

	POLICY NUMBER:	P45
	<b>VEHICLE USE POLICY</b>	
	CATEGORY:	COUNCIL POLICY
	SP CLASSIFICATION:	GOVERNANCE
	LG ACT 2019 REF:	Section 167(g)
	RESPONSIBLE OFFICER:	CHIEF EXECUTIVE OFFICER

**1. PURPOSE:**

The purpose of this policy is to set conditions and guidelines for the use of council vehicles.

**2. SCOPE:**

This Policy applies to any driver of any vehicle owned, leased or under the control of Wagait Shire Council.

**3. DEFINITIONS:**

Authorised persons	Employees of Wagait Shire Council and those provided for in the Chief Executive Officer's contract of employment.
Authorised use	Unrestricted private use, restricted private use and business use as provided for in this policy.
Business use	Use required for council officers to necessarily fulfil their employment duties.
Direct Route	The shortest route (in terms of distance or travel time) between destinations and waypoints necessarily being attended as part of an employee's duties.
Principal Member	President of Wagait Shire Council.
Commuting use*	Commuter private use between the workplace and the usual residence of the employee.
Restricted private use*	The use of a fully maintained vehicle for both work and personal use within the Northern Territory by the employee and associates, except during periods of leave.
Unrestricted private use*	The use of a fully maintained vehicle for both work and personal use within the Northern Territory, by the employee and associates, including during periods of leave.

\*Definitions from WALGA Vehicles Values Assessment

#### **4. POLICY:**

- 4.1** The Chief Executive Officer shall be provided with a fully maintained vehicle with restricted use, as written in their employment contract or equivalent agreement.

The Works Supervisor shall be provided with a fully maintained vehicle for commuting use.

Should the Works Supervisor be on leave, the vehicle and permissions allocated to the Works Supervisor shall be re-allocated to the Works Laborer.

At the discretion of the Chief Executive Officer, restricted private use of council vehicles by employees may be granted on a case-by-case basis.

At the discretion of the council, conditions relating to vehicle usage as outlined in the Chief Executive Officer's employment contract may be varied on a case-by-case basis.

There is no unrestricted private use of council vehicles.

- 4.2** The following matters are the responsibility of those employees who are allocated or provided a council vehicle:

- (a) Washing and cleaning (inside and out) of the vehicle on a regular and as needed basis
- (b) Ensuring that the vehicle is available for council operations on each workday, including ensuring that the vehicle is presented for council use on rostered days off and during periods of annual leave, long service leave and sick leave
- (c) Ensuring that normal operational items such as fuel, oil, battery, radiator, tyres etc are checked at regular intervals and in accordance with manufacturer's recommendations
- (d) Ensuring that overnight garaging (where applicable) is secure, and off road and under cover if possible
- (e) Ensuring that all defects in the operational aspects of the vehicle, or damage to the vehicle, are reported immediately
- (f) Ensuring that the vehicle is regularly serviced as required to meet warranty and manufacturer's specifications, and also that the vehicle is made available for such servicing when required
- (g) That a current and appropriate class of licence is held for the operation of the vehicle (where a licence is held, however due to demerit points / loss of licence it is no longer current, this needs to be reported immediately otherwise the vehicle is being operated without the appropriate current licence)
- (h) That logbooks are completed correctly on a daily basis and that a report detailing private and business use is provided to council on a monthly basis.

- (i) If there is any doubt as to its roadworthiness, a vehicle should not be used. Such roadworthiness issues and any faults that may occur during the life of the vehicle, should be immediately reported to the Chief Executive Officer
- (j) Employees shall be responsible for ensuring that an allocated vehicle is used appropriately at all times. Vehicles other than those specifically designed for such use, should not be taken off road. Employees shall be responsible for paying for any damage that occurs when a vehicle has been deemed to have been used inappropriately
- (k) Employees are to ensure that passengers and load limits are not exceeded at any time
- (l) Only authorised persons may drive a council vehicle

In an emergency any person holding an Australian Driver's Licence may drive the vehicle provided the passenger in the vehicle at the time the vehicle is being driven is an employee. An employee whose licence has been suspended shall immediately advise the Chief Executive Officer and arrange for the vehicle to be returned to the Council Depot.

**4.3** Smoking in council vehicle's is strictly prohibited.

**4.4** Liability for All Vehicle Users

Employees utilising council vehicles are liable for:

- ALL traffic offence notices incurred, including but not limited to fines and loss of points from parking fines, speeding fines, red light camera offences and general traffic offences
- Costs associated with an accident whilst the employee is utilising the vehicle in contravention of approved uses. In particular, employees or their nominated person, if found to be driving a council vehicle under the influence of drugs or alcohol may be held personally responsible for any repairs or legal action resulting from any accident in which they are involved

Similar conditions shall apply to damage occurring as a result of inappropriate behaviour or use which contravenes this policy.

Employees would not be liable for any insurance excess costs involved if damage to the vehicle occurs in circumstances defined within authorised use

**4.5** Approval

Consent to utilise a council vehicle for restricted private use rests with Chief Executive Officer. Approval for use shall only be approved where there is an advantage to Wagait Shire Council.

**4.6** Withdrawal of Access Rights

Council reserves the right to suspend access to a council vehicle (including private and unrestricted private use) at any time at the discretion of the CEO, if the officer:

- Is convicted of a serious driving offence
- Judged to have incurred excessive insurance claims
- Has not maintained the vehicle in a suitable manner
- Has breached any of the agreed vehicle policy conditions

#### 4.7 Share Riding

Where **commuting use** is available to an employee, and if agreed to by the employee and solely at their discretion, commuting use may be extended to include the collection of other council employees and associates for business and private purposes.

#### 4.8 Generally Prohibited

The following uses are not considered to be within the terms of **commuting use** and are strictly forbidden:

- Private use of the vehicle
- Transportation of non-council persons or members of the public other than for official council purposes (this includes the transportation of the employee's spouse or children at any time)
- Visits to non-work-related locations (with the exception of the Wagait Beach Supermarket or Mandorah Jetty or a brief stop at a shop or similar on the direct route for minor, ad hoc and infrequent purposes)

#### 4.9 Liability for Unrestricted Private Use

All employees shall sign an acknowledgement form attesting to the fact that they are aware of the rules associated with use of council vehicles, and in particular are aware of the ramifications and liability issues related to usage outside the policy. In particular, the fact that insurances do not apply to **unrestricted private use** of the vehicle, and any damages caused to both the council vehicle, other vehicles and property generally, and that the employee will be personally liable for such costs.

#### 4.10 Insurance

It should be noted that insurances for council vehicles only apply during approved use. Any usage which contravenes this policy, or is outside approval, may render the council insurance coverage null and void, in which case the employee in charge of the vehicle would be fully responsible for all damage caused during any accident or similar.

#### 4.11 Accident or Damage

In the event of an **accident or damage** to a vehicle it is the responsibility of the employee to:

- As soon as practicable, report any involvement in a motor vehicle accident or general damage to the vehicle;
- Report any accident in a motor vehicle to the Northern Territory Police Service where required by law;
- Not accept or acknowledge any liability on behalf of council arising from an accident;
- As soon as practicable after the accident, in consultation with the Chief Executive Officer, complete the appropriate claim form and incident report form.

## 5. ASSOCIATED DOCUMENTS

P05 Council Staff Code of Conduct  
 P31 Counselling, Disciplining & Dismissing Employees  
 P33 Work Health & Safety  
 Insurance claim form  
 Incident report form

## 6. REFERENCES AND LEGISLATION

Work Health & Safety (National Uniform Legislation) Act 2011  
 Traffic Act 1987  
 Traffic Regulations  
 Liquor Act 2019  
 Local Government Act 2019  
 WALGA Vehicle Values Assessment 2020

## 7. REVIEW HISTORY

<b>Date Approved:</b> 19/02/2019	<b>Approved By Council</b>	<b>Resolution No:</b> 2019/330	<b>Date for review:</b> 19/02/2022
<b>Date Approved:</b> 19/07/2022	<b>Approved By Council</b> Moved: President Neil White Seconded: Cr Michael Vaughan Vote: AIF	<b>Resolution No:</b> 2022/114	<b>Date for review:</b> Next council term