Motor Vehicle Policy

GOVERNMENT OF THE COOK ISLANDS

Effective: June 2023

Policy Statement

This Policy establishes guidelines on the use and stewardship of all motor vehicles, including heavy machinery, owned by the Cook Islands Government for the delivery of public goods and services.

Scope

This Policy applies to all motor vehicles owned or registered as property of the Cook Islands Government, or obtained for the purposes of producing public goods and services. Any person who is approved to use a Government motor vehicle or heavy machinery, must use this motor vehicle or heavy machinery to produce public goods and services. Drivers of all Government vehicles must comply with this Policy.

Motor vehicles are defined as including, but not limited to, sedans, hatchbacks, single and double cab trucks, SUV's, motorbikes and boats (refer to the CIGOV Fleet Management Policy).

Heavy machinery are defined as including, but not limited to excavators, heavy duty trucks, tractors, 'bob cats', loaders (front end and backhoe), trailers, rollers and graders.

Principles

The Public Service Act 2009 (PSA) provides the following values Public Servants must adhere to:

Honesty	Acting honestly, being truthful, and abiding by the laws of the Cook Islands.
Impartiality	Providing impartial advice, acting without fear or favour, and making decisions on their merits.
Service	Serving the people well through faithful service to the Government of the Cook Islands.
Transparency	Taking actions and making decisions in an open and transparent way.
Accountability	Being able to explain the reason for actions taken, and taking responsibility for those actions.
Respect	Treating the people, the Government of the Cook Islands, and colleagues with courtesy and respect.
Efficiency and Effectiveness	Achieving good results for the Cook Islands in an economical way.

The duty to act as a good employer (PSA 2009) requires employers to develop and implement personnel policies which ensure the fair and proper treatment of employees during employment, including the impartial recruitment of employees, provide employee capability development opportunities and good and safe working conditions.

Legislation and Regulations

Drivers of Government vehicles must comply with the Public Service Act 2009, Employment Relations Act 2012 (ERA), Public Service (Identification of Departments) Order 2008 and all legislation and regulations applicable to motor vehicle ownership and use in the Cook Islands, or the country of operation - in the case of official duty travel overseas.

Definitions

Agency means any public service department, instrument, or agent of the Government and includes a body corporate or organisation that is wholly owned or controlled by the Crown.

Employee means a person engaged to work under an Employment Agreement. It does not include an independent contractor/consultant engaged under a contract for services.

Employer means the Public Service Commissioner, Heads of Public Service Departments, Crown Agencies, Island Governments, Ministerial Support Offices - or their delegated authority. **Vehicles** include Sedans, hatchbacks, single and double cab trucks, SUV's, motorbikes, boats and heavy machinery

Public Service Commissioner (PSC) means the individual appointed under Article 73 of the Constitution and Section 5 of the Public Service Act 2009

Valid Driver's License must be current with the appropriate class for the vehicle type used, and legitimate in the Cook Islands or Country of motor vehicle operation.

Procedures

Employers are responsible for administering this Policy. The employer is responsible for ensuring all policies are easily accessible to employees. However, employees are responsible for ensuring they read and understand this policy and any relevant Government policies. A breach of the Policy may be considered misconduct and may be subject to disciplinary action and/or dismissal.

Authorised Use

Employers must approve the use of Government vehicles. This approval can be granted through the addition of the employee to the Approved Users List (Annex 01)

Approved users, which includes, but is not limited to, Employers, Employees and Contractors, are permitted to use a Government motor vehicle or heavy machinery to produce public goods and services. Approved users can only use Government vehicles for private purposes where this is provided for in an employment agreement or contract.

Family members of approved users and / or associates of approved users are not permitted to drive Government motor vehicles and heavy machinery.

Any breach of this Policy can be deemed misconduct or serious misconduct and may lead to disciplinary actions or instant dismissal.

Conditions of Use

Government vehicles and heavy machinery must be used for Government business only, unless specified otherwise in an employment agreement or contract.

The use of Government vehicles and/or heavy machinery for commercial or political purposes is prohibited.

The use of Government Heavy Machinery for private, commercial or political purposes is prohibited.

Employers or employees provided with a Government vehicle in their employment agreement or contract must ensure the vehicle is available for use by the Agency, as should be outlined in their employment agreement or contract, when they are not on island. Use of the vehicle by other employees is prohibited during this time, unless approved by the employer.

All drivers or users of Government motor vehicles and heavy machinery must hold a valid and current drivers' licence, with the appropriate vehicle class certification, for the country of operation.

- Smoking and the consumption of alcoholic beverages in a Government vehicle or on heavy machinery is prohibited.
- Driving a Government vehicle or heavy machinery after consuming alcoholic beverages is prohibited.

All vehicles and heavy machinery must be:

- Kept secure at all times and cleaned regularly.
- Registered, serviced every six months and kept road worthy (Warrant of Fitness) by the Agency.

The operator or supervisor of any machinery is required to conduct a pre-start check prior to starting the machine. A Pre-Start Check book is to be kept in each piece of heavy machinery detailing the date and time, and the components checked e.g. fuel, radiator, oil and any general observations. Supervisors are responsible for confirming this check has been done and the book entries are completed.

Fuel

Employers must ensure that there are procedures in place to control the purchase and use of fuel for government vehicles and heavy machineries. Clear instructions on how to comply with these procedures should be given to all relevant employees.

Fuel must be purchased at an approved fuel depot using the Agencies internal procedures for refuelling a Government Vehicle. Details should include:

- Vehicle registration or identification number
- Litres purchased
- Cost per litre
- Total cost of fuel purchased
- Name of the person purchasing the fuel
- A fuel account statement verified monthly by authorised Agency employees to ensure all fuel purchases are valid, authorised and approved by the employer.

Parking

All necessary security precautions must be always taken when parking government vehicles and heavy machinery. All drivers must ensure that the vehicle is not exposed to obvious risks of being damaged while parked e.g. parked under coconut trees.

The same precautions apply to residential parking of vehicles and heavy machinery by approved users who take vehicles home outside normal work hours.

Vehicles and heavy machinery should, where available, be parked in government reserved car parks.

Traffic Rules

Authorised drivers must obey all traffic/road laws and rules when operating a government vehicle and heavy machinery. Under no circumstances will Government pay any fines related to traffic violations that occurred while an individual was operating a government vehicle or heavy machinery. These are payable by the individual who committed the offence. However, the agency will be responsible for fines relating to conditions of the vehicle such as a lack of current warrant of fitness or annual licence.

Accidents and Incidents

Employers must ensure government vehicles and heavy machinery are insured through the Government insurance policy administered by the Ministry of Finance and Economic Management (MFEM). A report of all vehicles and heavy machinery, including their current book value, must be sent to MFEM annually for insurance purposes.

Drivers are required to report any government vehicle accident or incident (e.g. theft) to their employer and the Police Department. If the event involves a Head of Agency, the Public Service Commissioner or relevant authority must be notified.

For insurance purposes, Driver's involved in an accident are required to complete a Motor Vehicle Accident Report and provide this to relevant authorities as soon as possible. It is the responsibility of the employer to put forward an insurance claim through to MFEM. Only public servants or those contracted to the Public Service are covered for insurance under this policy.

Use the Motor Vehicle Accident Form associated with this Policy (Annex 02).

In the event of an accident where the driver of a government vehicle or heavy machinery is at fault and/or under the influence of alcohol or drugs, the driver must be personally held liable for all costs relating to the damage of the motor vehicle or heavy machinery.

For more information on health and safety in the work environment refer to the CIGOV Occupational Safety and Health Policy as well as any relevant legislation.

Rental vehicles

The use of rental vehicles to deliver government services should not be the preferred option where suitable alternatives exist. Where the employer considers it necessary to rent a vehicle, a rental vehicle should be procured on a short term basis, at the most economic available rates.

Privately owned vehicles

It is the responsibility of employees, unless specified otherwise in an employment agreement, to provide their own transportation to and from their place of work.

As a general rule, employers must not authorise the purchase of fuel for personal use, unless this is authorised as a reimbursement for the use of personal vehicles to undertake government business. All applications for reimbursement must be made using the CIGFPPM Expense Claim Form (Annex 03).

In circumstances where the use of privately owned vehicles is required to deliver government services, reimbursements for the cost of such use must be authorised by the employer, according to one of the options set out below. Reimbursements do not cover travel to and from the employee's normal place of work.

The reimbursement for expenditure incurred is exempt from income tax.

Reimbursement based on a standard rate 1

- Apply a ***standard rate*** per kilometre irrespective of engine size or whether the vehicle is powered by a petrol or diesel engine.
- Travel destination and kilometres must be recorded.
- Does not apply to vehicles with faulty or no odometers.
- Does not apply to vehicles that do not have a warrant of fitness and valid annual registration.

Motor Vehicle Procurement

All Government vehicles and machineries procured should be relevant for the functions of the Agency and comply with the Cook Islands Government Procurement Policy and the Government Fleet Management Policy.

Other provisions

All records relating to the administration of this Policy must be kept for at least seven years for audit purposes and are only accessible by the employer and/or authorised staff. After the required seven year period, the Agency may destroy the documentation in adherence with Government official information management policies.

The Office of the Public Service Commissioner is responsible for reviewing and/or updating this Policy and associated documents as the need arises or at a minimum once every three years.

Associated Documents

Motor Vehicle Accident Form
Government Fleet Management Policy
CIGOV Occupational Safety and Health Policy
Cook Islands Government Financial Policies and Procedures Manual

Annexed Documents

Approved Users List (Annex 01)
Motor Vehicle Accident Form (Annex 02
CIGFPPM Expense Claim Form (Annex 03)

Other information

For policy queries, contact the Office of the Public Service Commissioner on phone (682) 29421 or email: opsc.policy@cookislands.gov.ck.
This Policy, associated documents and templates can be found on the Public Service Shared Drive and on the OPSC website www.psc.gov.ck.