

POLICY REGISTER

MOTOR VEHICLE POLICY

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1.1	Divisional Manager Engineering Services	Item 11 Replacement Motor Vehicles & Disposal of Motor Vehicles	Council Minute No. 191.9.19 (26th September 2019)

1. INTRODUCTION

The policy is intended to establish Council policy and guidelines for the provision of motor vehicles to employees. The Council constantly assesses the cost-benefit implications in maintaining a motor vehicle fleet including the payment of goods & services and fringe benefit taxes. The ongoing provision of motor vehicles may therefore change depending upon the circumstances prevailing at the time and the overall cost-benefit to the Council.

2. POLICY OBJECTIVE

Through this policy, Council aims to achieve the following outcomes:

- a. Manage the fleet in an equitable and cost-effective manner, providing best value for money.
- b. Provide employee benefits to assist in the task of attracting and retaining talent.

3. SCOPE

This policy applies to all Staff of Council who qualify for the use of a Council leaseback motor vehicle.

4. DEFINITIONS

Executive

Council's EXECUTIVE is comprised of Council's General Manager and Council's Divisional Managers.

Manager

For the purpose of this policy, a Manager is defined as an officer who has the title "Manager" and who reports directly to the General Manager or a Divisional Manager.

Partner

A person who is formally nominated as the 'partner' of an employee who has access to a council leaseback vehicle.

5. POLICY STATEMENT

It is Council's intention to provide motor vehicles in an equitable and cost effective manner, providing best value for money to Council, the community & with consideration for the impact on the environment.

6. ENVIRONMENTAL SUSTAINABILITY

Council is committed to minimising the environmental impact of the motor vehicle fleet. The vehicle procurement process will include an assessment of all vehicles using the Federal Government's 'Green Vehicle Guide'. Wherever practicable, Council will aim to purchase vehicle models with superior emissions standards and fuel consumption ratings.

7. ENTITLEMENT

7.1 POOL USE

Council vehicles will be available as pool vehicles even though private use

leaseback may apply. Whilst a staff member who has been allocated a vehicle, other than a novated lease vehicle, is at work on a regular week day, the vehicle must be available for use by them or other staff for business purposes.

7.2 ALLOCATION CRITERIA

Staff positions will be allocated motor vehicles in accordance with the following criteria:

Group 1 (GM), Group 2 (Divisional Managers) and Group 3 (Managers)

Motor vehicles may be provided to employees on a leaseback basis within these groups in accordance with the agreed terms included in this policy.

Please note that where a vehicle makes up part of a staff members remuneration package, they have the option of applying for a Novated Lease. For more information relating to Novated Leases, please see Clause 21 of this policy.

Group 4 (All other staff on leaseback)

Motor vehicles may be allocated to staff positions where it can be substantially and materially demonstrated that:

- (a) The occupant of the position requires the continual daily use of a vehicle during working hours as an integral part of the position. That is, the position cannot be effectively and efficiently performed without the permanent assignment of a vehicle.

Furthermore, in all cases, it must be demonstrated that:

1. Demand for a vehicle cannot be substantially met from within the motor vehicle pool, and
2. Non-allocation will compromise the efficiency of the position.

OR

- (b) A vehicle allocation will be required to attract and or retain a suitably qualified and experienced employee to perform the duties of the position. Allocation of a vehicle under these circumstances will be on a “present occupant only” basis. A decision regarding the need to offer a vehicle as an inducement will be made subject to a market review and recommendation from the Divisional Manager, taking a Total Remuneration Package view across relevant internal and external benchmarks.

The above issues will be determined and approved by the General Manager only, with input from the relevant immediate Supervisor or Manager if required.

On the resignation, retirement, redeployment, transfer or other separation of existing employees from positions which currently have a motor vehicle allocated, it will be necessary for the relevant Manager to undertake a reassessment of vehicle allocation to the position in accordance with the above criteria and make a determination on whether to reapply for allocation of a vehicle to the vacated position.

Any employee affected by redeployment will have their continued entitlement to a vehicle reassessed in accordance with the above criteria and the terms and conditions of their existing employment. Council will comply with the Local Government (State) Award provisions as amended.

Employees disqualified from holding a driver’s licence for any reason, may be

removed from this scheme and will not be permitted to drive any Council vehicle during the period of disqualification. Should the driver's job position require a valid driver's licence, the loss of the driver's licence could impact on eligibility for ongoing employment.

Employees applying for internal vacancies should note that their current position's entitlement to a vehicle is not transferable to another position. This is in accordance with the Local Government (State) Award.

7.3 ASSESSMENT & SUBMISSION

For positions below Group 3, the relevant Manager will:

- a) Document an assessment of the requirement for a vehicle to be allocated to the position, consistent with the preceding (7.2) criteria.
- b) Further to Clause (a) above, an Application for the Allocation of a Motor Vehicle form (as included in this policy) must be completed along with an Employee Requisition for all new employees.
- c) Obtain endorsement of their Divisional Manager to submit an application for consideration, which will then be forwarded to the General Manager for determination. This determination will take into account not only the nominated criteria but also the availability of resources to acquire, maintain and operate the vehicle.

No employee will be eligible for the allocation of more than one (1) motor vehicle at a time.

7.4 VARIATION

The General Manager may apply or vary this policy in respect of the entitlement and allocation of vehicles to any employee and for the General Manager, the elected officials (or Administrator) may make a determination.

8. MAKES AND MODELS OF VEHICLES

The overriding requirement is to ensure that the vehicle purchased meets the needs of the position while minimising the total cost of the vehicle to Council. Except for specialised work purposes, Council vehicles will be automatic, four door passenger sedans/ wagons or SUV. Standard inclusions will be air conditioning, bull bars to SUV's used for road inspection works, tow bars, seat covers, floor mats, boot liners and cruise control. The available selection will be from the list in Table 1 of this policy.

Council will only purchase vehicles that are suitable to the employee's role at Council or suitable for the roles undertaken by the divisional staff. Personal needs to accommodate children, animals or towing of vehicles shall not form a basis of Council's future purchases. An employee should determine if the vehicle that is to be provided is suitable before agreeing to a lease back arrangement.

Table 1 stipulates the type of vehicle that is available for the employee level. It must be noted that the precise make and models within each vehicle type/category will be determined by the Executive on a case-by-case basis dependent on availability, market conditions, servicing Centre proximity, vehicle running costs and depreciation considerations.

9. FRINGE BENEFITS TAX (FBT) AND ANNUALISED KILOMETRES

(a) FBT Calculation

There are several methods of calculating council's FBT liability with regards to car fringe benefits. Council will, at its discretion, choose the most appropriate method of calculation.

Where Council records indicate that it may be beneficial for FBT to be calculated utilising the 'Operating Cost method', relevant vehicle drivers will be instructed to maintain log books and other records as required that will assist Council in reducing its FBT liability. This will ultimately assist in keeping leaseback rates paid by employees to a minimum.

(b) Annualised Kilometres

It is in Council's interest (and therefore the employee's interest), that the annualised kilometres allow application of lower statutory FBT percentage rates.

In order to optimise the usage of all vehicles, distances will be monitored through fuel usage data by Engineering Services. Staff driving vehicles that will fall short of the desired distance will be advised and some staff may be directed to use an alternate vehicle for a period of months so that their original allocated vehicle can be utilised by someone else who will contribute greater kilometres for the purpose of optimising Councils FBT position. This will also ultimately assist in keeping leaseback rates paid by employees to a minimum.

Table 1:

LEVEL	CAR GROUP STANDARD	Employee Contributions
Group 1 General Manager (Full Private Use)	Vehicle to the value of \$65,000 inclusive of on-road costs (full registration and stamp duty and dealer delivery costs) ex gst	\$200 per week adjusted as at 1 st April Annually to CPI, for a fully maintained vehicle. Note: the vehicle may be salary sacrificed under an employment contract.
Group 2 Divisional Managers (Full Private Use)	Vehicle to the value of \$55,000 inclusive of on-road costs (full registration and stamp duty and dealer delivery costs) ex gst	\$200 per week adjusted as at 1 st April Annually to CPI, for a fully maintained vehicle. Note: the vehicle may be salary sacrificed.
Group 3 Managers (Full Private Use)	Vehicle to the value of \$50,000 inclusive of on-road costs (full registration and stamp duty and dealer delivery costs) ex gst	\$150 per week adjusted as at 1 st April Annually to CPI, for a fully maintained vehicle. Note: the vehicle may be salary sacrificed.
Group 4 Other Employees where circumstances dictate the need for the provision of a Council motor vehicle (as per paragraph 7.2 of this policy). (Private use determined by the General Manager on a case by case basis)	Type of vehicle determined by the Executive where primary consideration is work/duty suitability – such as a utility.	Where the General Manager approves private use – \$150 per week adjusted as at 1 st April Annually to CPI, for a fully maintained vehicle. Note: the vehicle may be salary sacrificed.

10. OPTIMUM REPLACEMENT PERIODS

Changing motor vehicle market conditions necessitate a constant review of Whole of Life costs and optimum replacement criteria. In view of changing trends in the new and used vehicle markets, the replacement period for vehicles will be recommended by the Executive Managers. Please note that there is no set time or number of kilometres when Council must replace vehicles. Vehicle change-over cycles are being constantly monitored and will determine the appropriate vehicle replacement cycle depending on the following:

- General market conditions
- Local market conditions
- Model release dates
- Pending price increases from dealers
- Warranty conditions
- Capital and whole of life costs
- Government contract requirements (if any & if applicable)
- Special deals available at the time

11. REPLACEMENT MOTOR VEHICLES & DISPOSAL OF MOTOR VEHICLES

Disposal of vehicles will be conducted by trade-in or public auction, with the method chosen to be at the discretion of the General Manager.

12. LEASEBACK RATES

The leaseback rates will be reviewed as at the first pay period in April each year, to coincide with the start of the FBT year. All lease-back rates will be adjusted to reflect increases in motor vehicle costs (including FBT considerations) having regard to the requirements of the Local Government (State) Award.

The review will also determine if:

- a) The scheme is operating equitably
- b) The scheme is meeting the needs of Council with regard to attracting and retaining suitably qualified personnel.
- c) Reasonable costs are recovered from employees.

Leaseback rates will be calculated by the Divisional Manage Finance and Administration for the vehicle categories available and will be advised to the employee prior to the application for a leaseback vehicle being completed.

The leaseback rates will consider the lifecycle costs of the vehicle including purchase costs, estimated trade-in value and estimated operating costs. The agreed leaseback rates will be those charged to the employee (regardless of the actual costs) for the duration that the vehicle is held, with the exception of indexation as referred to above.

13. PRIVATE USE OF COUNCIL VEHICLE

All Council vehicles (other than vehicles under a novated lease) are to be available for official Council business use whilst employees are on duty i.e. the council vehicle must be at work whilst the employee is at work. Any variation to this requirement can only be approved by the General Manager.

For all Groups (1 – 4), Council is responsible for all costs - registration, insurance, maintenance, fuel or any other expenditure approved by Council.

Please note that private use of a Council vehicle is only allowed within the states of New South Wales, Victoria, Queensland and the Australian Capital Territory. Only the General Manager can grant approval for private travel to areas outside the states listed above. If the General Manager wishes to use the Council vehicle outside the states listed above, the Mayor must grant approval.

For Group 4, the range and boundaries of private use must be determined by the General Manager on a case by case basis.

For all Groups (1 – 4), employees are entitled to grant permission to a Partner (husband, wife or legal partner) to drive the Council vehicle whilst on private use, provided such person is fully licensed. When the employee is present in the vehicle any competent fully licensed driver may drive the vehicle.

Under no circumstances are Council vehicles to be driven by “L” plate drivers. Council vehicles are not permitted to compete in any car rally or competitions. In the case of Four Wheel Drive (4WD) vehicles, whilst the recreational use of the vehicle for “four wheel driving” is allowed, please be aware of the Fair Wear and Tear conditions as included in this policy.

In respect of absence on any type of leave in excess of eight (8) weeks in a 12-month period, Group 3 and 4 employees are required to obtain specific approval from the General Manager in writing, where the employee requires having use of the vehicle for that extended period. Instances relating to maternity and / or paternity leave will be dealt with on a case-by case basis. Group 2 employees must seek permission from the General Manager. The General Manager in such circumstances must seek permission from the Mayor.

Any form of Leave Without Pay - any period of more than one (1) week taken by employees from the Council, the motor vehicle is to be retained in the Pool for general Council use, (unless otherwise approved by the GM in writing). During this period of more than one (1) week, leaseback payments will be suspended for the staff member taking Leave Without Pay.

Any form of disciplinary action including suspension With Pay or Without Pay - any period of suspension required to be taken by an employee from the Council, the motor vehicle is to be retained in the Pool for general Council use, (unless otherwise approved by the GM in writing). During this period, leaseback payments will be suspended for the staff member.

When a leaseback agreement is entered into by an employee, the employee is agreeing to pay the leaseback fee for the entire period that they are entitled to a leaseback vehicle. The employee will be expected to continue payments for the vehicle whilst on leave of any type.

Where an employee is leaving the employment of Council, the vehicle must be returned in a clean condition (internal and external) on or prior to the last day in attendance at the workplace.

14. EMPLOYEE CONTRIBUTIONS

All employees who have private use of a Council motor vehicle will be required to sign the declaration found at the end of this policy. The amount proposed for employee contributions will be advised prior to commencing a leaseback agreement and will be reviewed annually. The amount will be deducted at from the employee’s weekly earnings.

It should be noted that the Australian Taxation Office has determined that driving a Council vehicle only between work and the employee's home is considered private use unless the vehicle is a panel van or utility designed to carry less than one (1) tonne. Employees should seek their own independent tax advice.

15. MAINTENANCE OF MOTOR VEHICLE

Vehicles are to be maintained in a condition that portrays Council in a positive manner i.e. clean, tidy and well maintained. It is the responsibility of each employee allocated a vehicle to ensure that it is serviced and cleaned regularly and checked for unreasonable wear and tear.

Regular inspection of vehicles will be undertaken, and where a request to clean a vehicle is not acted upon within three (3) working days, Council may have the vehicle cleaned and detailed, with the cost being charged to the lessee. Unreasonable wear and tear which cannot be claimed on insurance may be charged at cost to the employee. Refer to Attachment 1 for definition of acceptable wear and tear.

In the event that an employee, who is allocated a vehicle is leaving Council, HR will notify the Divisional Manager Engineering Services of the employee's final day when known and during the employee's final week, an inspection of the vehicle will be undertaken. Any unreasonable wear and tear will be identified and dealt with before the staff member leaves Council (Refer attachment 1) and if appropriate, arrangements made for payment to Council by the relevant employee.

You are required to notify the Divisional Manager Engineering Services of defects in the operation of the vehicle within three (3) days of the incident or damage to the vehicle however minor. This will entail the completion of a damage report.

In the case of staff using Pool vehicles, all such staff will be required to acknowledge that they have read and understood the Fair Wear & Tear conditions that form part of this policy.

Employees may only obtain an emergency replacement hire vehicle with the approval of the Divisional Manager Engineering Services. The hiring of a vehicle will occur in extreme cases only and is intended to cover damage or mechanical failure of Council vehicles and not to cover normal servicing and maintenance. Hiring of vehicles may not replace other arrangements, which would otherwise suffice, and employees need to first consult the Divisional Manager Engineering Services for availability of other vehicles prior to requesting to hire a vehicle.

If approval is gained from the Divisional Manager Engineering Services to hire a vehicle, the vehicle hired will be the most economical option available, given the particular circumstances of the individual at the time and may not necessarily match that provided by the Council.

16. PROCEDURES TO BE FOLLOWED

Motor vehicles are to be provided in accordance with the procedures contained in this Motor Vehicle policy.

All employees who are given approval for the use of any Council vehicle are to sign the declaration at the end of this policy that states that they have read and understood the contents of this policy and how it relates to them. This declaration will be distributed for resigning on an annual basis.

17. SMOKING IN COUNCIL VEHICLES & ANIMALS IN COUNCIL VEHICLES

Smoking is not permitted under any circumstances in Council vehicles at any time. This includes passengers. Non-compliance of this will lead to a breach of Council's lease back agreement, which can ultimately lead to the termination of the agreement.

The transport of animals in Council cars, whilst not encouraged, should be kept to a minimum (other than Rangers vehicles) and all efforts must be made to protect the vehicle upholstery and carpet. The Wear & Tear provisions included in this policy will also apply to damage caused by animals travelling in Council cars.

18. INSURANCE

An excess of up to \$1,000 will be payable by the lessee for second and subsequent a fault or deemed at fault insurance claims occurring outside working hours in any twelve (12) month period.

NOTE: Should Council Insurers decline responsibility for any accident involving the motor vehicle while on private use, the employee leasing the vehicle will be liable for all costs resulting from the accident associated with the claim.

Specific policy wording is available upon request from the Divisional Manager Engineering Services .

19. USE OF FUEL CARD

Council will supply all vehicles with a fuel credit card.

The fuel credit card shall be used at all times when fueling Council's vehicles. This must be done at service stations that accept the issued fuel card.

Employees are requested to fuel their vehicles to a full tank each time the Card is used. The speedometer reading is to be given to the service station operator at the time of fueling. This practice is compulsory as it assists in vehicle management. Consistent failure of not recording speedometer readings will be deemed as a breach of conditions and may result in disciplinary action.

(a) Other Purchases

The Fuel Card shall only be used for the purchase of fuel for Council vehicles, as well as oil and other transmission fluids if required. No other purchases are permitted on the fuel card.

The use of this card for obtaining bonus points (i.e. Fly buys Points) is prohibited, as Council will be liable for Fringe Benefits Tax.

(b) Card Cancellation

Fuel Cards must be surrendered to the Divisional Manager Finance and Administration upon termination of employment. Lost Cards must be reported immediately to the Divisional Manager Finance and Administration who will facilitate the cancellation of the Card.

Misuse of a Fuel Card, in any way, will result in disciplinary action. This will be deemed as a breach of the leaseback agreement.

20. REPORTABLE FRINGE BENEFITS

Reportable fringe benefits were introduced by the ATO on 1 April 1999. It requires employers to record the grossed up taxable value of a fringe benefit on an employee's payment summary (Group Certificate) where the total taxable value of the fringe benefit exceeds \$2,000.

Employees are advised to obtain their own advice regarding this issue from a financial planner or tax agent prior to the acceptance of a Council Vehicle. Employees should be aware of the implications of any fringe benefit prior to the acceptance of a Council vehicle. Therefore, it is required that employees sign the declaration attached to this policy, which states that they understand and accept the implications of having a reportable fringe benefit.

21. NOVATED LEASES

A Novated Lease is a three-way agreement between the employee, the employer and a lease company. The basic principles of a Novated Lease are:

- The employee leases the vehicle directly from a lease company.
- The employee, employer and the lease company sign a Novation Agreement.
- The employer undertakes to cover all agreed vehicle expenses during the employee's term of employment.

Council will not enter into a Novated Lease arrangement with an employee.

22. GENERAL CONDITIONS

- a) Where Council retains a vehicle for operational reasons during a period of leave, or if the vehicle is unavailable for any other reason i.e. repairs or other Council business for a period in excess of five (5) working days, then Council will suspend the leaseback contributions for the relevant period. Where practicable an alternate vehicle may be provided in the case of repairs exceeding five (5) working days.
- b) Accessories other than standard vehicle inclusions may be considered, however the employee will need to demonstrate the need for such an accessory to the General Manager prior to requesting approval for the accessory. If it is deemed that Council will benefit from the addition of the accessory, the employee will fund the initial addition of the accessory, with Council to bear the cost of the accessory on any subsequent vehicles allocated to that employee. No accessory is to be fitted to any leaseback vehicle without the express prior permission of the Divisional Manager Engineering Services or General Manager.
- c) Wherever possible, vehicles are to be garaged off-street at the employee's expense.
- d) In the event of an employee's driver's license being cancelled, suspended or not renewed, the leaseback of Council's vehicle will be withdrawn. The employee must advise Council of any license cancellation, suspension or non-renewal immediately.
- e) Employees are required to obey all traffic and parking laws, with any infringements being the employee's responsibility. Employees are not able to seek legal protection or reimbursement from Council for any penalty incurred.

23. IMPLEMENTATION

Roles and Responsibilities

Whilst the Divisional Manager Engineering Services and the Divisional Manager Finance and Administration are directly responsible for the implementation of this policy, all staff are to ensure that this policy is adhered to.

Support and Advice

The main contact for advice regarding this policy is the Divisional Manager Engineering Services.

Communication

All amendments to this policy will be reported to the General Manager for approval. Prior to a report going to the General Manager, appropriate internal consultation will be undertaken.

Procedures and Forms

The necessary applications and forms required for participation in Councils vehicle scheme are attached to this policy.

24. REVIEW

This policy will be reviewed annually and if changes are deemed necessary; employees will be notified accordingly. The review process will also ensure that:

- (a) The policy is operating equitably;
- (b) The policy is meeting the needs of Council with regard to attracting and retaining suitably qualified personnel; and
- (c) Appropriate costs are being recovered.

DECLARATION

I have read and understand the above Motor Vehicle Policy and hereby agree to these conditions. I understand and accept the implications of having a motor vehicle and the implications regarding Reportable Fringe Benefits. I also agree to have the appropriate lease-back fee of \$ _____ deducted from my pay:

Signature of Employee

Date

\$ _____
Leaseback Fee Payable Weekly

A copy of this form is to be forwarded to the Finance Clerk - Payroll.

DIVISIONAL MANAGER ENGINEERING SERVICES TO COMPLETE

Vehicle Description:

Registration:

Date Received:

Starting Odometer Reading:

Drivers Name:

Department:

ATTACHMENT 1

WEAR & TEAR DEFINITIONS

Acceptable condition means good appearance and sound mechanical order throughout with regard to distance travelled and the age of the vehicle. Council may bill the restoration charges on an actual cost basis to compensate for any loss in resale value due to unreasonable damage.

The following damage is deemed to be REASONABLE WEAR AND TEAR

- Superficial scratches to paintwork.
- Stone chipping to front and lower sides of the vehicle.
- Stone chippings to headlight glass and indicator lenses unless either is broken.
- Stone chippings to windscreen.
- Superficial scratches and scuffs to bumpers and plastic door strips.
- Minor paint blemishes.

The following are examples of UNREASONABLE WEAR AND TEAR

- **Bodywork** - dents and impact damage, including kerbing damage to wheels and wheel trims and roof rack damage to roof and gutters or damage from tree sap etc.
- **Interior** - significant tears, rips, cuts, cigarette burns and irremovable stains.
- **Equipment** - disfiguring marks resulting from the removal of accessories not sanctioned by council.
- **Mechanical** - mechanical damage which is due to driver neglect or abuse.
- **Missing items** - items such as spare wheel, which are not on the vehicle at the return, will be charged at cost.

Where a vehicle is returned in an unsatisfactory condition, the Divisional Manager Engineering Services will obtain a quotation for restoration. If it is determined that the employee is responsible for the damage, the vehicle will be repaired and charged to the employee.

In the case of a dispute, an independent assessor will be engaged, the cost of which will be shared equally by Council and the employee. In general terms, the independent assessor's recommendation will be final.

If an employee is taking control of a vehicle that has been previously utilised by another staff member, then it is that employee's responsibility to inform the Divisional Manager Engineering Services of any unreasonable wear and tear applicable to the vehicle prior to taking possession.

ATTACHMENT 2

APPLICATION FOR THE ALLOCATION OF A MOTOR VEHICLE

POSITION: _____
(For which a motor vehicle is sought)

DIVISION: _____ SECTION: _____

SALARY GRADE: _____ BUDGETED COST: Yes / No

CRITERIA:

Demonstrate how the position requires the use of a vehicle during working hours as an integral part of the position, i.e. the position cannot be effectively and efficiently performed without the permanent assignment of a vehicle:

MOTOR VEHICLE POOL:

Indicate how demand for a vehicle has not been, or cannot be, substantially met from within the motor vehicle pool as per stated policies and procedures:

POSITION INTEGRITY & EFFICIENCY:

Indicate how the non-allocation will compromise the integrity and efficiency of the position:

MARKET FORCES (Where Applicable):

Please demonstrate why the allocation of a motor vehicle is necessary to attract suitably qualified people to this position:

Submission by: _____
Manager Date

Endorsed for consideration: _____
Divisional Manager Date

DETERMINATION BY THE GENERAL MANAGER:

To Manager _____ Date: _____

Your application for the allocation of a motor vehicle to the position of:
_____ has been /not been approved.

Reasons why your application has not been successful include:

Motor Vehicle Allocation Group as per the Motor Vehicle Policy

Please tick appropriate box

- Group 1 General Manager
- Group 2 Director
- Group 3 Manager
- Group 4 All other employees

Copy to be forwarded to the Finance Clerk – Payroll.