


Motor Vehicle Policy

(Revision 2)

| | Name | Position | Signature | Date |
|---------------------|-----------------|--------------------------|--|-----------------|
| Responsible Officer | Sarah Gurciullo | People & Culture Officer | | 20 October 2022 |
| Authorised By | John Scarce | General Manager |  | 20 October 2022 |

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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 staff of Council (excluding the General Manager) who qualify for the use of a Council private or commuter use motor vehicle.

This Policy does not repeal any other policies relating to motor vehicle usage, and will work in parallel with any existing policies until the existing policies are no longer relevant.

4. DEFINITIONS

| | |
|------------------------------|---|
| CFO | Chief Financial Officer |
| Per Annum or Annually | Means the Fringe Benefits Tax year 1 April to 31 March |
| Partner | A person who is formally nominated as the 'partner' of an employee who has access to a Council private use 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 and 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 which are provided to employees with a private use element under this policy are not available as pool vehicles.

7.2 Allocation Criteria

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

Group 1, Group 2, & Group 3

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

Group 4 (staff requiring a vehicle to perform function)

Motor vehicles may be allocated to staff positions on a commuter basis only, 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.

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

Staff residing outside of Murrumbidgee Council Area are not eligible for commuter use.

Group 5 (Vehicle for on call)

Where an employee is on call, a vehicle can be taken home, so as to respond promptly to call outs, with the same criteria as commuter use.

All Groups

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 to make a determination on whether to reapply for allocation of a vehicle to the vacated position.

Any employee affected by redeployment will have their entitlement to a vehicle reassessed in accordance with the above criteria, and the terms and conditions of their existing employment.

Employees disqualified from holding a driver's licence for any reason, will be removed from this scheme and will not be permitted to drive any Council vehicle during the period of disqualification.

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 and Submission

For positions below Group 3, the relevant Manager or Director or Chief Financial Officer 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) Forward the application 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 motor vehicle at a time.

7.4 Variation

The General Manager may apply to vary this policy in respect of the entitlement and allocation of vehicles to any employee.

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 SUVs. Standard inclusions will be air conditioning, tow bar, bull bar, parking sensors, seat covers, floor mats, boot liners, mud flaps, first aid kit, fire extinguisher and cruise control. The available selection of vehicle will be from the list in Table 1 of this policy.

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

Table 1:

| Level | Car Group Standard | Employee Benefit (GST Inclusive) |
|--|---|--|
| Group 1 (Full Private Use) | Vehicle to a maximum value of \$80,000 (inclusive of stamp duty, Luxury Tax and dealer delivery costs, exclusive of GST and registration) | Up to 20,000 km private Use per annum Reportable FBT up to \$32,000 |

| Level | Car Group Standard | Employee Benefit (GST Inclusive) |
|---|---|--|
| Group 2 (Full Private Use) | Vehicle to a maximum value of \$57,000 (inclusive of stamp duty, Luxury Tax and dealer delivery costs, exclusive of GST and registration) | Up to 15,000 km private use per annum Reportable FBT up to \$22,500 |
| Group 3 (Full Private Use) | Type of vehicle determined by the General Manager or their delegate where primary consideration is work/duty suitability – such as a utility. | Up to 10,000 km private use per annum Reportable FBT up to \$17,000 |
| Group 4 (Commuter Use) | Type of vehicle determined by the General Manager or their delegate where primary consideration is work/duty suitability – such as a utility. | Up to 2,000 km commuter use per annum Reportable FBT - Nil (Provided total employee reportable FBT is below \$2,000) |
| Group 5 (On Call, Limited Commuter Use) | Type of vehicle determined by the General Manager or their delegate where primary consideration is work/duty suitability – such as a utility. | Up To 1,000 km commuter use per annum Reportable FBT - Nil (Provided total employee reportable FBT is below \$2,000) |

Log books must be kept, accurately recording the work and private use for the private use and commuter use vehicles.

Calculation of private use and payments for amounts above the employee benefit

Formula:

$\$km = \text{total operating cost} / \text{total km's}$

$\text{Total km} - \text{Work km} = \text{Private km}$

$\text{Private km} - \text{Private km of Benefit} = \text{Residual Private km to be paid at } \$km \text{ (Negative answer)}$

Example:

Total Operating Cost = Fuel, Oil, Repair, Registration and Insurance Costs + purchase price of vehicle X 25% (Deemed Depreciation) + purchase price of vehicle X 5.37% (imputed interest)

Fuel \$8,000, Oil \$200, Repairs \$700, Registration \$1,200, Insurance, \$950, cost of vehicle \$50,000. Total 55,000 km, Private km Driven 16,000 km Employee Benefit 15,000 km

$\$0.48 \text{ km} = \$26,235 / 55,000 \text{ km} (\$/\text{km})$

$16,000 - 15,000 = 1,000 \text{ km (Residual km Private Use)}$

$1,000 \times \$0.48 = \$480 \text{ (Amount to be paid for excess private use)}$

On the 30 June, 30 September, 31 December of each year the employee of a private use vehicle will supply to the nominated officer from Council's Finance Department the total km for within that quarter which were used privately. At the end of the FBT year, 31 March, the employee log book will be handed to the Finance Department for private use calculations.

The calculation will be undertaken quarterly within the FBT financial year by extrapolating each month to equal 12 months. Example end of third month - total km and work and private km to this date will be multiplied by 4, to equal 12 months. With each month adjustments made to excess charges paid, so at the end of the year there is only a small amount to pay or be refunded. All payments are in after tax dollars.

Example:

End of third month

Total operating costs (3 months) = \$7,000, (12 months) = \$28,000

Km driven (3 months) = 14,000 km, (12 months) = 56,000 km

Private km (3 months) = 3,000 km, (12 months) = 12,000 km

Note: The first quarter of a new employee eligibility receive private use while prorated.

9. FRINGE BENEFITS TAX (FBT)

FBT Calculation

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

All vehicles which fall under groups (1 - 5) must maintain a log book identifying all work related use as well as all person use (including commuter use).

Where applicable according to FBT regulations, an amount may be placed upon your statement of earnings. This amount may not directly relate to the private use benefit received under this policy.

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 Plant Committee to the General Manager. 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 the appropriate vehicle replacement cycle will be determined 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 and if applicable)
- Special deals available at the time

11. REPLACEMENT MOTOR VEHICLES AND DISPOSAL OF MOTOR VEHICLES

Disposal of motor vehicles will be conducted via one of the following methods: tender/trade-in/auction, with the method chosen to be at the discretion of the General Manager or their delegate.

12. PRIVATE USE OF COUNCIL VEHICLE

All Council vehicles (other than Group 1, Group 2 and novated lease vehicles) 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.

For all Groups (1 - 5), Council is responsible for all costs - registration, insurance, maintenance, fuel or any other expenditure approved by Council.

For Groups 1 - 3 - employees are entitled to grant permission to other persons to drive the Council vehicle whilst on private use and without the employee being present, provided such person(s) are fully licensed and are related to the employee (immediate family i.e. parents, partner, children and siblings). When the employee is present in the vehicle any competent, fully licensed driver may drive the vehicle.

For Groups 1 - 3 - employees with private use are able to take the vehicle to any State or Territory within the Commonwealth of Australia.

For Groups 4 - 5 - the vehicle is not able to be taken outside the Murrumbidgee Council LGA, for commuter or on call use.

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.

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

13. COMMUTER OR ON CALL USE OF MOTOR VEHICLES

Vehicles which are provided under a commuter or on call use arrangement are to only be used for the employee to travel from work (home town depot or job site) to home (usual residential address within Murrumbidgee Council LGA) and back to work (home town depot or job site), again using the most direct route. Plus responding to call outs or call backs.

There is no ability to stop at a shop, even if the shop is on the direct route home.

There is no ability to stop to drop off another employee of Council, unless they are being picked up and taken directly to a job site or taken home directly from a job site.

There is no ability for anyone other than an employee of Council to be a passenger or driver of the vehicle.

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 required to pay for excess km will be calculated quarterly as per the formula indicated in section 8 of this policy. The amount (if any) will be at a post-tax rate from the employee's fortnightly earnings. It will be directly debited under the authorisation given by the employee by the declaration form. For amounts of \$300 or less, it will be deducted from the first pay after the calculation, amounts greater than \$300 will be deducted at the amount of \$300 per fortnight until fully paid. Employees can elect to have an identified amount taken from their pay fortnightly in advance to be applied to any private use at the end of the FBT financial year. Should there be a positive balance the employee can request that it be paid out, or carried forward to the next FBT financial year.

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 more than one (1) tonne and is required for work purposes.

The private use calculations is not dependent on the vehicle being a vehicle which is or is not eligible for FBT. Excess private use will be charged, the only difference is that the employee will not have an FBT grossed up figure on their PAYG summary which relates to motor vehicles.

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 employee. 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, the People & Culture Officer will notify the relevant manager 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 General Manager or their delegate of defects in the operation of the vehicle within three (3) days of the incident or damage to the vehicle, however minor. This may 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 and tear conditions that form part of this policy.

Employees may only obtain an emergency replacement hire vehicle with the approval of the General Manager or their delegate. 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 General Manager or their delegate for availability of other vehicles prior to requesting to hire a vehicle.

If approval is gained from the General Manager or their delegate 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 re-signing on an annual basis.

17. SMOKING IN COUNCIL VEHICLES AND ANIMALS IN COUNCIL VEHICLES

At no time and under no circumstance is smoking permitted in Council vehicles. This also applies to passengers. Non-compliance of this will lead to a breach of Council's Motor Vehicle Policy 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 Ranger's vehicles) and all efforts must be made to protect the vehicle upholstery and carpet. The wear and 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 employee for second and subsequent at 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 or commuter use, the employee will be liable for all costs resulting from the accident associated with the claim.

19. USE OF FUEL CARD

Vehicles may be refueled at Council depots or by the use of fuel cards.

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 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.

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 (eg Fly Buys Points) is prohibited, as Council will be liable for Fringe Benefits Tax.

Card Cancellation

Fuel cards must be surrendered to the General Manager or their delegate upon termination of employment. Lost cards must be reported immediately to the General Manager or their delegate 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 Motor Vehicle Policy 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 where the total taxable value of the fringe benefit exceeds \$2,000.

Employees should be aware of the implications of any fringe benefit prior to the acceptance of a Council vehicle. 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. 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.

This policy indicates (table 1) that the up-to benefit as it relates to reportable FBT for each Group is based on the statutory method, which will be the maximum. The operating cost may yield a lower reportable FBT assigned to an individual's Payment Summary.

21. NOVATED LEASES

A Novated Lease is a three-way agreement between the employee, the employer and a lease company. For further information please refer to the separate Novated Lease Policy.

22. GENERAL CONDITIONS

- a) Accessories other than standard vehicle inclusions may be considered, however the employee will need to demonstrate the need for such an accessory to their Manager prior to requesting approval for the accessory. If it is deemed that Council will benefit from the addition of the accessory, the Council will fund same. If the addition of the accessory is found not to benefit the Council, it will be funded by the employee, provided it can be removed without damaging the vehicle or causing it to lose value. The accessory will be removed upon disposal and installed at Council cost to the new vehicle. If it cannot be removed and the employee requests the accessory on the replacement vehicle, the employee shall pay for the item and its installation. No accessory is to be fitted to any private use vehicle without the express prior permission of the General Manager or their delegate.
- b) Wherever possible, vehicles are to be garaged off-street at the employee's expense.
- c) In the event of an employees' driver's licence being cancelled, suspended or not renewed, the private and commuter use vehicle will be withdrawn. The employee must advise Council of any licence cancellation, suspension or non-renewal immediately.
- d) 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 General Manager, Directors, Chief Financial Officer and Managers 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 General Manager.

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 Council's vehicle scheme form part of policy.

24. REVIEW

This Policy:

- To be reviewed within the first year of the new Council term;
- May be reviewed and amended at any time at Council's discretion (or if legislative or State Government policy changes occur).

DECLARATION

I have read and understand the above Motor Vehicle Policy and hereby agree to these conditions. I accept and understand the fair wear and tear definition. I understand and accept the implications of having a motor vehicle and the implications regarding Reportable Fringe Benefits. I also agree with the private use calculation and to having said amount deducted from my pay as and when it arises:

Calculation of private use and payments for amounts above the employee benefit.

Formula:

$\text{\$km} = \text{total operating cost} / \text{total kms}$

$\text{Total km} - \text{Work km} = \text{Private km}$

$\text{Private km} - \text{Km of benefit} = \text{Residual km to be paid at \$km (negative answer} = 0)$

Position of Employee

Group allocation

Name of Employee

Signature of Employee

Date

A copy of this form is to be forwarded to Council's People and Culture Officer.

General Manager or delegate to complete

| | |
|----------------------------|--|
| Vehicle Description | |
| Registration | |
| Date Received | |
| Starting Odometer Reading: | |
| Driver's 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 the interior, bumpers and plastic door strips.
- Minor paint blemishes.

The following are examples of unreasonable wear and tear

- **Bodywork** - dents and impact damage.
- **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 General Manager or their delegate 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 may 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 General Manager or their delegate 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

POLICY GROUP (1 – 5): _____

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

DETERMINATION BY THE GENERAL MANAGER:

Manager: _____

Your application for the allocation of a motor vehicle to the position of:

_____ has been/not been
approved.

Reasons why your application has been unsuccessful include:

General Manager

Date

Copy to be forwarded to People and Culture Officer

Schedule 1 - List of Positions and Group Assigned

Group 1

- Director of Infrastructure
- Director of Planning, Community & Development
- Chief Financial Officer

Group 2

- Infrastructure Manager
- Asset Manager
- Finance Manager
- Manager Corporate & Community
- Economic & Tourism Development Manager

Group 3

- Ward Overseer
- Design Engineer
- Senior Planner
- Environmental Health Officer
- Plant & Workshop Manager
- Senior Technical Officer

Group 4

Staff requiring vehicle to perform a function

Group 5

On Call vehicle

Schedule as amended by the General Manager as and when changes are implemented

Effective: 1 April 2023