



# MOTOR VEHICLE POLICY

for New South Wales Government Agencies\*

## Version Control

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## Introduction

In keeping with the Government's commitment to providing improved public services and efficient resource management, departments and agencies must implement effective motor vehicle policies and management procedures. It is a responsibility of Directors General and Chief Executive Officers to ensure such policies and procedures are observed by their staff.

This document outlines factors that must be addressed in the management of a department's or agency's motor vehicles. Probity, accountability and transparency of procedures must be accorded the highest priority. Audit and regular review processes should be put in place to ensure compliance.

It is mandatory for a department or agency to observe this policy document. In some instances discretion is afforded to accommodate the specific business needs of departments or agencies, and Directors General and Chief Executive Officers have a responsibility to ensure that clear guidelines are developed that address these needs and are appended to the policy. Any other variation to this policy requires the written approval of the Executive Director, StateFleet who has responsibility for the Motor Vehicle Policy.

Adherence to this *Motor Vehicle Policy* should contribute to significant financial and environmental benefits. The policy applies to all New South Wales government departments and agencies.\* Where appropriate, comment is included on the position relating to those mainly non-budget dependent agencies excluded from this policy. While the principles contained within the Policy must be observed by all general government, it is also strongly recommended as a basis for other government organisations, including public trading enterprises, to follow.

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\* Agencies covered by this document includes all those Departments and Declared Authorities listed in Schedule 1 of the Public Sector Employment and Management Act 2002 and all those Departments listed in Schedule 3 of the Public Finance and Audit Act 1983. It also includes all agencies categorised by the Australian Bureau of Statistics as being "General Government" (as published in the Treasurer's annual *Budget Statement*).

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## Definitions

The following definitions are used in this document:

**“agency fleet”** is the mixture of motor vehicles, including those packaged for business/private use, that are required to meet the business needs of the agency.

**“agency vehicle”** is a vehicle that forms part of an agency fleet.

**“Chief Executive Officer”** is the head of an agency covered by this policy and guidelines. It can be abbreviated as CEO.

**“continuous logbook period”** means log book is kept over the entire FBT year or over the period in the FBT year when the car is held.

**“departmental fleet”** is the mixture of motor vehicles, including those packaged for business/private use, that are required to meet the business needs of the department.

**“department vehicle”** is a vehicle that forms part of an department fleet.

**“Director General”** is the head of a department covered by this policy and guidelines. It can be abbreviated as DG.

**“eligibility for leasing”** means an agency is a NSW Government entity classified in the General Government section as specified in the annual NSW Budget Papers. This will apply unless an exemption to lease is approved by NSW Treasury”

**“EPS”** is the Environmental Performance Score sourced from the Green vehicle guide Air Pollution rating and Greenhouse Emissions rating.

**“Fringe Benefit Tax”** is the tax levied on benefits obtained by employees in respect of their employment. It can be abbreviated as FBT.

**“garaging”** refers to situations where an employee is permitted to take a Government vehicle home to park in his/her garage or carport.

**“Goods and Services Tax”** is the broad-based tax (currently 10 percent) on the supply of most goods and services consumed in Australia. It is abbreviated as GST.

**“government vehicle”** is any vehicle owned or leased by a department or one of its agencies. It includes those defined as being in the department or agency fleet plus those vehicles acquired under the government leasing facility and packaged on a 100 percent private basis. It excludes vehicles acquired by individuals through a novated lease.

**“logbooks / running sheets”** are used to log details of all trips undertaken by a pool vehicle and all business trips undertaken by a packaged vehicle consistent with Australian Taxation Office (ATO) policy.

**“novated lease”** is a three-way agreement between the employer, employee and finance company for a 100 percent private use vehicle acquired privately by an executive or officer in a leasing arrangement that is the subject of an approved deed of novation that enables the vehicle to form part of a remuneration packaging arrangement.

**“odometer record”** is a record of the opening and closing kilometres and dates for the FBT year and used to determine the annual kilometres for FBT purposes.

**“operating method”** the operating cost method uses a formula in calculating the taxable value of a car fringe benefit by using all the operating costs for the car such as leasing costs, registration and insurance costs, fuel, maintenance, repairs (excluding smash repair) etc and applying a business private percentage of use.

**“packaged vehicle”** is a vehicle that forms part of a remuneration package (either as part of a total remuneration package, by way of salary sacrifice, or in accordance with award provisions).

**“parking space levy”** is the charge payable under the Parking Service Levy Act 1992 for parking within specified business districts.

**“personal use”** refers to the use of an agency vehicle for a non-business purpose. It generally includes travel to and from the usual workplace.

**“pool vehicle”** is a general business use vehicle that comprises part of an agency fleet.

**“private/business”** refers to a vehicle packaged as part of a remuneration package on a split basis for both private and business use. Such a vehicle forms part of an agency’s fleet.

**“record keeping”** refers to the system of keeping logbook records for a continuous **or** 12-week period, and odometer records of the total distance travelled and period held in the FBT year the logbook records are maintained

**“running sheets”** refer to definition for logbooks

**“StateFleet website”** [www.statefleet.nsw.gov.au](http://www.statefleet.nsw.gov.au)

**“Statutory method”** is a formula that uses the total annual percentage of kilometre use to calculate the FBT.

**“12-week representative log book period”** means a period of at least 12 weeks when a vehicle is used for average or typical business use and taking into account all relevant matters and any variations in the pattern of business use throughout the year due to occurrences like holidays or seasonal factors. It should not be a period chosen because of maximum business use but be reflective of the actual business and private use of the vehicle.

# 1 Policy overview

- 1.1 A DG or CEO is responsible for ensuring that the policy is implemented within his/her department or agency.
- 1.2 Departments and Agencies must lease all standard passenger and standard light commercial vehicles through the New South Wales Government leasing facility unless exempted by Treasury. The leasing facility is managed by StateFleet.
- 1.3 Should any vehicles be purchased (not leased) by a department or agency, these vehicles must be included on the department's or agency's asset register.
- 1.4 Each department or agency must implement a fleet management system or use the StateFleet Fleet Management service.
- 1.5 Departments and agencies must purchase associated goods and services (eg vehicles, fuel, CTP, disposal etc) through contracts, where available, as arranged by the NSW State Contracts Control Board (SCCB) unless a specific exemption is approved by Treasury.
- 1.6 Any public sector organisation not subject to this policy should nevertheless evaluate, on a first preference basis, the SCCB goods and services contract and/or services provided by StateFleet when considering purchase options.
- 1.7 Standard passenger, standard light commercial and 4-wheel drive general purpose motor vehicles must be replaced in accordance with the requirements of the SCCB Motor Vehicle Contract (no. 653) and the Treasury leasing arrangements.
- 1.8 All passenger and light commercial vehicles, whether leased or owned by NSW Government Agencies, will be held for a minimum of 36 months or 60,000 kilometres whichever occurs first. Owned vehicles must not be disposed of unless they have reached 36 months from the date of purchase or have travelled 60000 kilometres. Leases should be determined based on either the 36 month or 60,000 kilometre variable.
- 1.9 Vehicles forming part of remuneration packages for the Chief Executive Service and Senior Executive Service or other approved packages (see clause 1.14) must be chosen from within the current SCCB contract unless a novated lease option is chosen.

SES Officers can package one motor vehicle as either of the following:

- a 100% private use vehicle
- a business/private vehicle, where the private portion is funded by the executive officer through salary sacrifice.

A DG or CEOs can package an additional vehicle. This means they can have a 100% private vehicle and a business/private vehicle. Both vehicles are funded by way of salary sacrifice

All officers other than a DG or CEO can only salary sacrifice one vehicle, whether by novation or an agency vehicle.

- 1.10 Leased motor vehicles must be accounted for, for financial statement purposes, in accordance with AAS17 "Accounting for Leases."

- 1.11** Departments and agencies must have comprehensive motor vehicle insurance with the Treasury Managed Fund.
- 1.12** Departments and agencies must have Compulsory Third Party insurance with the commercial insurer contracted through Treasury via a NSW SCCB contract.
- 1.13** Salary packaging of motor vehicles must be calculated using the statutory fraction method for calculating the Fringe Benefit Tax (FBT) liability and using rates (standing charges and running costs) issued annually through the Department of Premier and Cabinet circulars. Reconciliation can be done using the lowest cost method in accordance with ATO guidelines.
- 1.14** Personal use of agency vehicles is not permitted unless such use is authorised by the DG or CEO through an internal policy or otherwise provided for under an industrial award, enterprise agreement or Government policy, such as the CES/SES salary packaging scheme.
- 1.15** Departmental agencies as determined by StateFleet are required to complete an annual "Fleet Improvement Plan and Report. These agencies will be notified by StateFleet annually that a Fleet Improvement Plan and Report is required. The annual Fleet Improvement Plan and Report is to be submitted to StateFleet by 31st October each year as part of the Sustainability Policy for Government reporting requirements. The Fleet Improvement Plan and Report must include 3 year forward order / lease commitments.

The Cleaner NSW Government Fleet Initiative applies to all agencies whether or not a "Fleet Improvement Plan and Report" is required. The Initiative has a whole of government reporting requirement and all agency vehicles are to be included in the annual scoring. Those agencies who do not have to provide a Fleet Improvement Plan and Report are required to advise StateFleet of the numbers and EPS, fuel and kilometres by vehicle category of their fleet by 31st October each year using the tables in the Fleet Improvement Plan and Report.

## **2 Procurement**

- 2.1** A comprehensive range of motor vehicles to meet most requirements of departments and agencies is available through the SCCB's Motor Vehicle Supply Contract (no. 653). Departments and agencies are required to use this contract (except in cases where a 100 percent private use packaged vehicle is acquired through a novated lease). StateFleet makes use of this contract on behalf of agencies.
- All Directors General or Chief Executives are to ensure that motor vehicles are purchased under this contract.
- 2.2** For non-budget dependent organisations not subject to this policy, use of SCCB contracts is optional, but recommended because of the savings that can be achieved through the economies and efficiencies of scale arising from centralised procurement.
- 2.3** If an appropriate vehicle for a specific work-related application is not available in contract, agencies should seek advice from StateFleet on alternative procurement options.
- 2.4** Where there is an operational need backed by a business case, agencies may request to either lease or purchase outright heavy or non standard commercial vehicles (over one tonne capacity) through StateFleet.
- 2.5** Motor vehicle associated goods and services, including accessories, repair and servicing, lubricating oils and greases, fuel and disposal services are also available through SCCB contracts. Agencies are required to use these contracts.
- 2.6** The DG or CEO is responsible for the size and composition of their agency motor vehicle fleets. This responsibility includes those vehicles packaged on a business/private basis. Selection of vehicles, including options and accessories, should be based on firm business principles according to the agency's operational needs and prudent financial management and with due regard to:
- current NSW Government vehicle purchasing policy;
  - a need to optimise fleet utilisation by limiting its size to that required for normal operations (peak demand periods may need to be supplemented by public transport, taxis or short-term rentals);
  - measures to reduce total fuel consumption, improve energy efficiency and reduce greenhouse gas emissions;
  - whole-of-life costs; and
  - occupational health and safety factors.
- 2.7** The DG or CEO must ensure that the inclusion of vehicles packaged on a private/business basis is integrated as part of the agency's fleet and meet a genuine business need. Careful consideration to this requirement should precede any decision to acquire four wheel drive vehicles. Where a private/business option cannot be justified for a position, an executive or approved officer (see clause 1.14) is entitled to package a vehicle on either a 100 percent private usage basis through StateFleet or on a novated lease basis.
- 2.8** All vehicles leased through StateFleet (including those leased on a 100% private use basis) are subject to Government policy, such as the Cleaner NSW Government Fleet Policy. This policy requires all departments and agencies to achieve and report on a series of Clean Car Benchmarks.



- 2.9** For departments and agencies to achieve the required benchmarks for its overall fleet, the choice of available vehicle may be limited. Further advice can be obtained from StateFleet.
- 2.10** The Government's procurement policy discourages the inclusion of non-essential accessories on vehicles acquired through the Government leasing facility. Departments and agencies and/or individuals requiring non-essential accessories will be required to pay the full cost and will forfeit any right to either remove or receive compensation for them prior to disposal. Unless a strong business case exists, there is no place for a vehicle with non-standard accessories in a departmental or agency fleet vehicle. StateFleet maintains details of approved accessories on its website.
- 2.11** A novated lease is the appropriate means for an individual to package a motor vehicle with non-standard accessories.
- 2.12** Vehicles that exceed the luxury car tax threshold set by the Australian Taxation Office cannot be procured through the leasing facility. Exemptions can only be authorised by the Executive Director, StateFleet based on operational need.
- 2.13** Agencies are to note that V8 powered vehicles (with the exception of emergency vehicles) are not available under contract. An "emergency vehicle" is defined as:
- (a)** a vehicle used by an ambulance service, a fire fighting service or a police service; and
  - (b)** is visibly marked on its exterior for that use; and
  - (c)** is fitted with:
    - (i)** a flashing warning light; and
    - (ii)** a horn, bell or alarm that can give audible warning of the approach or position of the car by making sounds with different amplitude, tones or frequencies on a regular time cycle; and
    - (iii)** its primary purpose is for use as an emergency vehicle
- 2.14** Exemptions to this policy are as follows:
- (a)** NSW Police where a vehicle is dedicated to VIP or Diplomatic protection, highway patrol, and/or may be involved with Counter Terrorist operations;
  - (b)** NSW Department of Premier and Cabinet in circumstances identified by the Director-General, having regard to roles and responsibilities, and factors of time, distance and safety;
  - (c)** Any specific operational requirement that may be justified from time-to-time. The Executive Director, StateFleet, will be the approving authority for this justification. Any decision to grant an exemption under this provision will only be made following provision of an approved business case signed by the relevant agency Director General or Chief Executive.
- 2.15** Any request for a V8 powered vehicle required for operational purposes must be in accordance with (2.13) above and be authorised by the Executive Director, StateFleet.
- 2.16** The V8 policy applies to those vehicles obtained under novated lease arrangements. Departments and agencies are to refuse to sign novation documents for V8 or high powered vehicles.

### **3 Fleet Management**

**3.1** Fleet management of all departmental or agency fleets is mandatory.

Fleet management must be used to monitor motor vehicle use with the objectives of maximising utilisation, minimising changeover costs and minimising vehicle numbers.

Fleet management may be undertaken in-house, be negotiated directly with StateFleet (without the need to call tenders) or outsourced to a private sector fleet manager (subject to normal tendering requirements).

**3.2** Further information on fleet management arrangements can be obtained from StateFleet. The essential components of a fleet management system are:

- Lease/Asset Management System (purchasing information, lease details, sales records). This should include a unique identification for each vehicle
- Servicing and repairs
- Records of fuel cards issued and cancelled, including a system of automatically cancelling cards when vehicles are sold. The processes followed need to be consistent with Treasurer's Direction 89/2.
- Commissioning (registration, CTP, Roadside Assist).
- A system of lease management that ensures agencies avoid penalties and efficiently ensures that delivery of new vehicles is aligned with the disposal of old vehicles
- A system of ensuring that input tax credits for recouping the Goods and Services Tax (GST) feeds into the agency's business activity statement (BAS).
- Reporting (financials, utilisation, overdue services, fuel, FBT, running costs, value of reportable fringe benefits provided to employees). It also needs to take into account any requirements of the Government Energy Management Policy (GEMP).

**3.3** Running sheets must be kept for all journeys undertaken in Agency vehicles (apart from those vehicles packaged under a private/business arrangement as outlined in clause 3.4). A sample running sheet is appended to these Guidelines.

**3.4** The DG or CEO must apply a policy that complies with Australian Taxation Office Fringe Benefit legislation to all departmental or agency vehicles that are packaged on a private/business basis: This allows for either:

- Log Books/running sheets to be maintained for all business journeys undertaken throughout the entire year (continuous log book); and/or
- Log Books/running sheets to be maintained for all business journeys undertaken during a representative 12-week representative period in each year.

The DG or CEO can determine when a representative 12-week period is to be logged. This can vary between individual officers.

A new representative period should be logged where the business/private usage changes by more than 10%. That is, an increase or decrease of 10% in the business use of a car is considered a major change in the pattern of use of the car.

Odometer records must be kept year to year. If these records indicate a 10% difference in kilometres from previous years, this is taken to mean a 10% variation in business use unless the officer demonstrates otherwise.

Consistent with ATO guidelines, once this 12 week period establishes the business use percentage then the calculated business use can be applied for a maximum 5 year period. The other 4 years are called non log book years.

However, if the private use percentage calculated using the 12 week representative period method is less than 80% of the expected total distance/usage, a new 12 week representative period must be logged the following year. This restriction is intended to ensure employers do not end up paying an excessive proportion of a vehicle's operating costs.

It is compulsory to maintain an Odometer Record (opening and closing - odometer and dates records for the FBT year) to calculate the FBT liability.

**3.5** The following procedures are to be followed when calculating and reconciling a NSW Government private/business packaged vehicle:

*Package Calculation*

- At the start of the FBT year or at commencement of the package, the officer who is packaging the vehicle must nominate an estimated proportion of private/business usage and an estimated total distance that the vehicle is expected to travel during the FBT year. If no figure is nominated, 100% private is applied.
- The initial cost to the officer's package is calculated using the estimated figures. Costs are contained in the NSW Premier and Cabinet Circulars and are updated annually. FBT will be calculated/estimated using the Statutory Method.
- The DG or CEO is to put in place a consistent policy that allows officers to either adopt the continuous log book method or 12 week representative log book period for calculation of private/business use in a package calculation. The log book method is to be nominated at the commencement of each FBT year.
- A 12 week log book calculation can be retained for 5 years provided:
  - the private usage percentage is 80% or more of the total usage; and
  - provided there is not a variation of 10% or more in calculated usage. Where the private use percentage is less than 80%, or there is a variation of 10% or more in usage, a new representative period should be logged.
- The DG or CEO can request that an Officer log a new continuous 12 week period. This can occur when the DG or CEO considers that the original 12 week period does not accurately reflect the officer's use of the vehicle. A random audit could be conducted annually on a selection of packages where the 12 week log book method has been used.

*Package Reconciliation – Continuous Logbook/Running Sheet Method*

- Continuous period running sheets are used to record the actual business use for the full year to determine the actual private/business split percentage calculated at the end of the FBT year. This is based on

the actual distance travelled and the level of business use.

- Where the continuous period is adopted, reconciliation of the package occurs at the end of the FBT year. Following this reconciliation, the costs to the officer's package are adjusted to reflect the difference in estimated and actual usage of the vehicle. That is, the officer's estimated package costs are recalculated based on the actual distance travelled during the year and the private/business level determined from the running sheets

#### Package Reconciliation – 12 Week Representative Period Method

- The private/business split percentage obtained from 12 week representative period is used to determine the officer's estimated package costs.
- At the end of the FBT year, the estimated package costs are recalculated to determine any difference between the actual distance travelled during the year and the estimated private/business split determined in the representative 12 week review period.
- Where the actual distance travelled varies by more than 10% from the estimated usage, a new 12 week representative log book must be carried out for the new FBT year.

#### Package Reconciliation – No Running Sheets

- An officer who has packaged a vehicle on a private/business basis and does not maintain running sheets under one of the above two options is to have their motor vehicle package cost calculated and reconciled on a 100% private basis. The officer must provide an Odometer Record (opening and closing - odometer and dates records for the FBT year) to calculate the FBT liability in clause 3.4 and to reconcile the package

#### Package Reconciliation – FBT Method

- The FBT liability to the officer can be calculated at the end of the FBT year based on either Statutory Method or Operating Cost method. The method that provides the lowest FBT amount can be used.

- 3.6** The use of StateFleet provides a one-stop point of service that enables Government agencies to obtain the benefits of procuring vehicles (through leases), spare parts, accessories, fuel and other vehicle related products at Government contract rates. Public Service agencies are required to deal directly with StateFleet under s16 of the Public Sector Management (Goods and Services) Regulation 2000.
- 3.7** An officer who has packaged a vehicle supplied through the Government contract must ensure it is kept in a clean condition, inside and out, and has a responsibility, in association with the agency's fleet manager, to ensure the vehicle is properly maintained. The fleet manager shall report to the DG or CEO cases where vehicles are returned at the end of the lease period in an unsatisfactory or unclean state.
- 3.8** The Government Motor Spirit and Petroleum Products Contract (no.366) covers fuel card supply from specified service stations direct to vehicle, bulk and packaged fuel (drums). Agencies are required to use this contract

**3.9** All salary sacrifice charges continue when the officer is on leave. The salary package is an ongoing commitment and leave should be factored into the business / private nomination by the executive officer at establishment of each package. All adjustments to usage are done at reconciliation.

However when an executive officer has exclusive use of a business/private vehicle during any periods of leave over three consecutive months, they should be charged at the rate for a 100% private vehicle. This will alleviate any possible large charges owed by the executive officer at reconciliation of the package.

Alternatively where the executive officer chooses to leave the vehicle in the department or agency pool, the executive officer's payroll deductions for the vehicle are not to be ceased. If this period is for over three consecutive months the package can be ceased and recommenced when the executive officer returns from the extended leave. Each package should then be treated individually

## **4 Personal use**

**4.1** Personal use of a vehicle in an departmental or agency fleet is not permitted unless such use is authorised by the DG or CEO or otherwise provided for under an industrial award, enterprise agreement or other Government policy, such as the CES/SES salary packaging scheme (see also clause 1.14).

**4.2** “Personal use” includes the carriage of non-government passengers and/or non-business passengers. It also generally includes travel to and from the usual workplace. Where an officer is authorised to garage the vehicle at his/her residence, the travel between the officer’s home and the usual workplace is generally classified as private travel ie commuting.

Garaging is usually authorised because the agency lacks suitable secure parking or because it is essential the employee has immediate access to a vehicle in order to perform his/her duties.

**4.3** The DG or CEO is responsible for developing an internal policy that clearly defines the situations where limited personal use of an agency vehicle is permitted. These situations would normally be restricted to:

- The garaging of a department or agency vehicle at the private residence of an officer (either on a regular basis or when an officer is either commencing or returning from a field trip). Limited private use, such as dropping family members off at school on the way to work (provided extra travel is not involved), may be permitted;
- Transporting non-government personnel between work locations when such personnel are assisting the department or agency in its normal business activities;
- In exceptional cases, permitting an officer on an extended field trip to be accompanied by family members. If such cases involve children, the officer concerned will be responsible for meeting the cost of any necessary child restraints. The officer involved should indemnify the agency against any possible public liability claims arising as a result of the presence of the family members.

**4.4** Under no circumstances should agency vehicles be used to transport hitchhikers.

**4.5** Government owned or leased vehicles that are the subject of approved remuneration packaging arrangements for private/business use form part of the department’s or agency’s fleet during normal business hours.

**4.6** The cost of the parking space used by an agency fleet vehicle that is packaged on a private/business basis is an expense borne by the agency. This is because the vehicle is to be available for business use during the normal business hours in which it is parked on business premises.

However, officers will remain responsible for meeting the cost of the Parking Space Levy (where applicable). The Parking Space Levy is a charge on non-residential parking spaces within business districts specified by the Parking Space Levy Act 2009. The rate is indexed to the Consumer Price Index and updated from 1 July each year. The Parking Space Levy is not the parking space cost but a levy on top of the parking space cost This is explained further in 4.7 below.

**4.7** Officers who have access to a parking space are required to meet the cost of the Parking Space Levy where it applies. The following points should be noted:

- In those business districts where such a levy applies, the levy can be met by executives or other eligible officers on a salary sacrifice basis provided the arrangement is made prospectively. This means the sacrifice should be arranged before the officer uses a parking space for personal advantage.
- Should an exceptional circumstance arise where a non-executive officer is provided with the use of a parking space that gives rise to a personal liability for the Parking Space Levy, payment by the officer should be made from post-tax salary. This payment can be treated as an employee contribution for the purpose of reducing the FBT taxable value in situations where a non-executive has a packaged vehicle.
- The Parking Space Levy is exempt from the Goods and Services Tax (GST). This means the employee should not pay GST on the amount of the levy even where it is treated as an employee contribution for the purpose of calculating the FBT taxable value.
- The Parking Space Levy is paid by the employee in all cases and cannot be waived by the DG or CEO.

**4.8** For 100% private use vehicles (whether owned, novated or 100% Departmental or Agency packaged) are not entitled to a parking space on Government leased or owned premises. (Principle 11 in Premier's Memorandum 2008-06).

In cases approved before this Memorandum where parking has been allocated and approved by the DG or CEO, the department or agency will recover the full cost of the allocated parking from post tax salary.

The DG or CEO has some discretion to waive the payment for short periods (eg less than 1 month) on a case by case basis taking into account disability, hardship, safety and/or other operational matters.

## **5 Health and Safety**

**5.1** Employers have a duty of care to provide and supervise a safe system of work under the Occupational Health and Safety Act 2000. This includes an obligation on agencies to maintain plant and systems of work that are safe and without risk to health. A vehicle used for business is considered a work place. Agencies must also provide such information, instruction, training and supervision necessary to ensure the health and safety of employees.

**5.2** The DG or CEOs have a responsibility to both ensure that employees using motor vehicles for work-related purposes are properly licensed and to encourage employees to observe safe driving practices.

**5.3** Vehicles are to be maintained in accordance with the manufacturer's requirements and must at all times comply with relevant road transport legislation.

**5.4** The driver in control of the vehicle at the time of any offence must promptly pay for all traffic and parking infringements. If NSW Police notifications or reminders are issued in a department's or agency's name, the driver's details must be obtained from the vehicle running records and the Statutory Declaration provided on the reverse side of the fine should be completed and returned to the Infringement Processing Bureau. The fine will then be reissued in the nominated driver's name. This should ensure that the driver of the vehicle and not the department or agency is fined.

Departments or Agencies should take appropriate steps to record the identity of a driver of a vehicle. The use of running sheets meets this requirement. In the case of vehicles packaged on a private/business basis, the absence of running sheets or other appropriate measures to record business use of such vehicles will make the officer who has packaged the vehicle liable for any financial and/or points penalties imposed.

**5.5** A driver involved in an accident is required to stop and render assistance, regard of whether on official business or not. The driver must:

- stop at the scene;
- attempt to make the scene as safe as possible;
- render assistance to any person injured;
- arrange emergency services as required;
- exchange vehicle and licence information with the other driver(s); and
- not admit liability.

The police must be called to the scene of the accident where the following occur:

- a person is injured or killed;
- any of the drivers involved in the accident fail to stop after the accident;
- any of the drivers involved in the accident appear to be under the influence of alcohol or drugs; or
- a vehicle involved in the accident has to be towed.

The Police Advice Line for reporting the accident is 131 444.



- 5.6** Smoking is not permitted in Government vehicles.
- 5.7** Drivers must not use mobile telephones unless a hands-free device is fitted. It is illegal for a driver to use a mobile telephone when driving unless a hands-free device is being used.
- 5.8** *Clause rescinded*

## **6 Disposal**

- 6.1** *Clause rescinded – see clause 1.8.*
- 6.2** *Clause rescinded – see clause 1.8.*
- 6.3** The replacement criteria for other vehicles are to be aimed at achieving the best long-term return on investment for each vehicle type. Appropriate economic analysis should be regularly undertaken to determine when non-standard passenger and light commercial vehicles above one tonne but less than seven tonne capacity should be replaced.
- 6.4** Commercial vehicles of seven tonnes or greater capacity may be retained until the end of their useful economic life. The condition, running costs and use of such vehicles should be reviewed annually.
- 6.5** Vehicles are generally to be sold registered, but in some cases there may be a need to sell a vehicle unregistered. Approval of the Executive Director StateFleet is required to sell a vehicle unregistered.
- 6.6** Agencies are required to dispose of owned or leased vehicles in accordance with the NSW State Contracts Control Board contract or the requirements of the leasing facility as advised through StateFleet. This includes compliance with any instructions issued by StateFleet relating to the condition of vehicles at time of sale.
- 6.7** The law requires all registered vehicles that are offered for sale at auction have a RTA Safety Inspection Report (“pink slip”). Vehicles sold at auction without a pink slip must be sold unregistered. (see also clause 6.5).
- 6.8** Vehicles disposed as an insurance company write-off may be subject to a registration rebate.

## **7 Financial**

- 7.1** Where there is an operational need, backed by a business case, departments or agencies may purchase heavy commercial vehicles (over one tonne) outright or request a lease through the NSW Government Leasing Facility (managed by StateFleet).
- 7.2** Non-budget dependent agencies not subject to this policy are able to make their own commercial arrangements for the financing of motor vehicles.
- 7.3** Consistent with accrual accounting requirements, Treasurer's Directions and Total Asset Management (TAM), departments or agencies are required to maintain asset registers for owned vehicles.
- 7.4** Consistent with TAM, departments or agencies are accountable for minimising the whole of life cost of assets, and therefore should maintain appropriate management information systems for this purpose. (see clause 3.2)
- 7.5** Fringe Benefit Tax (FBT) is payable by employers on the total taxable value of fringe benefits provided to their employees.
- 7.6** The value of motor vehicle benefits must be included as a reportable fringe benefit on the employee's PAYG payment summary
- 7.7** Leased motor vehicles must be accounted for in accordance with Australian Accounting Standard AAS17 "Accounting for Leases." In particular, motor vehicles leased through StateFleet constitute operating leases and must be accounted for as such under AAS17.
- 7.8** Purchased motor vehicles must be depreciated over their estimated total useful life in accordance with AAS4 "Depreciation of Non-Current Assets" subject to materiality.
- 7.9** A fundamental element of the Treasury Managed Fund is the adoption of risk management practices by participating departments or agencies. Departments or agencies are responsible for the development of programs that best fit their exposures.
- 7.10** Departments or agencies must ensure comprehensive motor vehicle insurance is effected either through the Treasury Managed Fund or in accordance with contract arrangements applicable to vehicles subject to novated leases.
- 7.11** Departments or agencies must ensure compulsory third party insurance (CTP) is effected either with the commercial insurer contracted through the Treasury or in accordance with contract arrangements applicable to vehicles subject to novated leases
- 7.12** Non-budget dependent agencies not subject to this policy may participate in the Treasury Managed Fund and the CTP tender.

## 8 Environmental

- 8.1 In the management of motor vehicle fleets, departments or agencies must consider the Government's commitment to environmental issues and the priorities in *Action for Air* concerning more and better transport choices and making vehicles "cleaner."
- 8.2 Departments or agencies should ensure officers are aware of government policies promoting the use of public transport and encouraging car pooling.
- 8.3 The *Cleaner NSW Government Fleet policy* has as one of its key initiatives an improvement in the environmental performance of the NSW Government vehicle fleet. This requires departments or agencies to develop fleet improvement plans demonstrating reductions in fuel use, greenhouse gas emissions and better average fuel consumption (see also clause 1.15).
- 8.4 Departments or Agencies are required to incorporate into their fleet hybrid, plug in hybrid electric or electric vehicles. All Departments are required to meet the Governments motor vehicle fleet target of 5% of their passenger fleet being hybrid, plug in hybrid electric or electric vehicles by December 2015.
- 8.5 Fuel consumption is one of the major expenses of operating a motor vehicle and managing fuel costs should be taken into account when optimising the size, composition and operation of the vehicle fleet and improving driver behaviour
- 8.6 All public service staff, and executive officers who drive Government-owned vehicles as part of their remuneration package, will be required to use E10 blends (or other alternative fuels) where this is practicable, available and cost effective.
- 8.7 Vehicles managed by the StateFleet will be issued with fuel cards specifically providing for the consumption of E10. Other departments or agencies should obtain fuel cards direct from suppliers on the contract. *(Note that E10 may not be suitable for all Government owned vehicles, and should not be used if the manufacturer has stated that it will void vehicle warranties, or damage the vehicle in some way.)*
- 8.8 In reviewing transport needs, the use of public transport, including taxis, and the short-term use of rental cars should be an integral part of the evaluation and justification process
- 8.9 Fleet size and composition are to be reviewed annually by the DG or CEO to ensure optimisation against actual transport requirements (optimum fleet size will usually be less than required to meet peak demand).
- 8.10 Procedures should include the appropriate justification of the need for new and replacement vehicles and encouraging the choice of the most cost effective and environmentally friendly vehicle for the normal transport task
- 8.11 Vehicle maintenance should be undertaken according to the manufacturer's recommendations to help ensure optimum fuel efficiency, emission performance and return on investment.

**8.12** Staff should be made aware of the need to optimise fuel efficiency and emission performance by ensuring tyres are maintained at recommended pressures, wheels are correctly aligned, fuel tanks are not over-filled, vehicles are not used to carry unnecessary loads, and that good driving habits are observed.

**8.13** Departments and Agencies are to be aware that in light of expensive fuel and running costs and increased greenhouse gas emission levels, V8 powered vehicles are no longer available under the Motor Vehicle Acquisitions contract.

The DG or CEO are also advised that they should not enter into any novated lease arrangement for V8 powered vehicles with their staff. This provision is encouraged to be applied to other employees (such as those in State Owned Corporations) who package novated lease vehicles. (see also clause 2.16)

## **9 Industrial**

**9.1** In those situations where discretion on a policy item has been given to accommodate the business needs of departments or agencies, care should be taken to ensure that all documentation is clear, concise and not open to misinterpretation.

**9.2** A department or agency negotiating an award or workplace agreement that proposes to include a motor vehicle component must consult with the Department of Premier and Cabinet, before negotiations commence.

# Vehicle Running Record Coversheet

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## FBT Trip Codes

### Business Km Codes

1. business trip during working day (not home garaged overnight).
  2. work/office – home overnight – meeting/field work – work/office \*
  3. work/office – meeting/field work – home overnight – work/office \*
  4. work/office – home overnight – business trip – home overnight – work/office (*only applies to infrequent use of car for this purpose*)
  5. work/office – home – work/office travel when on-call AND required to transport bulky-heavy equipment used regularly to perform duties
  6. home – incident – home travel when in response to being called-out from home
  7. other business kms
- \* Conditions apply to codes 2 and 3:
- Employee has regular place of employment;
  - Alternative destination, i.e. meeting or field work, is not a regular place of employment; and
  - Employee performs substantial duties at alternative destination. Picking up mail, newspapers will not qualify as business travel.

### Private Km Codes

8. work/office – home overnight – work/office
9. work/office – home overnight – work/office on-call
10. work/office – home overnight – work/office travel to provide secure overnight garaging of vehicle
11. other private kms

### Private Days for FBT purposes

Private days are each day that the car is parked at or near the employee's home. Private days need to be counted on a midnight to midnight basis with a particular calendar day being counted no more than once.

- If the car is home garaged overnight one night during the week, counts as 2 private days
- If the car is home garaged a number of consecutive nights (possibly by different drivers), the first night home garaged counts as 2 private days and the subsequent nights garaged count as 1 additional private day

- Saturday and Sunday are to be counted as 2 additional private days when the car is home garaged over the weekend (i.e. Friday-Monday would be 4 private days)

**Days home garaged need to be counted irrespective of whether the car was used to travel business or private kilometres or even if the car was home garaged but not actually used that day.**

### Reportable Fringe Benefits Amounts

The grossed-up taxable value of most fringe benefits provided to an employee during an FBT year are required to be reported on that employee's annual payment summary for the financial year in which the FBT year ends. Car benefits are a reportable benefit.

The grossed-up taxable value is only reported if the employee's individual fringe benefits amount (IFBA) is more than \$1,000. The IFBA is the employee's total aggregate taxable value of all reportable fringe benefits for that year.

The amount reported is called the employee's reportable fringe benefits amount (RFBA).

Even though a RFBA is included on your payment summary and is shown on your tax return, it is not included in your assessable income. It is however, included in a number of income tests related to:

- Medicare levy surcharge
- deduction for personal superannuation contributions
- government Super Co-contribution
- tax offset for eligible spouse superannuation contributions
- Higher Education Contribution Scheme (HECS) and Higher Education Loan Programme (HELP) repayments
- child support obligations, and
- entitlement to certain income-tested government benefits.

Employees should further seek advice from their accountant or the ATO.

# Vehicle Running Record

### Driver Instructions

A separate entry is required for each trip. If multiple stop journey, separate entries are to be made for each leg of the trip where intermediate stops are greater than 30 minutes.

Employer: \_\_\_\_\_ FBT Year Ending 31 March 20\_\_\_\_\_

Rego No.:  Make/Model:  Office/Unit where vehicle is stationed:  Period ending: / /

TRIP DETAILS							Purpose of journey and address of overnight garaging (where applicable) <i>please print</i>	Driver's name <i>please print</i>	Driver's signature	DESIGNATED OFFICER				
Date	Departed		Arrived		Odometer Reading					Trip kms	Tript Code	Busin kms	Private kms	Private Days †
	Time*	From	Time*	At	Start	Finish								
TOTAL								Running record continues overleaf		TOTAL				

† Trip codes and private days explanation are listed on the cover sheet instructions of the VRR.

\* Times are to be based on a 24-hour clock

12-hr clock	Midnight	1.00am	2.00am	3.00am	4.00am	5.00am	6.00am	7.00am	8.00am	9.00am	10.00am	11.00am	Midday	1.00pm	2.00pm	3.00pm	4.00pm	5.00pm	6.00pm	7.00pm	8.00pm	9.00pm	10.00pm	11.00pm
24-hr clock	0000	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300

Rego No.:

TRIP DETAILS							Purpose of journey and address of overnight garaging (where applicable) <i>please print</i>	Driver's name <i>please print</i>	Driver's signature	DESIGNATED OFFICER				
Date	Departed		Arrived		Odometer Reading					Trip kms	Tript Code	Busin kms	Private kms	Private Days †
	Time*	From	Time*	At	Start	Finish								

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24-hr clock	0000	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300

#### Authorisation Detail

I certify that this sheet has been completed in accordance with Departmental requirements.

Designated officer: \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

Position: \_\_\_\_\_ Telephone: \_\_\_\_\_