

POLICY AND PROCEDURES

Motor Vehicle Policy

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Relevant Rule: No specific rule applies

Relevant Legislation: Fair Work Act (2009); Fair Work (Registered Organisations) Act (2009); Occupational Health and Safety Act 2004 (Vic); Income Tax Assessment Act (1936); Corporations Act (2001)

Scope: This policy, or parts of this policy have application to all HSU Branches

Purpose: This policy sets the general duty of care and specific requirements imposed on those officers and employees as a condition of use of union motor vehicles.

Introduction

The Health Services Union (HSU) is the union representing members employed or usually employed in the health and human service industries in Australia.

In this Policy, the HSU includes the following Branches:

- New South Wales
- South Australia/ Northern Territory
- Tasmania Branch (Trading as Health & Community Services Union)
- Victoria No.1 Branch (Trading as Health Workers Union)
- Victoria No.2 Branch (Trading as Health & Community Services Union)
- Victoria No.3 Branch (Trading as Victorian Allied Health Professionals Association)
- Victoria No.4 Branch (Trading as Medical Scientists Association of Victoria)
- Western Australia

Policy Statement

HSU National Officers and employees are expected to uphold the integrity of the Union in the highest manner when undertaking their duties and in their undertakings with members, employers, outside organisations and suppliers.

HSU National Officers and employees must behave honestly and with integrity in the course of their employment or duties.

HSU National Officers and employees must disclose, and take reasonable steps to avoid, any conflict of interest (real or apparent) in connection with Union employment or duties.

HSU National Officers and employees must not make improper use of inside information or use their duties, status, power or authority in order to gain, or seek to gain, an improper benefit or advantage for themselves or for any other person.

HSU National Officers and employees must at all times observe The Financial Responsibilities of Officers as determined by the Rules of the Union.

Branch Policy

Where a Branch does not have a policy consistent with this policy, this policy will apply to that Branch substituting the Branch structures, officers and employees with those contained in this policy where appropriate.

Definitions

'Administration Manager' means person appointed to manage the HSU National Office on a day to day basis and appointed as such by resolution of the Executive.

'conflict of interest' includes:

- a) an actual conflict of interest, where a material interest interferes with the proper performance of the duties of the employee or member, and
- b) an apparent conflict of interest, where it could be perceived by others that the material interests of the member interferes with the proper performance of the duties of the member, whether or not this is in fact the case, and
- c) a potential conflict of interest, where the material interests of the member could interfere with the proper performance of the duties of the member in the future.

'Council' means the National Council of the HSU

'credit card' also means 'debit card'

'driver' means an Officer or employee who drives a union vehicle

'employee' means HSU National employee

'Executive' means the National Executive of the HSU

'Financial Controller' means the person appointed to manage and operate the financial accounts of the Union on a day to day basis and appointed as such by resolution of the Executive.

'Finance Committee' means the National Finance Committee of the HSU

'HSU National' or **'National'** means the National Office of the HSU.

'HSU Rules' means the rules of the HSU registered in accordance with the Act.

'National Officer' or **'Officer'** whether paid or not, has the same meaning as the phrase 'officer of an organisation' in Division 3A of Part 2 of Chapter 5 of the *Fair Work (Registered Organisations) Act 2009*.

'National Secretary' means person elected by National Council as such in accordance with rule 23B to act in in accordance with responsibilities under rule 26 of the HSU Rules.

'other approved person' means person/s approved by the National Secretary, Executive or Finance Committee.

'primary driver' means an Officer or employee who is allocated a union vehicle as part of their employment contract.

'The Act' means the *Fair Work (Registered Organisations) Act 2009*.

'vehicle' means motor vehicle owned by the Union.

Policy

1. Union Motor Vehicles

- 1.1. Vehicles owned by the Union form part of the combined funds and property of the Union, owned by the membership.
- 1.2. The Officer or employee who has control of a vehicle as part of their employment arrangement or on an ad hoc and incidental basis has a duty to take all reasonable steps to ensure that a vehicle is properly cared for whilst in their control.
- 1.3. This policy sets the general duty of care and specific requirements imposed on the Officers and employees as a condition of use of union vehicles.

2. General Conditions and requirements

- 2.1. Officers and employees may be provided with a vehicle to carry out their prescribed duties.
- 2.2. All vehicles including those allocated to officials shall be deemed to be 'pool vehicles' when parked at the Union's offices and, subject to appropriate internal booking arrangements, may be used by all employees for union business in accordance with this policy.
- 2.3. The driver must hold a current driver's license appropriate for the assigned vehicle.
- 2.4. The vehicle is only to be driven for union business and approved private purposes.
- 2.5. Vehicles must be kept in a clean and tidy condition at all times.
- 2.6. The vehicle is to be used within the limitations of any insurance policy applying to the vehicle. It is not to be used for hire or reward.
- 2.7. There is a strict '**NO SMOKING POLICY**' imposed on all vehicles.

3. Road Traffic and Parking Offences

- 3.1. Drivers must use the vehicle at all times within the law. In particular:
 - Drivers must **NOT** drive following the consumption of alcohol (above the legal .05 blood alcohol limit, and zero for probationary license holders) and/or following the consumption of other drugs that impair driving capacity or responsiveness
 - Must not speed
 - Must not breach other road laws
- 3.2. Drivers are solely and exclusively responsible to pay all fines, costs and penalties incurred as a result of breaches to road laws and parking infringements.
- 3.3. Drivers are encouraged to deal with any infringement/s quickly and within the specified timelines so as to avoid additional costs (fines ignored ultimately cost more).

4. Procedure for dealing with fines and Penalty Notices

- 4.1. All fines and penalty notices are to be allocated to the Financial Controller for action.
- 4.2. The Financial Controller will check with the allocated driver to confirm the actual driver at the time of the infringement as outlined in the notice.
- 4.3. The Financial Controller will then complete the details for certification by the National Secretary.
- 4.4. The notice is then returned to the issuing agency for reallocation to the driver responsible for the infringement.
- 4.5. Under no circumstance is the infringement notice to be left with a driver to pay. Payment by the driver shall occur when the notice liability has been formally transferred in accordance with the requirements of the issuing enforcement agency.
- 4.6. Under no circumstances will the Union allow the payment of the Corporate Levy to avoid the allocation of the penalty to the responsible driver.

5. Private Use of Motor Vehicles

- 5.1. Unless otherwise determined by the National Secretary or the Executive, where a vehicle is supplied to a primary driver as part of their employment arrangements, the primary driver may use the vehicle, maintained at the expense of the Union, for reasonable private use and shall remain in possession of the vehicle after normal hours of work subject to the following conditions:
 - That private use of the vehicle shall be consistent with this overall policy.
 - The primary driver is to ensure that the vehicle is maintained in a clean and good mechanical condition.
 - Primary drivers may use the Union credit card to cover the cost of a car wash at service stations.
- 5.2. Vehicles will be inspected regularly, where the vehicle, in the opinion of the National Secretary, is not being maintained in a clean and good condition the following shall apply:
 - The National Secretary will advise the primary driver concerned that the car has not been maintained in an acceptable manner and the primary driver will be requested to rectify the condition of the vehicle.
 - In the event of repeated and continuous breaches of the car policy, and after adequate warnings the primary driver will be in breach of Union policy.
- 5.3. Subject to the operational requirements of the Union, the vehicle may be retained by the primary driver whilst on paid leave of periods generally up to 4 weeks. Retaining the vehicle during other leave must be approved by the National Secretary, PROVIDED that, if during the period of leave or absence, other than annual leave, the vehicle is required for the effective running of the Union, then the vehicle will be allocated and used at the direction of the National Secretary.
- 5.4. When on periods of leave or absence, and in accordance with above, the primary driver shall be responsible for the cost of any fuel associated with private use of the vehicle.
- 5.5. When travelling outside of the region in which the primary driver normally resides, the primary driver shall be responsible for the cost of any fuel associated with private use of the vehicle.

- 5.6. Breaches of this provision will be treated seriously with the offending primary driver being required to reimburse the organisation for the cost of the breach and formally warned.

6. Allocation of Motor Vehicles

- 6.1. The National Secretary is responsible for selection, allocation and replacement of HSU vehicles in accordance with policy and procedure. In principle vehicles are replaced before they reach 100,000 km.

7. Persons Authorised to Use Union Vehicles

- 7.1. Except as provided for below, the only persons authorised to drive Union vehicles are elected Officers, employees, including their spouse or partner on an irregular basis.
- 7.2. The primary driver remains responsible for the vehicle when their spouse or partner is driving it. Generally a spouse or partner should only drive the vehicle whilst in the company of the primary driver to whom the car is allocated, other than for incidental use around the general residential area of the primary driver, in which case the spouse or partner may drive the car unaccompanied.
- 7.3. Persons licensed on a 'Learners' basis are not authorised to drive the vehicle without the consent of the National Secretary.
- 7.4. Other employees and Officers [drivers] may use vehicles on approved union business. If no vehicle is available, employees are to travel by taxi on union business. Permission of the National Secretary is required for any other person to use a union vehicle.
- 7.5. Authorisation from the National Secretary is required for any extraordinary circumstances.

8. Toll Usage

- 8.1. Payment of Tolls for Paid National Officers and Officials supplied with a Union vehicle.
- 8.1.1. The union will provide at its cost the E-Tag for each vehicle. Each E-Tag will receive a monthly itemised usage account that will be paid by the Union.
- 8.1.2. Toll usage is categorised as follows:

Category A	Work related use of toll roads is covered 100% by the union. Officers and Officials will be required to substantiate work-related usage, i.e. a statement detailing time and purpose.
Category B	Travelling to and from work is to be shared equally (50 / 50) between the union Officer or Official. (The union also attracts fringe benefits tax for the private component).
Category C	Non-work-related use of toll roads is to be entirely paid by the Officer or Official.

8.1.3. The Officer or Official will be provided with a copy of the account and be required to identify and substantiate in writing (within 14 days of receipt of the account) the work related and non-work-related use as per the toll usage categories in accordance with sub-clause 8.1.2 above.

8.1.4. Substantiating and Reporting

- Detailed reporting and substantiation will be required of each Officer or Official to identify on the monthly account the above categories.
- The onus is on the Officer or Official to substantiate work use by identifying the meeting or activity undertaken and other involved, failure to substantiate will deem the expense as “non-work-related”.

***Note:** Substantiation is required for the union to meet its obligation in relation to the payment of Fringe Benefits Tax*

8.1.5. The Officer or Official’s share of Category B&C usage (private usage) will be deducted from the individual’s salary through the payroll system.

8.1.6. An ‘Authority to Deduct’ agreement must be signed and given to the Financial Controller to authorise any deduction from the individual’s salary.

8.1.7. Failure of the Officer or Official to report as per sub-clause 11.3 above will result in the total account being deducted from the individual’s salary in two equal instalments commencing from the next payday.

8.2. Toll usage for employees or other approved persons

8.2.1. Reimbursement of toll usage may only be utilised by employees or other approved persons travelling to and from the airport on official HSU National business.

8.2.2. Employees or other approved persons must complete an Expense Claim form and provide a detailed explanation of the toll usage.

8.2.3. Supporting documentation must be included with the expense claim as proof of payment of the toll usage for reimbursement.

8.2.4. Prior to the reimbursement of the expense, the National Secretary must approve such payments by signing the Expense Claim Form.

9. Fuel

9.1. Fuel purchased for vehicles is to be standard grade fuel.

9.2. Fuel for private use is paid by the Union with the following exceptions:

- a) Significant travel outside the region/area in which the primary driver normally resides.
- b) Fuel used on annual leave, long service leave, or other leave periods.

9.3. Fuel should be purchased using the Union credit card. In circumstances where it is not possible to use the Union credit card the driver should pay for the petrol and claim a reimbursement on the Expense Claim Form.

- 9.4. Fuel purchased must be accounted for in accordance with the *Financial Management Policy and Procedure*.
- 9.5. Under no circumstances may fuel be purchased using the Union credit card for non-union vehicles.

10. Sale, Transfer or Disposal of Union Vehicles

- 10.1. At all times the sale, transfer or disposal of vehicles must be undertaken in accordance with financial policy, and the highest standard of transparency and governance and at **fair market value** for the Union and its members.
- 10.2. Generally, vehicles will be sold as a trade-in on a replacement vehicle. The amount offered for trade-in should be checked at the time via a state base motoring association or other motor vehicle research and valuation service such as RedBook.com.au to ensure a fair trade.
- 10.3. The purchase trade or sale of vehicles must be approved by the Finance Committee or Executive in accordance with the *Financial Management Policy and Procedures*.
- 10.4. Vehicles may only be sold to employees or Officials where such sale serves the interests of the Union and its members and there are good reasons for doing so. The reasons for private sale must be recorded and approved by the Finance Committee or Executive.
- 10.5. If a request is made to dispose of a vehicle to an employee or Officer, the following procedure must be followed:
 - a) Actual or perceived conflicts of interests must always be avoided, meaning that the recipient or any other person who may gain must not participate in the decision-making process.
 - b) The price set for the disposal must be at **fair market value** established by evidence from a reputable source such as a dealership trade-in quotation for a replacement or value advice from a state base motoring association or other motor vehicle research and valuation service such as RedBook.com.au and a survey of on-line sales advertisements.
 - c) The fair market price must never be less than what the Union would normally achieve via normal trade-in transaction and would usually be set between the 'trade-in value' and 'private market value' to ensure that the Union also receives a benefit from the transaction.
 - d) The Finance Committee or Executive must approve by resolution the sale to an Officer or employee and the fair market value price to be paid for the vehicle and all associated transfer costs must be paid by the Officer or employee.

11. Inspection, Maintenance and Servicing

11.1. Inspection of Vehicles

- It is the responsibility of the primary driver to ensure the vehicle is maintained in accordance with this policy. Vehicles will be inspected regularly to ensure good practice is being maintained, notice will be given of such inspections, however inspection may occur at any time without notice if there is a concern held about the compliance with this policy.

11.2. Rotation of Vehicles

- The National Secretary has absolute discretion on the allocation of vehicles and may from time to time rotate vehicles to ensure an efficient scheduled replacement program is maintained.

11.3. Servicing

- The primary drivers are responsible for arranging regular servicing of vehicles and to keep their vehicles in clean and tidy order. It is HSU policy to adhere to the service manuals recommendation of kilometres per service.
- Vehicles are to be serviced by reputable service providers nominated by the Union.
- All repairs outside of normal servicing needs must be approved by National Secretary or Assistant National Secretary.
- Significant servicing and repair costs should not be incurred for vehicles at or over 80,000 kms. It may be appropriate to move to earlier replacement. Contact the National Secretary for advice and direction in these circumstances.

11.4. Tyres

- In most circumstances each vehicle will require only one new set of tyres - at approximately 45-50,000 Kms. Replacement arrangements should be made via a specialist Tyre Service Centre.

12. Accidents and Damage to Motor Vehicles

Even the most careful and skilled drivers, have accidents. Drivers have legal and employment obligations to follow in the event of accidents involving the Union vehicle.

12.1. What should I do immediately after an accident?

- Stay calm. Switch off the ignition and activate emergency hazard lights. Check to see if anyone is injured and if they can be assisted immediately. Keep yourself and others off the road.

12.2. What if someone is injured in an accident?

- Dial the emergency service Number 000 and ask for either ambulance, or police, in order of urgency. Be prepared to tell the emergency service:
 - It's a car crash
 - Where it's located
 - How many people are injured?
 - Your name

12.3. Should police be notified after an accident?

- Police should be notified if a person has been injured or if there is damage to property or livestock and the owner is not at the scene.

12.4. What are my responsibilities to the other driver after an accident?

- Exchange names, addresses, driver's license number, registration numbers and insurance company details.
- Use your mobile phone to take photographs of the damage, registration plates of all

vehicles, driver's license, location of accident and any other relevant matter.

- **DO NOT ADMIT** liability for the accident or blame yourself publicly (this is for your own protection and the protection of the Union should legal considerations be raised).

12.5. What are my legal obligations after an accident?

- You must stop if you are involved in a motor vehicle accident.
- You must provide your name and address to other people involved.
- You must report the accident to the police if there are personal injuries or damage to property whose owner is not in attendance.
- You must not drive away from a motor vehicle accident in an unroadworthy vehicle.

12.6. How do I know who is at fault after an accident?

- **DO NOT ADMIT** liability for the vehicle accident or blame yourself publicly (this is for your own protection should legal considerations be raised).

12.7. Reporting accidents to HSU National

- Contact the National Secretary or other person in the National Office immediately to advise of the accident and to obtain any necessary instructions, particularly if the vehicle needs to be towed to a repairer.
- Complete all necessary insurance reports with the Managing Accountant or the Administration Manager as soon as practicable. The Managing Accountant will liaise with the Unions' insurer in respect to repairs to be undertaken by an approved crash repairer.

12.8. Negligent Damage to Motor Vehicles

- Where in the view of the Insurer an accident to a union vehicle was caused by the 'negligent action' of the driver the Unions' insurer may seek to recover costs directly from the driver.

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