

## Motor vehicle Operating Use Procedure

*Yarriambiack Shire Council encourages a working environment which promotes gender equality and models non-violent and respectful relationships.*

### **1 Objective**

The purpose of this Motor Vehicle Operating Use Procedure is to guide drivers of Council motor vehicles on the appropriate use of those vehicles.

### **2 Responsibility**

The responsibilities applicable to this procedure are outlined in the Motor Vehicle Policy. This procedure is to be read in conjunction with the Policy.

### **3 Method**

This Procedure applies to any person authorised to drive a Council motor vehicle (including Councillors, staff, contractors and volunteers).

It is the responsibility of the relevant manager (or delegate) to bring this Procedure to the attention of each staff member under their control that will be, or is likely to be, authorised to drive a Council motor vehicle. Where applicable, this Procedure will also be discussed as part of the employee's induction program.

#### **3.1 General Conditions**

##### *3.1.1 Availability*

All Council motor vehicles (except those motor vehicles assigned to the Mayor and Chief Executive Officer) form part of Council's carpool and must be made available for use by Approved Drivers for business use during each business day unless the vehicle is being utilised by the Assigned Officer.

##### *3.1.2 Councillors*

Councillors may on occasion require access to a Council motor vehicle, in situations where travel support would normally be provided.

##### *3.1.3 Driver Induction*

Where an Assigned Driver is required to drive a Council motor vehicle as part of their role, the holding of an appropriate driver's licence to drive a motor vehicle in the State of Victoria will be included within their position description. Induction for new staff about motor vehicle use (including this Procedure) shall be part of the corporate induction process. Induction on carpool vehicle location, booking and refuelling will be the responsibility of each Line Manager.

Where Council acquires a motor vehicle which incorporates new technology (for example a hybrid electric or fully electric motor vehicle) a wider briefing to all Council motor vehicle users will be undertaken by the Technical Services Officer.

##### *3.1.4 Breaches*

Any breaches of this Procedure will be dealt with in accordance with the Council's Human Resource Policy and Guidelines Manual.

##### *3.1.5 Liability*

Any person operating a Council motor vehicle who causes death, injury or property damage through negligence or non-compliance with any Commonwealth or State law, local law or Council Policy or Procedure may be held financially and legally responsible for their actions.

##### *3.1.6 Vehicle Allocation*

The allocation and / or use of a Council motor vehicle shall not be regarded as a condition of employment unless stipulated under an employment agreement. Being allocated a Council motor vehicle is a privilege and not a right.

### 3.2 User Responsibilities

#### 3.2.1 Licence Requirements

Every Approved Driver who drives a Council motor vehicle must be the current holder of an appropriate driver's licence to drive a motor vehicle in the State of Victoria (including a learner permit where the learner driver is accompanied by fully licenced driver).

Upon commencement of employment, volunteering or being as a labour hire contractor with Council a copy of an employee's driver's licence shall be placed on the employee's personnel file and licence details recorded in Happy HR. Upon expiration of a driver's licence Happy HR will prompt each employee to upload a copy of their new driver's licence. The Manager Organisational Performance will monitor expired and about to expire driver's licences on a monthly basis.

Councillors are to provide a copy of their driver's licence to the Manager Organisational Performance on commencement as a Councillor and are to update the details when their licence is renewed.

Approved Drivers driving Council motor vehicles are to ensure that they notify their Director of any new conditions placed on their driver's licence.

In the event of a suspension, cancellation or forfeiture of a driver's licence, or any charge in relation to a driving offence, the employee is to immediately notify their Director. The nature of the offence may place the employee's employment in jeopardy.

Provisional licence holders are responsible for the display of the relevant 'P' plates when driving a Council motor vehicle. Failure to do so is an offence at law and may result in disciplinary action.

#### 3.2.2 Cleanliness and Refuelling

All motor vehicles shall be kept in a clean and tidy condition, and to a standard that befits an officer of Council and that of a Council motor vehicle. An Approved Driver who uses a carpool motor vehicle which sustains significant (other than normal usage) 'spoilage' shall ensure that the vehicle is returned in a clean and tidy condition.

Litter and rubbish must be removed from the Council motor vehicle after each use.

An Approved Driver using a Council carpool motor vehicle is to ensure that they refuel the vehicle prior to return, where the vehicle fuel gauge is recording less than half full at the completion of the trip.

Smoking (including E-cigarettes) in all Council motor vehicles is prohibited, including vehicles allocated for Private Use.

#### 3.2.3 Recreational Use

All motor vehicles are only to be used in the manner for which they are intended. Council motor vehicles are not to be used for recreational purposes or driven in a manner or on roads or in conditions that are outside of the manufacturer's recommendations. Council motor vehicles are not to be involved in activities that are contrary to the concept 'fit for purpose'.

Council motor vehicles must not under any circumstances be used for any form of racing, rallying, or other similar activities (eg: motor vehicle related competition events) that may increase the council's exposure to risk.

Council motor vehicles must not under any circumstances be used for transporting of animals or livestock inside the vehicle (other than family domestic companion animals).

#### 3.2.4 Maintenance, Service and Repairs

The Assigned Officer (or Line Manager in the case of a carpool motor vehicle) is to ensure that the motor vehicle is always maintained in a roadworthy state, to check the motor vehicle regularly, have services carried out at the intervals recommended by the manufacturer and to ensure that the motor vehicle is kept in a clean and tidy condition both the inside and outside, at all times.

The Assigned Officer (or Line Manager in the case of a carpool motor vehicle) will ensure that all servicing and maintenance is carried out in accordance with Council's motor vehicle service arrangements.

The Assigned Officers (or Line Manager in the case of a carpool motor vehicle) is required to complete the Vehicle Checklist once per week, and ensure they report any hazards immediately.

The Technical Services Officer will monitor the vehicle checklist data and book the vehicles in for the applicable service and repairs as required.

All vehicles are covered by the manufacturer's 24-hour roadside assistance program or an alternative program if the vehicle manufacturer does not offer a roadside assistance program.

Emergency contact details of roadside assistance providers are to be kept with each vehicle. A driver requiring roadside assistance should firstly consult the vehicle owner's manual located in the glove compartment to familiarise themselves with the method of accessing the manufacturer's 24-hour roadside assistance program. If the vehicle manufacturer does not offer a roadside assistance program, a driver requiring roadside assistance should telephone RACV roadside assistance on 131 111.

In the event of a minor breakdown such as a flat tyre light failure etc, and roadside assist is not available in a timely manner, the Approved Driver may attend the nearest garage and have the vehicle repaired. The cost of these repairs will then be reimbursed by Council upon presentation of the tax invoice or tax receipt.

### 3.2.5 Infringements

Approved Drivers of Council motor vehicles who incur a driving infringement, (such as a speeding, parking, traffic, e-tag, etc.) are fully personally responsible for any penalties that are imposed. Council will not be responsible for the payment of any infringements. Council's motor vehicle booking system will be used to determine driver identification at a particular date/time. Assigned Drivers should ensure the accurate and precise recording of motor vehicle usage, to avoid any confusion or uncertainty in determining who the driver was at the time of any infringement.

### 3.2.6 Alcohol and Drugs

Must comply with Council's [Fit for Work Policy and Procedure](#).

### 3.2.7 Fatigue Management

Must comply with Council's [Occupational Health and Safety and Wellbeing Guidelines – Fatigue Management](#) requirements.

### 3.2.8 Security

All motor vehicles shall be kept locked when not in use. Approved Drivers carrying or leaving private property in Council motor vehicles do so at their own risk. Council insurance covers the loss of private property up to \$3,000.

### 3.2.9 Safe Driving

Approved Drivers of Council motor vehicles are to drive within the provisions of the *Road Safety Act 1986* (as amended) and all Regulations made under that Act, including but not limited to: adherence to speed limits, the proper use of mobile telephones, wearing of seat belts and not driving whilst under the influence of alcohol or drugs.

All Approved Drivers of Council motor vehicles and all passengers being transported in a Council motor vehicle must behave at all times with courtesy.

All motor vehicles must have a basic First Aid Kit, which are available from the People and Safety Officer who will be responsible for ensuring that the contents of each First Aid Kit are current.

Each vehicle is fitted with safety features, which an Approved Driver should use at all times, including:

- a) Seatbelts - which are to be worn by all motor vehicle occupants

- b) Headrests - to be adjusted so the top of the headrest is level with the top of your head
- c) Bluetooth telephone kits - to enable hands-free telephone calls.
- d) Lights – to improve the visibility of the Council motor vehicle to other road users and pedestrians.

The carrying of hitchhikers is prohibited.

#### 3.2.10 Vehicle Loss

Should a motor vehicle, or any part of a motor vehicle, be stolen, or lost as a result of fire, flood or other natural disaster, the Manager Corporate Services should be notified to arrange for the appropriate insurance claim to be completed.

In the case of theft, the Assigned Driver should also immediately report the matter to the Police.

### 3.3 Accidents

#### 3.3.1 Accident Notification and Reporting

Should a Council motor vehicle be involved in an accident and require repairs, it is the responsibility of the Approved Driver driving the Council motor vehicle at the time of the accident (or in the case where the driver is not a Council employee, the Assigned Driver) to notify the Manager Corporate Services.

#### 3.3.2 Accident Scene Protocol

In the event of an accident involving a Council motor vehicle, no liability of any sort should be admitted, nor any offer or promise of payment be made either directly or indirectly, by the Approved Driver or any other party.

A driver involved in a motor vehicle accident is legally required to stop and assist. At the accident scene the Approved Driver should:

- a) Turn off the motor vehicle ignition and turn on the vehicle's hazard lights.
- b) Take immediate action to ensure that there is not a secondary accident.
- c) Where safe to do so:
  - i. assign people to both ends of the accident scene to warn approaching vehicles.
  - ii. get everyone off the road (including those injured and unable to do so themselves if approaching traffic is not controlled and a secondary collision is possible).
- d) Call an ambulance if anyone is injured.
- e) Render first aid assistance, if possible, to any injured person (within the limits of the Approved Driver's training and capability) and/or call an ambulance if required.
- f) Notify the Police if:
  - i. any person is injured.
  - ii. if there is damage to property and the owner is not at the scene.
  - iii. the other person does not stop or refuses to exchange details.
  - iv. a driver appears to be under the influence of drugs or alcohol.
- g) Exchange details with the other driver/s (and Police if requested) - do not admit fault or liability for the accident.
- h) Record details of:
  - i. The date, time and place of the accident.
  - ii. The contact details of any witnesses.
  - iii. Details of the damage to all vehicles and/or other property.

- iv. Take sketches, photographs or video of any damage and the accident scene (use mobile phone camera if available).
- v. The name, address and driver's licence details of all drivers involved in the accident.
- vi. The make, model and registration number of all vehicles involved.
- vii. insurance company details for all damaged property (refer to the glovebox guide for details of Council's insurer).
- viii. If Council's vehicle is not driveable, contact Council's insurer to arrange towing (refer to the glovebox guide located in Council motor vehicles for contact details).
- ix. The Insurance Form "What to do in the event of a claim?" should be used to record details of drivers and witnesses in the event of an accident.
- x. All Council motor vehicle related incidents and hazardous situations that have an impact on the Occupational Health and Safety (OH&S) of the driver, passenger or others must be reported to the Assigned Driver's supervisor and the People and Safety Officer.

### 3.4 Other Matters

#### 3.4.1 Insurance

Council's vehicles are insured under a comprehensive policy covering all vehicles, drivers and authorised passengers. The Council's insurance only covers the private use of vehicles where the Council has granted an officer such privilege.

This insurance policy becomes null and void if:

- a) The driver is not in possession of a current driver's licence.
- b) The driver is convicted of being under the influence of alcohol or drugs.
- c) The driver is not authorised to drive the relevant Council motor vehicle.

In such cases the driver could become personally liable for damages.

Council's motor vehicles are insured with compulsory insurance against injury to third parties.

Cumulative damage over the life of a Council motor vehicle (stone chips, scratches, etc.) which cannot be attributed to any specific accident are not covered by insurance.

Personal Property is insured under Council's Motor Vehicle Insurance Policy to a maximum value of \$3,000.

#### 3.4.2 Toll Charges

Only Council pool motor vehicles are registered for travel on toll roads in Victoria. Council motor vehicles with full private use will not be registered for travel on toll roads in Victoria. Should an Assigned Driver need or choose to travel on a toll road, the Assigned Driver will be responsible for the payment of the toll charges. Council will reimburse the Assigned Driver for the cost of any business use toll charges.

#### 3.4.3 Fuel Card

A fuel card will be issued for all Council motor vehicles and, other than for emergency situations, is to be used whenever fuel purchases are made. Fuel cards can only be used for approved purchases (i.e. fuel only) and only for the motor vehicle identified on the card.

The fuel card is to remain in the Council motor vehicle to which it applies at all times.

In circumstances where the use of the Council fuel card is not possible, a tax invoice must be obtained for the fuel purchase and the odometer reading recorded on the tax invoice. The cost of this fuel purchase will then be reimbursed by Council upon presentation of the tax invoice.

Council fuel cards are not to be used in conjunction with any customer loyalty rewards programs.

Assigned Drivers of Council motor vehicles must report immediately cases of lost or stolen fuel cards to their Line Manager, who will then notify the Technical Services Officer as soon as practicable.

Refer to Councils [Fuel Card Guidelines contained in the Procurement Management Manual](#).

#### 3.4.4 Vehicle Movement

Council may require all movements of a Council motor vehicle to be recorded. This recording may be undertaken using a variety of methods including Australian Taxation Office compliant hard-copy logbooks and automated vehicle tracking software and applications.

#### 3.4.5 Vehicle Booking

Council will operate a carpool booking system to maximise the efficiency of the carpool motor vehicles and minimise the number of carpool motor vehicles required to support the efficient operation of Council.

Booking of carpool Council motor vehicles shall be done using the Council carpool booking system.

Where Approved Drivers are away unexpectedly or arriving late, please contact customer services so that any bookings for that vehicle can be reassigned and the vehicle made temporarily unavailable in the Council carpool booking system.

Dedicated carpool vehicles must be utilised for overnight absences in the first instance.

#### 3.4.6 Private Vehicles used for Business Use

If a Council motor vehicle is not available for business use, an employee, contractor or volunteer must obtain their Manager's approval prior to using their own vehicle for business use.

Where permission is given to use a private vehicle for Council business use, the motor vehicle must:

- a) Be 'fit for the purpose' for the task which it is being used.
- b) Only be driven by the vehicle owner.
- c) Be roadworthy, registered and properly maintained.
- d) Be comprehensively insured (it is also advisable to notify your insurer that your vehicle may be used for business purposes).
- e) Only be used for approved travel.

A Council employee, contractor or volunteer must complete a [Motor Vehicle Employee Declaration Form](#) prior to being able to utilise their personal vehicle for Council business use.

All volunteers, employees, contractors and Councillors utilising their own vehicle for Council business must drive and operate in a manner compliant with this Procedure. Council will not be liable for accidents, incidents, repairs or actions as a result of any damage caused to or by a Council employee using their private vehicle. Although Council holds insurance that covers the loss of an employee's excess and no claim bonus, this cover is only available to employees who have comprehensive insurance.

Where a Council an employee uses their own vehicle for authorised business use, they will be reimbursed in accordance with the rate set in the Yarriambiack Shire Council Enterprise Agreement, or where a Senior Executive Officer or Director uses their own vehicle for authorised business use on an ongoing basis, the Chief Executive Officer shall increase the base salary of the Senior Executive Officer or Director to reflect the level of private vehicle use for Yarriambiack Shire business.

Claims for authorised kilometres travelled by employees are to be made using the travel allowance section within the Happy HR payroll program.

Councillors, Contractors and Committee Members will be reimbursed in accordance with Council's Expense Reimbursement Policy. The Council Expense Travel Reimbursement Form must be completed and signed by authorised signatories before a reimbursement can be processed via Accounts Payable.

The reimbursement rate is designed to cover insurance, fuel, repairs, registration, other running and maintenance costs incurred by the owner of a motor vehicle.

#### 4 Related Policy Documents and References

- a) Motor Vehicle Policy
- b) Motor Vehicle Private Use Procedure
- c) Motor Vehicle Fleet Ownership Procedure
- d) Procurement Policy
- e) Procurement Management Manual
- f) Asset Lifecycle Policy
- g) *Occupational Health and Safety Act 2004*

#### 5 Procedure Review Cycle

This procedure is to undertake a review cycle every three years. Council approves for the Chief Executive Officer to make administrative changes to the procedure that does not compromise the intent of the policy and associated procedures.

#### 6 Definitions

Approved Driver	An employee, volunteer or Councillor or a Councillor's or assigned officer's partner or child, or any person who normally resides in the assigned officer's household or any other person approved by the Chief Executive Officer.
Assigned Officer	An employee or Councillor whose position attracts a Council motor vehicle and who has been granted either full private use or commuter use of that Council motor vehicle.
Business Day	Excludes Saturday, Sunday, rostered day off or a public holiday.
Business Use	The purposes of providing employees with transport during a business day or after hours on Council business.
Chief Executive Officer	The Chief Executive Officer as appointed in accordance with the Local Government Act.
Motor Vehicle	A Council motor vehicle is a passenger vehicle and includes sedan, station wagon, utility, people mover, sport utility vehicle (SUV) or any other similar passenger vehicles. (For the purpose of this procedure, the definition of Council motor vehicle does not include plant and equipment such as trucks, tractors, mowers, graders and earth moving equipment.)
Passenger Vehicle	In the context of this Policy, a passenger vehicle includes all vehicles whose main purpose is to transport passengers but excludes buses.

Private Use

Any non-business travel in a Council motor vehicle, including travel between home and work.

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**Council Adopted Procedure**

<b>Policy Adopted:</b>	Ordinary Meeting [date]	Minute Book Page [number]	
<b>Policy Reviewed:</b>	Ordinary Meeting [date]	Minute Book Page [number]	

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