

THE BAROSSA COUNCIL

MOTOR VEHICLE POLICY



1. Purpose

- 1.1. To provide a framework for the provision, operation and management of Council Vehicles used by the Elected Members and Council Workers (referred to as the 'Driver' in this Policy) which includes the accountable, sustainable and fair allocation of Council Vehicles for Commuter or Private Use.
- 1.2. To recognise in limited circumstances Privately Owned vehicles may be utilised for work purposes and thus Drivers should be equally protected by Council.
- 1.3. To provide a framework for the provision of novated leases.

2. Scope

- 2.1 This Policy applies to all Council owned vehicles used for day to day business operations or that form part of a Driver's terms and conditions of employment.
- 2.2 This Policy also applies, in limited circumstances, to privately owned vehicles which are utilised for work purposes.
- 2.3 This Policy, unless specifically stated, does not apply to heavy vehicles or hire of Council Vehicles e.g. Community Transport bus.

3. Policy Statement

3.1 Operation of Council Vehicles

- 3.1.1 Council requires each Driver to understand and adhere to the manufacturer's safe operating requirements of the vehicle allocated to them, to drive with care and to maintain the allocated vehicle as far as reasonably practicable to ensure its safety, reliability, and economy.
- 3.1.2 Council requires Drivers with a vehicle allocated for private or commuter use to comply with the terms and conditions stipulated within their Agreement for Use of Council Vehicle, Contract of Employment and this Policy, including full responsibility for the completion of the monthly monitoring checklist and maintenance of the vehicle.
- 3.1.3 Council requires the relevant Director (or their appointee) within each Directorate to clean, monitor, inspect and maintain allocated pool vehicles including the completion of the *Monthly Pool Vehicle Checklist*:
 - This clause applies to Council Vehicles managed by the Coordinator Fleet and Stores.
- 3.1.4 Volunteer Drivers engaged to drive vehicles on behalf of Community Transport or other identified service not including that outlined in clause 3.1.5 are required to complete the Volunteer Driver Accreditation Program.

- 3.1.5 Volunteer Drivers engaged to drive vehicles on behalf of Home Library Service are required undertake a vehicle induction processes and review the Home Library Service – Volunteer Guide – Community Services Car documentation.
- 3.1.6 Council Employees must comply with the *Drug and Alcohol Policy*, including heavy vehicle users. All other users must comply with road laws applicable to the management of drugs and alcohol on South Australian Roads.
- 3.1.7 Smoking and vaping is not permitted in Council Vehicles as per the *Smoke and Vape Free Workplace Policy*.
- 3.1.8 Council Vehicles shall be kept clean and tidy, and rubbish is to be removed after use.
- 3.1.9 Drivers who have a vehicle allocated for private or commuter use are to ensure that the vehicle is regularly cleaned both internally and externally at their own expense.
- 3.1.10 Cleaning of pool cars is to be coordinated by the designated Officer within each Directorate at Council's expense; this clause includes the cleaning of all heavy vehicles.
- 3.1.11 It is the responsibility of Drivers of vehicles allocated for private or commuter use to ensure scheduled maintenance is undertaken and budgeted for within their own Directorate.

3.2 Vehicle Replacement and Delivery

- 3.2.1 Council Vehicles will be disposed of in accordance with Council's *Disposal of Land and Other Assets Policy*, sound fleet management and asset management principles and dependant on the most cost-effective option available to Council and shall generally apply to the following principles, and depending on the manufacturers warranty period:

- Between 3 and 5 years of age; and
- Between 80,000 to 100,000 kilometres use;

as determined appropriate by the Fleet Director or their delegate.

- 3.2.2 The Driver of a vehicle allocated for private or commuter use, the designated pool car officer or Coordinator Fleet and Stores for which they are responsible shall inspect for roadworthiness. An inspection of vehicle shall be undertaken by the Fleet Director or their delegate using Council's *Safety Inspection Checklist* prior to returning for disposal.
- 3.2.3 Council's preferred colour for its Council Vehicle fleet is neutral tones such as white, grey, black or silver.

The minimum specification for any Council Vehicle shall be that they achieve at least a 4-star (preferred 5-star) ANCAP safety rating, be automatic, provide window tint, appropriate floor mats, and car play services. It is at the Director for Works and Engineering Services discretion to including additional specifications based on whole of life cost assessment for instance including a safety pack, but the cost shall not exceed the funding provisions in Table 1 for any Council Vehicle purchase.

- 3.2.4 At the discretion of the Director Works and Engineering (as the overall Fleet Director), Council Vehicles may be reallocated to ensure the most cost-effective outcome for Council. In this situation a Driver with a vehicle allocated for personal or commuter use will be directed to use another Council Vehicle. Where a vehicle is reallocated in these circumstances it will not result in any increase or decrease in the Tier level identified at Table 1 for the employee except in temporary circumstances.
- 3.2.5 Where a Driver of a vehicle allocated for private use undertakes a period of extensive leave (being greater than three (3) months) and no other agreed arrangements are in place with the employee, the Director Works and Engineering Services may determine that the Council vehicle is not required for pool purposes and the Council Vehicle may be disposed of in accordance with the *Disposal of Land and Other Assets Policy*.

3.3 Driver's Licence

The following Policy statements 3.3.1 to 3.3.3 applies to all vehicles including heavy vehicles.

- 3.3.1 All Drivers of Council Vehicles must hold a current valid Driver's Licence applicable to the class of Council Vehicle operated.
- 3.3.2 In the event a Driver is disqualified from holding a Driver's Licence they must immediately advise their Director/CEO and where they are the recipient of a vehicle for private or commuter use the vehicle must be returned.
- 3.3.3 If a Driver's Licence is suspended or disqualified for any reason which prevents the reasonable completion of designated duties, disciplinary action in accordance with Council's *Performance Management Process* including termination of employment may result.

3.4 Use of Council Vehicle

- 3.4.1 Council Vehicles allocated for private, or commuter use should at most times be available for use by other Council Officers during working hours when present at a work site.
- 3.4.2 Private or Commuter Use of Council Vehicles is not allowed unless stipulated within individual conditions of employment and/or *Agreement for Use of Council Vehicle*. Where an Employee does not enter into an agreement they are still required to abide by this Policy.
- 3.4.3 In accordance with Council's *Vehicle and Driver Safety Awareness Process*, consideration must be given to Journey Management requirements when using a Council vehicle for business operations.
- 3.4.4 The use of Council vehicles for the purposes of another business or private business activity is not permitted unless approved by the CEO. This excludes activities where a Council Vehicle is supporting or provided to emergency services.
- 3.4.5 Any expiation or fine imposed by a Court for breaching road rules is the sole responsibility of the Driver. If a Statutory Declaration is required to mitigate the

expiation or fine, it is the responsibility of the Driver to organise within any expiation timeframe. Council will not pay any expiation or fine, and any costs incurred by Council in managing the expiation e.g., such as penalties for late declaration of the Driver or enforcement activity and any demerit points, are the responsibility of the Driver.

- 3.4.6 All business travel for Council vehicles is to be entered into the Log Book by the Driver and shall include details of the business travel, date of travel and kilometres travelled.

3.5 Acknowledgement for Use of Private Vehicles

- 3.5.1 It is acknowledged that a Driver may utilise their own Private Vehicle for Council business where:
- a Council Vehicle is not practically available; or
 - a Council Vehicle is not located at the Workers usual Workplace; or
 - the journey necessitates the Worker to leave from and return to their home; or
 - other reasonable circumstances as agreed prior with the Worker and their relevant Supervisor; and the principles and protections provided by this Policy apply to such use.

3.6 Motor Vehicle Accident and Insurance

Council Vehicle

The following Policy statements 3.6.1 to 3.6.3 applies to all vehicles including heavy vehicles.

- 3.6.1 In the event of an accident occurring in a Council Vehicle, Drivers are to follow the *Incident Reporting and Investigation Process* (eg Incident Report in Skytrust) and the *Motor Vehicle Insurance Claim Process*.
- 3.6.2 Costs of damage to Council Vehicles due to the Driver or those accompanying the Driver misuse or negligence will be recovered from those concerned.
- 3.6.3 All Council Vehicles must be registered as required by South Australian Road Traffic Act.

Private Vehicle

- 3.6.4 All Drivers who utilise their Own Vehicle for Council business are encouraged to take out comprehensive vehicle insurance, Council will not reimburse this cost.
- 3.6.5 Drivers who utilise their Own Vehicle for Council business should contact their comprehensive insurance provider to advise them that their Vehicle may be used, from time to time, for Council business ("business purposes") and give the details around what type of work they are involved with and how often the use of their Own Vehicle will be required for business purposes. The Driver shall make note of this conversation, provide a copy of this noted conversation to Records so that it is captured in the Electronic Document and Records Management System ("EDRMS"), and Drivers shall also ask their personal insurance provider to note this conversation on their insurance file accordingly.
- 3.6.6 If a Driver is requested by Council to use their Own Vehicle for Council business, then Council will reimburse any Excess that the Driver may be required to pay

via his/her own insurance company as a result of an accident occurring whilst the vehicle was being used on Council business.

- 3.6.7 Council will also reimburse any increase costs in the Driver's insurance premium should they lose their No Claim Bonus ("NCB"). However, the Worker must claim through their own insurance policy before the LGA Asset Mutual Fund will reimburse any excess and loss of NCB and proof of respective excesses and NCB penalties will be requested on the Insurer's letterhead.
- 3.6.8 All Private Vehicles must be registered as required by South Australian Road Traffic Act.
- 3.6.9 If a Driver has an accident in their Own Vehicle with a Third-Party Vehicle, then the Drivers own motor vehicle third party insurance shall cover the damage and Council will reimburse the Driver Excess and loss of No Claim Bonus as stated above.

3.7 Provision of Council Vehicle for Private or Commuter Use

- 3.7.1 In the ordinary course of employment, Private and Commuter Use Council Vehicles will not be offered as part of an employment package unless.
- 3.7.1.1 there is a demonstrated and documented benefit to Council of the equivalent annual value (inclusive of FBT) to Council which is approved by the CEO or relevant Director; or
- 3.7.1.2 there is a demonstrated and documented need (by way of the presentation and authorisation of a business case) to offer a Private or Commuter Use vehicle as part of an employment package to attract suitably qualified Employees which is approved by the CEO or relevant Director, and it shall be provided in accordance with this clause without exception.
- 3.7.3 Council Vehicles within all Tiers within Table 1 must be available for pool use when the vehicle is at a work site, unless otherwise agreed within individual employment contracts and/or *Agreement for Use of Council Vehicle*.
- 3.7.4 Subject to sub-clause 3.7.4.2, Table 1 shall be the reference for vehicle allocation and type at each Tier of Council. This takes effect from an Employee's next vehicle change over after the current approval date of this Policy.

Table 1 – Vehicle allocation by Tier

	Vehicle	Purchase Cost excl. GST	Additional cost (FBT) or Vehicle upgrade	Vehicle Contribution
Tier 1 CEO and Directors (executive and non executive):	In accordance with Employment Contract			
Tier 2 Manager: Only to be provided where there is a demonstrable benefit to Council	As stipulated in clause 3.2.3 and Council procurement policy and supporting processes.	< \$35,000	Additional costs by <i>Agreement for Use of Council Vehicle</i> and/or employment conditions	In accordance with <i>Agreement for Use of Council Vehicle</i> and/or employment conditions
Tier 3 Other:	As stipulated in clause 3.2.3 and	< \$27,000	Additional costs by <i>Agreement for Use</i>	In accordance with <i>Agreement</i>

Only to be provided in exceptional circumstances or operational need	Council procurement policy and supporting processes.		of Council Vehicle and/or employment conditions	for Use of Council Vehicle and/or employment conditions
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3.7.4.1 Purchase Cost in the above table may be adjusted by the CEO as required based upon published CPI (in accordance with the previous quarter for Adelaide as published by the Australian Bureau of Statistics).

3.7.4.2 It is acknowledged that Council Vehicles in exceptional circumstances will need to be fit for purpose such as to achieve ground clearance or to provide other operational capacities, which may require a purchase outside of Table 1. In such circumstance the approval of the CEO or relevant Director are required before quotations are sought.

3.7.5 Where an individual employment agreement provides for Private or Commuter Use of a Council Vehicle, an *Agreement for Use of a Council Vehicle* shall be negotiated and entered into prior to a vehicle being provided. In the advent of an expiry of an agreement and to avoid doubt this Policy shall apply including the following minimum requirements:

3.7.5.1 excluding Employees employed under the *Local Government Employees Award*, provision of a Council Vehicle under this clause will be in lieu of overtime (unless agreed otherwise) and as a principle to ensure appropriate return and benefit to Council the minimum overtime to be contributed shall be:

- for Private Use vehicle rights not less than 250 hours per annum;
- for Commuter Use vehicle rights not less than 104 hours per annum;

and this must be accounted for in a Drivers timesheet.

3.7.5.2 Private Use Council Vehicles are to be returned by the Employee to Council for fleet use, during periods of consecutive leave of greater than 4 weeks unless otherwise agreed and approved by the CEO.

Commuter Use Council Vehicles are to be returned by the Owner to Council for fleet use, during periods of consecutive leave greater than 5 days.

3.7.5.3 Use of any vehicle for all travel outside of the State for private purposes shall be subject to CEO or relevant Director's approval and fuel and other consumable costs will be borne by the Driver unless authorised otherwise.

3.7.6 Agreements for the use of Council Vehicles will be negotiated with an Employee through our Human Resource Management processes including but not limited to:

3.7.6.1 contribution to Council Vehicle cost will be in lieu of overtime, time-off-in-lieu (TOIL) and/or call-out provisions, as per 3.7.5.1;

3.7.6.2 strategies to minimise FBT to Council and reportable FBT for the Employee such as contributions to costs;

3.7.6.3 matters contained in a contract of Employment.

3.8 Vehicles and Fringe Benefits Tax

3.8.1 Private Vehicles can also be offered as novated leases (through a Salary Sacrificing Provider), in which case an employment package shall be adjusted so as to not disadvantage either party.

3.8.2 It is Council intention to allow parties to negotiate alternative employment arrangements that do not disadvantage Council Employees but due to alternative arrangements such as novated leases or other arrangements will reduce Council's FBT liability and reportable FBT, which Employees incur. It does however remain solely Council decision to reject any application for alternative arrangements, if those alternative arrangements do not result in appropriate or reasonable savings to Council.

The relevant Director or CEO will consider negotiation of alternative employment arrangements to reduce its FBT Liability where appropriate. This includes:

3.8.2.1 requiring new Employees to contribute to the cost of the vehicle or a financial contribution to the value not less than the FBT cost, or a combination thereof.

3.8.2.2 negotiating to include a car allowance in lieu of a motor vehicle as a part of the Employee's salary. The provision of a car allowance within the Employee's salary will be shown separately within Offers of Employment and will not be subject to Enterprise Agreement increases.

3.8.2.3 where an Employee elects to increase their salary rather than be provided with a Council Vehicle, the Employee will be required to use a Council Pool Vehicle or their Own Vehicle for Council business with claims for kilometers travelled for business use not permitted. Vehicles purchased via novated leases are not available for pool use.

3.8.3 Those Employees acting in a position of an Employee who has a Council Vehicle under this Policy do not receive any Motor Vehicle Policy benefits.

3.9 Enforceability of Policy

3.9.1 Alleged breaches of this Policy will be investigated in accordance with Council *Human Resource Management Policy* and associated processes and may result in disciplinary action including termination of employment for serious breaches or breaches that result in an Employee not being able to perform their substantive position with Council.

4. Supporting Processes and Documents

	Approval date: 19/07/2022	Review date: 18/07/2026	Approved by: Council Council Minute Book Ref: 2018-22/792	Ref: CD/21/29	Page 7 of 11
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Motor Vehicle Insurance Claim Process
 Vehicle and Driver Safety Awareness Process
 Council Fleet Booking and Usage Process
 Performance Management Process
 Safe Operating Process and Owner's Handbook for the Vehicle
 Community Transport/Home Assist Volunteer Driver Accreditation Program
 Home Library Service – Volunteer Guide – Community Services Car
 Agreement for Use of Council Vehicle
 Council's Safety Inspection Checklist

5. Related Policies

Employee Travel and Accommodation Policy
 Procurement Policy
 Disposal of Land or Other Assets Policy
 Code of Conduct for Employees
 Code of Conduct for Elected Members
 Code of Conduct for Volunteers
 Risk Management Policy
 Work Health Safety and Return to Work Policy Hazard Management Policy
 Drug and Alcohol Policy,
 Smoke and Vape Free Workplace Policy

6. Legislation and References

South Australian Road Traffic Act
 The Barossa Council Enterprise Agreements
 Local Government Employees Award
 South Australian Municipal Salaried Officers Award
 South Australia Work Health Safety Act 2012
 South Australia Work Health Safety Regulations 2012

7. Review

This Policy will be reviewed by Council in consultation with the relevant stakeholders, within four years or more frequently if legislation or Council's need changes.

8. Further Information

- 8.1. This Policy is available on Council's website at www.barossa.sa.gov.au. It can also be viewed electronically at Council's principal office at 43-51 Tanunda Road, Nuriootpa and all Council branches, during ordinary business hours. A copy of this Policy can be obtained at those venues upon payment of a fixed fee.
- 8.2. Complaints regarding this Policy or its application can be made to the Customer Service team on 8563 8444 or barossa@barossa.sa.gov.au at first instance, who will refer you to the most appropriate officer according to Council's *Customer Service Policy* (see clause 0 above for availability).

9.	Document Control
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Corporate Plan Link:		How we work – Good Governance			
Document Owner:	Director Works and Engineering Services			Document Control Officer:	Manager Strategic Asset Management
Consultation Rating:	N/a	Audience:	Internal/External	Next Review Date:	18/7/2026
Version history					
Version No.	Date			Description of Change	
4.0	19/7/2022			Significant policy rewrite and updated into new format.	
3.0	May 2016			Policy significantly reviewed, updated into new format and inclusion of vehicle allocation table	
2.0	June 2010			Policy updated into new format.	
1.0	March 2008			New Policy	

10.	Definitions
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Agreement for Use of Council Vehicle	Provided to Council Employees who as a condition of their employment are allocated a Council Vehicle for Commuter or Private Use.
CEO	Chief Executive Officer of The Barossa Council.
Commuter Use	Commuter Use vehicles are allocated for commuting directly to and from work only (the most direct route) and are not available for Private Use. The vehicle forms part of the general fleet during working hours.
Council	The Barossa Council
Council Disciplinary Process	Refer to: - The Barossa Council Enterprise Agreements - Code of Conduct for Employees - Code of Conduct for Elected Members - Code of Conduct for Volunteers - Performance Management Process
Council Vehicle	Council owned or leased motor vehicle (excluding salary sacrificing arrangements through the Salary Sacrifice Provider or any heavy machinery such as trucks and graders).
Current Driver's Licence	Must be a valid Driver's Licence within the State of South Australia.
Director	Director of a Council Directorate within The Barossa Council.

Driver	A driver is defined as: - a Council Worker who holds a class "C" or higher level licence; or An Elected Member who holds a class "C" or higher level licence, who drives a Council Vehicle in the performance of their Council duties and can include a person with a probationary licence with approval from the CEO and/or relevant Director; - furthermore, and in the case of a vehicle being authorised for Private Use - the Partner of the Owner (in the case of Council Employee or Elected Member) who holds a full class "C" or higher level licence, unless otherwise approved by the CEO. In the case of Contractors, for the purposes of this Policy and where they are carrying out duties as a registered Contractor of Council and require the use of a Council Vehicle, they shall be considered an approved Driver.
Electronic Document and Records Management System ("EDRMS")	An automated system used to manage the creation, use, management, storage and disposal of physical and electronic documents and records, for the purposes of supporting the creation, revision and management of digital documents; improving an organisation's work-flow and providing evidence of business activities.
Employee	Full time, part time and casual Employees employed by Council.
FBT	Fringe Benefits Tax
Fleet Director	Director, Works and Engineering Services or another Officer as delegated by the Director.
Insurance Claim Form	Local Government Association Asset Mutual Fund - Motor Vehicle -Claim Form or Local Government Association Asset Mutual Fund – Windscreen Claim Form.
Insurance Company/ Insurer	Local Government Association Asset Mutual Fund.
Manager	Manager within a Council Directorate of The Barossa Council.
NCB	No Claim Bonus
Pool Vehicles	Council Vehicles available for use by a Council Driver and Elected Member.
Private "Own" Vehicle	Vehicles owned by Council Drivers.
Private Use	The vehicle is available for the Private Use by the Owner in accordance with an <i>Agreement for Use of Council Vehicle</i> . The vehicle forms part of the general fleet during working hours when at work sites.

Salary Sacrifice Provider	Salary Sacrifice Provider is the current authorised salary packaging service provide for Novated Leasing of vehicles.
Sound Condition	Serviced according to the manufacturer's warranty. Clean, tidy and roadworthy at all times.
Supervisor	Any direct line supervisor, including Chief Executive Officer, Director, Team Manager, Line Manager, Coordinator, Supervisor or Leading Worker who are responsible for Worker(s) reporting to them.
Tier Defined within Table 1	Tier 1 – CEO and Directors Tier 2 – Managers Tier 3 – Other
Volunteer Driver Accreditation Program	Contractors engaged via Community Transport/Home Assist are required to complete the Volunteer Driver Accreditation Program in accordance with the Department of Planning Transport and Infrastructure requirements.
Worker	A person who carries out work in any capacity for a person conducting a business or undertaking, including work as: (a) a Worker; or (b) a contractor or subcontractor; or (c) a Worker of a contractor or subcontractor; or (d) a Worker of a labour hire company who has been assigned to work in the person's business or undertaking; or (e) an outworker; or (f) an apprentice or trainee; or (g) a student gaining work experience; or (h) a volunteer; or (i) a person of a prescribed class; or (j) an Elected Member.