is generally not permitted for Council work vehicles. Where an employee's terms of employment provide for private use of a vehicle, such private use is only permitted strictly in accordance with the terms outlined in the employee's contract or appointment letter.

Arrangements for Private Use of Vehicles will be in accordance with the following criteria:

1. The vehicle type to be provided to employees with private use arrangements will be determined by the CEO with reference only to what Council's requirements for the vehicle are.
2. Vehicle Private Use arrangements are for a specific vehicle, for a specific position. Vehicles are not interchangeable with other vehicles in Council's Fleet.
3. All vehicles are required to be available for employee use as pool vehicles during office hours. All vehicle keys are to be placed in the vehicle key storage at the commencement of work for the day and may be collected at the close of business each day by the vehicle custodian.
4. The vehicle must always remain in the control of the employee while the vehicle is being used for private purposes.
5. Spousal use (except where the employee is present in the vehicle as well) is not permitted unless it is expressly provided for in the employee's terms of appointment.
6. Use of the vehicle for private purposes by the family members is not permitted.
7. Council vehicles cannot under any circumstances be used to conduct the private business of an employee or secondary employment and cannot under any circumstance be used to undertake any task for which the employee gains a financial benefit (either cash or non-cash) outside of the remuneration they receive for their Council role.
8. Vehicle Custodians must enforce the Council Policy of no smoking in Council vehicles while the vehicle is being used privately.
9. Vehicle Custodians must not allow people to operate their Council vehicle unless they can do so in accordance with the safe operating conditions listed in this policy.

It is the responsibility of the employee to be aware of their allowable private use of the Council vehicle for which they are a custodian.

The CEO may approve private use of a Council vehicle outside of a person's employment arrangements or in addition to an employee's existing private use arrangements. Where the CEO approves private use of a vehicle outside of specific employment arrangements such approval must be in writing and clearly state:

- The extent to which extended private use has been approved.
- The reason the extended private use has been approved.
- Any contribution requested from the employee for the additional private use.

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Approvals for extended private use will be reported to Council on a quarterly basis. Extended private use will generally not be granted for recreational or holiday use.

Breach of the private use guidelines for vehicles will be treated as misconduct by Council and disciplinary action will apply.

COMMUTER USE

Where it is practical and efficient for Council the CEO may approve commuter use of vehicles for employees. Such commuter use does not include an allowance for private use outside of travel to and from their primary residence to either their principle place of work or to a jobsite (where this is not at their principle place of work).

Use of the vehicle provided for Commuter Use outside travel to and from work, without the prior approval of the CEO will result in disciplinary action being taken. Employees with commuter use cannot authorise use of the vehicle outside of work arrangements.

Commuter Use Guidelines are to be provided in writing by the CEO to the vehicle custodian. Breach of the commuter use guidelines may be cause for disciplinary action.

USE OF PRIVATE VEHICLES FOR WORK

Council discourages the use of employee's private vehicles for work purposes. Notwithstanding this Council recognises that in some instances it is more efficient to pay for the use of an employee's private vehicle for work than to increase the size of the fleet depending on individual job requirements.

Council's Enterprise Bargaining Agreement provides for a fixed cent per kilometre rate to be paid to employees where their personal vehicle is required to be used for work purposes. Work purposes include travel to and from the worksite and use on the worksite.

The cents per kilometre rate in the Council Enterprise Bargaining Agreement is an all-inclusive rate intended to cover:

- Capital Vehicle Costs.
- Vehicle Operating Cost including (fuel, oil, tyres, regular maintenance).
- Wear and tear on the vehicle.
- Appropriate insurance of the vehicle against damage.

Council will not contribute further to the repair of vehicles damaged while being used for Council work purposes irrespective of whether the damage is done while the owner or another employee (authorised by the owner) is driving the vehicle at the time.

Private vehicles are the property of the owner of the vehicle and it may not be used on site or by another employee unless the owner of the vehicle has given prior consent. In giving consent for another person to use their vehicle, the owner must assess the capacity of the proposed driver to drive the vehicle without damaging it but accepts fully the risk of the third party using their vehicle.

An employee will not be penalised in any way for withholding consent for their private vehicle to be used on a Council work site or by another person.

COMMUNICATION

Council's management team shall ensure that:

- All Councillors and Council employees have access to this policy.
- Councillors and Council employees be provided with the opportunity to be involved in the review of this policy.

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- Changes and/or amendments made to this policy shall be communicated to Councillors and Council employees.

RELATED COUNCIL DOCUMENTATION

- Employee Code of Conduct
- Employee Position Descriptions
- WSC-HR-POL-001 Recruitment Policy
- WSC-HR-POL-005 Performance Management Policy
- Enterprise Bargaining Agreement

LEGISLATION, RECOGNISED AUTHORITIES AND OTHER SOURCES

- Local Government Act 2009
- Local Government Regulation 2012
- Work Health and Safety Act 2011
- Work Health and Safety Regulations 2011
- Department of Transport and Main Roads <https://www.tmr.qld.gov.au/Licensing>
- Income Tax Assessment Act 1936
- Fringe Benefits Tax Act 1985
- Public Sector Ethics Act 1994

CEO DISCRETION

Where applicable, the CEO can apply their discretion as to the enforcement of the requirements outlined in this policy and any requests for variations to this policy.

REVIEW OF POLICY

This policy remains in force until amended or repealed by resolution of Council. This document will be reviewed biannually or as required.

RECORD OF AMENDMENTS and ADOPTIONS			
DATE	REVISION NO	REASON FOR AMENDMENT	ADOPTED BY COUNCIL
January 2013		Adopted	17 January 2013
July 2020	1.0	Review by Council	23 July 2020
July 2021	2.0	Review by Council	2 July 2021
January 2022	2.1	Amended by Council	20 January 2022