

# MOTOR VEHICLE USE

## POLICY AND PROCEDURE

### Policy Statement

Mypower Foundations is committed to ensuring that its' clients are able to access the community and be safely transported to activities, appointments and outings.

Contractors and employees are required to use their own vehicles (or vehicles that they have access to) for supporting clients and transporting themselves to and from client shifts. The cost of maintaining, registering, and having business use insurance for the vehicle lies with the owner of the vehicle.

Mypower Foundations has a vehicle available for use when supporting clients, fitted with a wheelchair hoist and a standard vehicle with no modifications.

Mypower Foundations is committed to environmental considerations, such as encouraging employees and contractors to use fuel-efficient vehicles or electric/hybrid cars where possible.

### Definitions

**CTP Insurance (Compulsory Third Party Insurance):** A mandatory insurance that compensates people injured or killed in a motor vehicle accident for which you or the person driving your vehicle is at fault.

**RMS (Roads and Maritime Services):** A state government agency responsible for improving road safety, testing and licensing drivers, and registering and inspecting vehicles.

Vehicles used by contractors and employees need to be insured for **business use**. You need **business car Insurance** if you're using your **car** during work hours. **Business use** includes commuting to and from work, travelling between different work locations or driving to meet clients and transporting clients.

**Ordinary car insurance** will only cover you for so-called 'social, domestic and personal use', which includes visiting friends, driving to the shops or taking a day out.

Car insurance for **business use** is different from **commercial car insurance**, which covers people who use their car as an integral part of their job – such as taxi drivers, delivery drivers or driving instructors.

### Procedure

While driving vehicles for Mypower Foundations' purposes, contractors and employees must comply with traffic legislation, be conscious of road safety and demonstrate safe driving and other good road safety habits, which includes adhering to speed limits and other road signs at all times.

If driving with a client in the vehicle, and the client becomes disruptive or causes safety concerns while being transported, the employee or contractor should find a safe, legal place to pull over as soon as is practicable. The employee or contractor should exit the vehicle if they feel unsafe to a place where they are still in the line of sight of the client, ensuring appropriate strategies are put in place to keep the client safe from overheating if they remain in the vehicle. The employee or contractor should communicate with the client's facilitator or their family member if it is safe to do so advising of the situation. Once the situation has been resolved, an incident form is required to be filled out and submitted within 24hrs of the incident.

Employees or contractors are expected to promptly inform Mypower Foundations if their driver's license gets suspended or if they receive significant traffic violations.

The following actions while driving clients for Mypower Foundations' purposes will be viewed as serious breaches of conduct and termination of contract may be a consequence:

- Drinking or under the influence of drugs while driving.
- Use of a mobile phone or any electronic device unless hands-free while driving, in accordance with local laws
- Driving while disqualified, or not correctly licensed.
- Reckless or dangerous driving causing death or injury.
- Failing to stop after a crash.
- Demerit points leading to suspension of a licence.
- Any actions which warrant suspension of a licence.

Mypower Foundations will pay a travel allowance to the contractor or employee when travelling with a client or in some circumstances, when travelling to or from a client (at the discretion of the director) at a rate per kilometre when using their own vehicle; this claim needs to be included on the client's weekly invoice.

Should the employee or contractor be involved in a motor vehicle accident when travelling with a client, they should:

- Call the police and an ambulance on 000 if there is a serious personal injury.
- Exchange particulars with any other vehicles and drivers involved.
- Advise the Director, family members of the client and the ordinary treating medical practitioner of the client.
- Complete an Incident Report as soon as practical (irrespective of which driver is at fault) and no later than 24hrs after the incident.
- Report the accident to their own motor vehicle insurance company.

Whilst Mypower Foundations has 2 vehicles available to transport clients, contractors and employees will need to provide a five (5) year driving history if requested available for the RMS before being permitted to use that vehicle. Use of

the wheelchair hoist is only permitted when the employee or contractor has had training in its use.

## **Responsibility**

It is the responsibility of the employee or contractor to ensure they:

- Have a current licence whilst driving.
- Drive a registered vehicle with CTP insurance.
- Have the appropriate insurance for their vehicle, having advised their insurer of the business use of the vehicle.
- Have a road-worthy, reliable vehicle.
- Can ensure the client travels comfortably and safely.
- Maintain a high level of professional conduct when driving with a client.
- Drive when fresh and alert
- Pay any fines associated with breaches of their driving performance.
- Provide a five (5) year driving history to the Director upon request before driving any vehicle owned by Mypower Foundations.
- That the client wears seat belts and that child seats, if required, are properly fitted and used.
- Regularly perform routine checks on their vehicles, including brakes, tires, lights, and other essential functions to ensure they are in safe working condition.
- Report any malfunctions or concerns about the Mypower Foundations' vehicles immediately to the management.

## **Relevant Legislation and Policies**

- Privacy Act 1988
- Work Health and Safety Act 2011
- NSW Disability Services Standards
- National Standards for Disability Services
- Disability Discrimination Act 1992
- National Disability Insurance Scheme Act 2013
- NDIS Code of Conduct
- NDIS Quality and Safeguarding Framework
- Universal Declaration of Human Rights
- United Nations Convention on The Rights of Persons with Disabilities
- Road Transport act 2013
- Road Rules 2014 (NSW):
- Motor Accident Injuries Act 2017
- Child Restraints Guidelines