

POLICY:-	
Policy Title:	Loss of Drivers Licence Policy & Procedure
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Resolution Number:	170/16
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PROCEDURES/GUIDELINES:-	
Date procedure/guideline was developed:	16 August 2011
Procedure/guideline reference number:	N/A

RESPONSIBILITY:-	
Draft Policy Developed by:	Human Resources Coordinator
Committee/s (if any) consulted in the development of this policy:	Consultative Committee
Responsibility for implementation:	Human Resource Coordinator
Responsibility for review of Policy:	Human Resources Coordinator

1. PURPOSE

- 1.1 The purpose of this policy and procedure is to provide guidelines in regard to the treatment of Council staff who for whatever reason have incurred a loss of driver's licence.
- 1.2 To ensure as far as reasonably practicable, that Council operations and works programs are not unduly affected as a result of a Council employee's loss of licence.

2. APPLICATION

- 2.1 This policy applies to all employees that require a driver's licence as an essential criteria, to undertake their daily duties, functions and responsibilities.
- 2.2 This policy applies to those employees who are required to hold a current licence to perform their normal duties, functions and responsibilities. This includes all driving licences pertaining to motor vehicles, the operation of an item of Council plant and/or machinery.
- 2.3 This policy does not apply to those employees who do not satisfy the above condition.

3. ENFORCEMENT OF POLICY

- 3.1 This policy is to be enforced across the whole of Council.

4. RECRUITMENT

- 4.1 Where a prospective employee is required to hold a current drivers licence/certificate of competency (COC)/plant operator's ticket to perform their duties, functions and responsibilities as a condition of employment, they shall have the relevant licence viewed at their job interview, verified as current and at the appropriate class and a copy placed on file.

5. COMMENCEMENT DUTIES

- 5.1 Where an employee is required to hold a current drivers licence/COC/ plant operator's ticket to perform their normal duties, functions and responsibilities as a condition of employment, a photocopy of the relevant licence shall be placed on their personnel file and any subsequent renewals shall also be placed on their personnel file.

6. LEARNER DRIVERS

- 6.1 Under no circumstances shall a learner driver be permitted to drive or operate any motor vehicle or item of plant other than when:
 - 6.1.1 They are accompanied by a fully licensed/certified vehicle operator.
 - 6.1.2 They are undertaking their licence/certification for Council use.

7. PROVISIONAL DRIVERS (Red and Green Provisional Licences)

- 7.1 Provisional Drivers may be permitted to drive a motor vehicle or utility (**ONLY**) subject to an assessment by their immediate Supervisor as to their suitability to perform such duties.
- 7.2 The Supervisor shall sight and verify the class of licence held prior to vehicle usage and ensure the employee displays their "P" plates at all times whilst driving a Council vehicle.
- 7.3 Provisional Drivers may be permitted to operate an item of Council plant or machinery requiring a COC subject to an assessment by their immediate Supervisor as to their suitability to perform such duties.
- 7.4 The Supervisor shall sight and verify the COC or Provisional driver's licence prior to usage.
- 7.5 It is preferable that staff with Provisional driver's licences only operate, plant and machinery within Council property or in a restricted worksite, that is, an area under Traffic Control with a Plant Operating Zone delineated.

8. RISK ASSESSMENTS

- 8.1 Each Supervisor shall ensure that all personnel allocated duties on a worksite (**prior to them commencing duties**) which require the employee to drive/operate a motor vehicle or item of Council plant and/or machinery shall have their licence sighted and be required to have their licence in their possession at all times whilst on the worksite.
- 8.2 Where an employee fails to produce their licence they shall be immediately removed from the worksite or allocated other duties until the licence is sighted/verified.

9. ANNUAL REVIEWS

- 9.1 Where an employee is required to hold a current drivers licence/COC/plant operators ticket to perform their duties, functions and responsibilities as a condition of employment, their licence shall be sighted annually at their performance review and a copy filed and noted accordingly.

10. VARIATIONS TO CLASS LICENCE

- 10.1 Where an employee is required to obtain a higher class of drivers licence/COC/plant operator's ticket as determined by a competency review or positional change, Council will assist with on-the-job training where practicable and payment of any test fees applicable. The cost of the licence/COC shall be the responsibility of the employee. Repeat test fees will be at the employees' expense.
- 10.2 Where an employee in Operational Band 1 or Administrative/Technical Trades Band 2 of the Local Government (State) Award 2014 (the Award), as varied from time to time, is required by Council to hold a SafeWork NSW approved certificate or licence, the Council shall reimburse the employee for the cost of such certificate or licence.
- 10.3 Where an employee in Operational Band 1 or Administrative/Technical Trades Band 2 of the Award, as varied from time to time, is required by Council to hold a drivers licence other than class C (car) or R (rider) licence, the Council shall reimburse the employee the difference between the cost of the licence and the cost of a Class C (car) drivers licence.

11. TRAFFIC INFRINGEMENT NOTICES

- 11.1 Any employee, whilst driving/operating a Council vehicle or item of plant or machinery, who incurs a fine imposed for a breach of the traffic regulations, including those relating to parking, is personally responsible for the payment of the fine.

12. REVOCATION, SUSPENSION OR LOSS OF LICENCE/COC/PLANT OPERATOR'S TICKET

- 12.1 Where an employee has lost their licence/COC/plant operator's ticket for any purpose they shall advise their immediate Supervisor within 48 hours of doing so. Failure to do so may result in disciplinary action.
- 12.2 The Supervisor shall as soon as practicable notify the relevant Manager to discuss the matter and determine what action will be taken.

12.3 The loss of an individual employee's licence for employee's that are required to hold a relevant licence, COC and/or plant operators ticket/licence to carry out their duties, functions and responsibilities within Council with respect to the progress of work on Council works programs and operations can be significant. As such the consequences of having a drivers licence revoked, suspended or cancelled by order of the court may result in the following:

12.3.1 Their duties and functions may be revised and the person may be redeployed to another position during the suspension period, depending on the availability of alternative work.

12.3.2 If an employee is disqualified from driving a vehicle or Council plant and/or machinery for a period of up to 90 days(3 months) he or she must advise Council of the disqualification of licence within 48 hours and Council may stand down the employee without pay if it considers that no alternative work is available.

12.3.3 During the stand down period without pay, the employee may utilise any leave entitlement due in the first instance and further, if Council so agrees, may elect to utilise any other accumulated pro-rata leave balance available (excluding sick/carers leave).

12.3.4 If the period of licence disqualification is for a period in excess of 180 days and Council considers that no alternative work is available, then Council will give consideration to the ongoing viability of the employment relationship.

13. COUNSELLING

13.1 The employee will be provided with the option of seeking confidential counselling support from Council's Employee Assistance Program (EAP).

If the employee consents, the Human Resource Coordinator will conduct a meeting with the employee for the purpose of assisting in the facilitation of access to the EAP.

14. RELATED LEGISLATION AND COUNCIL POLICY AND PROCEDURES

The following legislation and Council policies that are relevant to this Policy include:-

- Access to Information Policy;

- Australian Audit Standard AUS210 / ASA240;
- Anti Discrimination Act 1977;
- Bribes, Gifts and Benefits Policy;
- Cash Handling Policy;
- Code of Business Practice;
- Code of Conduct for Councilors, staff and delegates of Council;
- Complaints Management Policy;
- Corporate Credit Card Policy;
- Council's Code of Meeting Practice;
- Crimes Act 1900;
- Delegations of Authority Procedure;
- Disciplinary Policy;
- Drug & Alcohol Policy;
- Employee Assistance Program Policy;
- Environmental Planning and Assessment Act 1979;
- Equal Employment Opportunity Act 1987;
- Equal Employment Opportunity (EEO) Management Plan;
- Fair Work Act 2009 (Cwth);
- Flexible Work Arrangements Policy & Procedure;
- Fraud and Corruption Prevention Policy;
- Government Information (Public Access) Act 2009;
- Grievance Policy;
- Harassment Policy;
- Human Resource Training Plan;
- Human Resource Succession Plan;
- Independent Commission against Corruption Act (ICAC) 1988;
- Industrial Relations Act 1996;
- Injury Incident Management Procedures;
- Internal Reporting – Protected Disclosures Policy;
- Internet and Email Policy;
- Local Government Act 1993;
- Local Government (State) Award 2014;
- Local Government (General) Regulations 2005;
- Manual Handling Policy;
- Mobile Phone Policy;
- NSW Long Service Leave Act;
- NSW State Records Act 1998;
- Paid Parental Leave Act 2010 (Cwth);
- Payment of Expenses and Provision of Facilities Policy;
- Performance & Misconduct Policy;
- Private Works (Projects and Plant Hire) Policy;
- Privacy and Personal Information Protection Act 1998;
- Protective Clothing and Equipment Policy;
- Public Access Policy;
- Public Interest Disclosures Act 1994;
- Public Interest Disclosures Policy;
- Purchasing and Acquisition of Goods Policy and Procedures;
- Recruitment and Selection Policy;

- Rehabilitation Procedure and Practice Policy;
- Secondary Employment Policy;
- Service Delivery Policy;
- Standards Australia 8000 series;
- Statement of Ethical Principles;
- Sun Protection – Council Employees Policy;
- Time in Lieu of Overtime Policy;
- Trade Practices Act 1974;
- Trauma Management Policy;
- Trustees Act 1925;
- Upper Lachlan Shire Council Community Strategic Plan;
- Upper Lachlan Shire Council Resourcing Strategy documentation;
- Upper Lachlan Shire Council Delivery Program and Operational Plan;
- Volunteers Policy;
- Workers Compensation Act 1987;
- Workforce Plan 2016-2020;
- Work Health & Safety Policy;
- Work Health & Safety Act & Regulations 2011;
- Workplace Relations Act 2008.

15. VARIATION

Council reserves the right to review, vary or revoke this policy and procedure.