

Draft NSW Health Policy Procurement and use of vehicles

Dear Member,

Attached is correspondence the HSU has received from NSW Health regarding a draft NSW Health Policy concerning procurement and use of vehicles.

Member feedback requested

The HSU industrial team is currently reviewing the potential impacts of the draft policy. We are now seeking feedback, views and comments from our members.

Please review the attached documentation and provide comment and feedback by close of business Monday 15 October. You can submit it by completing the HSU's feedback form [at this link](#) and emailing it to justine.amin@hsu.asn.au with subject line *NSW Health Vehicles Policy*.

Not a member of the HSU? Now is time to join and have your say! You can join online at www.hsu.asn.au/join or call 1300 HSU NSW and join over the phone.

A union's effectiveness and negotiation power depends upon the strength and density of its membership base. Join your work colleagues today by becoming a member of the Health Services Union and help us continue to protect and improve your working life.

In unity,



Gerard Hayes
Secretary, HSU NSW/ACT/QLD

Memo



Health

**Financial Services and Asset Management Division
Asset Management Branch
TRIM H19/105403**

TO Whom It May Concern

FROM Peter Dicks, Director Asset Management, NSW Ministry of Health

TEL 02 9391 9726 DATE 30/09/2019

SUBJECT **DRAFT Procurement and use of vehicles within NSW Health Policy for comment**

I write to request your feedback in relation to the draft policy document attached, regarding *Procurement and use of vehicles within NSW Health*, which replaces the current policy directive document *Motor Vehicle – Use of within NSW Health (PD2014_051)* and incorporates principles outlined in the guideline document *Motor vehicle acquisition and management practices for NSW Department of Health (GL2011_010)*.

This revised policy makes reference to NSW Treasury and Ministry of Health vehicle acquisition requirements and reflects on roles and responsibilities of individuals for both public and private use of vehicles procured by NSW Health.

Please return your comments to MOH-AssetManagement@health.nsw.gov.au by close of business Tuesday, 15 October 2019.

If you have any questions or require further information please contact Ellie Kallianis, Manager Asset Strategy NSW Health on 0429 776 303, email to Ellie.Kallianis@health.nsw.gov.au or Susan Bundschuh, Cluster Fleet Manager HealthShare on 9612 1917, email to Susan.Bundschuh@health.nsw.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read "PR Dicks".

Peter Dicks
**Director Asset Management
NSW Health**

Procurement and use of vehicles within NSW Health



Issue date: September - 2019
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1 BACKGROUND

1.1 About This Document

This Policy Directive advises of the Motor Vehicle Policy that applies to NSW Health employees, as well as defining personal use of motor vehicles within NSW Health. It provides guidance specific to NSW Health organisations and is supplementary to the NSW Government Motor Vehicle Operational Guidelines (available on the NSW Procure Point website).

1.2 Key Definitions

Term	Definition
Business use	defined under the <i>Fringe Benefits Tax Assessment Act 1986</i> as a journey undertaken in the car in the course of producing an assessable income of the employee
Employee	person employed by NSW Health as defined within this policy
Fleet Management Provider (FMP)	a contracted fleet provider under NSW Government Contract 300
Fleet Manager	an health organisation officer role
Fringe Benefit Tax or FBT	the tax levied on benefits obtained by employees in respect of their employment
Garaging	refers to situations in which an employee is permitted to take a vehicle home overnight
NSW Health Executives	NSW Health Executives both Health Service Senior Executives and Public Service Senior Executives
Household	a family group living in the same domestic dwelling
Log Sheet / Running Sheets	a book containing the running sheets which logs all trip details undertaken by a pool vehicle and all business trips undertaken by a packaged vehicle consistent with ATO policy
NSW Health	any health organisation, in which staff of NSW Health are employed and all other bodies and organisations under the control and direction of the Minister for Health or the Secretary of the Ministry of Health
NSW Health organisation	any health organisation, in which staff of the NSW Health are employed
Personal Use	refers to the use of an health organisation vehicle for a non-business purpose. It generally includes travel to and from the usual workplace. Also referred to as private travel
Pool Vehicle	is a NSW Health vehicle that is not a 100% private vehicle or a vehicle dedicated for a specific purpose i.e. Patient Transport vehicle, which is available for general use during business hours, and is to be utilised as a shared resource, this can include vehicles on a business/private option

Private Travel	defined under the <i>Fringe Benefits Tax Assessment Act 1986</i> as any vehicle travel use that is not exclusively in the course of producing assessable income by an employee
TESL	Training, Education and Study Leave

1.3 Legal and Legislative Framework

- Work Health and Safety Act 2011
- Fringe Benefits Tax Assessment Act 1986
- Road Transport Act 2013 No 18

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2 MOTOR VEHICLE POLICY FOR NSW GOVERNMENT AGENCIES

NSW Procurement, within NSW Treasury is responsible for the NSW Government Motor Vehicle Operational Guidelines.

The NSW Government Motor Vehicle Operational Guideline outlines the factors that must be addressed in the management of NSW Health's motor vehicles.

NSW Government mandates that each health organisation must implement a fleet management system or use a contracted Fleet Management Provider under the NSW Government Contract 300.

Attention is particularly drawn to Section 4.4.1 of the NSW Government Motor Vehicle Operational Guideline which provides that personal use of a vehicle within a fleet is not permitted unless such use is formally authorised by the relevant Chief Executive or otherwise provided for under an industrial instrument or other Government policy.

Link follows:

<https://www.procurepoint.nsw.gov.au/buying/fleet-and-related-services-0>

3 PROCUREMENT

3.1 Vehicle Acquisition

NSW Health must source vehicles from the NSW Government Motor Vehicle Prequalification Scheme - Approved Vehicle List (AVL), which is managed and accessible via NSW Procurement.

Vehicles on the AVL are selected based on being fit-for-purpose government pool vehicles and reflects the public perception of what constitutes an appropriate government fleet. Upon acquisition all vehicles procured by a NSW Health organisation must be entered to the AFM Online asset management system by the health organisation.

The AVL follows the EuroNCAP Roadmap, which requires increasing safety requirement be met, year on year, to continue to earn specified ANCAP star ratings. It also follows the mandates that all light motor vehicles progressively improve their CO2 emission to remain on the AVL.

NSW Procurement conducts regular Request for Quotation (RFQ) for the AVL to obtain the most cost efficient and fit for purpose vehicles for each vehicle category. Health organisation fleet managers should procure vehicles from the current RFQ list of vehicles.

The procurement process is managed by the health organisation nominated fleet manager or delegate, advice regarding invoicing management and processing can be sought via HealthShare. Once a lease contract has been entered into by the health organisation it is the responsibility of the health organisation to ensure an accurate asset and contract record is entered into the Asset and Facilities Online (AFMO) system to ensure payment schedules are implemented in accordance with NSW Treasury requirements and leasing standards, and to support ongoing best practise for lease and asset management purposes.

3.2 Accessories

Motor vehicles must not include non-essential accessories. All non-essential accessories require a strong business case that is substantiated by a service need and business outcome. The fitting of such accessories is to be expressly approved by the Chief Executive or delegate. NSW Ministry of Health Chief Procurement Officer approval is required in cases where non-essential accessories are requested. Refer to NSW Government Motor Vehicle Operational Guidelines for further information.

Personalised number plates are not permitted on NSW Health fleet vehicles including 100% private vehicles.

3.3 Minimum retention periods

NSW Treasury requirements from 1 July 2011 state all passenger and light commercial vehicles, whether leased or owned must 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 60,000 kilometres, whichever comes first.

3.4 Lower emissions target

In accordance with the NSW Electric and Hybrid Vehicle Plan, 10% of new general purpose passenger fleet vehicles leased or purchased by NSW governance agencies are to be of electric or hybrid transmission from financial year 2020-2021. To support this initiative it is recommended that, if a vehicle is available in both a petrol and electric/hybrid motor option on the AVL, the electric/hybrid model be given preference. In cases where a petrol model is preferred, the acquisition health organisation must seek an exemption from the Chief Procurement Officer.

4 USE OF MOTOR VEHICLES

4.1 Pool Vehicles

These are vehicles which are available for business use purposes, comprise part of a NSW Health organisation fleet and are not allocated for private use.

Business travel is defined by the ATO as a journey undertaken in the car exclusively in the course of producing assessable income of the employee see [Fringe Benefits Tax Assessment Act 1986 No 39](#) and [NSW Treasury Fringe Benefits Tax Manual](#).

Where possible, Agencies must place health service vehicles into pools to optimise utilisation.

4.1.1 Garaging of Pool Vehicles

Employees may garage a vehicle at their homes:

- a) When their duties include a requirement to provide a service in an emergency, or
- b) When their duties require them to undertake, prior to the next ordinary working day, other official duties which require the use of a motor vehicle, or
- c) When they will proceed to duty directly from their home on the following day, at a location away from their normal place of work, or

- d) Where the NSW Health organisation lacks suitable overnight secure parking. In these circumstances employees who reside in close proximity to the NSW Health organisation facility may be allocated the vehicle.

In respect of (b) and (c) above, consideration is to be made as to whether by giving permission will result in reduced vehicle usage or more effective use of the employee's time on duty.

Ad hoc use of vehicles on official business, where overnight garaging is required, is to be approved in writing by the Chief Executive or delegated person. Where on-going approval is required in individual (e.g. emergency) or group (e.g. community nurses) circumstances the Chief Executive or delegated person is to approve. A register of such approvals authorising employees to garage NSW Health organisation fleet vehicles at their home on an on-going basis is to be maintained and reviewed quarterly by the Audit Committee of the NSW Health organisation.

Under no circumstances is transport to and from work to be offered as an inducement to, or the continuation of, employment.

During out-of-hours-use no person, other than the authorised employee, is to use the vehicle and the vehicle cannot be used for private purposes other than the authorised travel to and from the employee's residence. All travel is to be recorded by the driver of the vehicle and stored by the Health organisation.

Pool vehicles are to be returned to the fleet for any periods of planned leave. In instances of unplanned leave (e.g. sick leave) or where the period of planned leave is short (e.g. one day), management may consider that return of the vehicle is not warranted. In these instances the employee is to contact their supervisor to determine whether arrangements are to be made to return the vehicle.

Employees should be notified by the local Fleet Manager of any FBT liability that they may incur through the use of an official pool vehicle by the health organisation prior to entering the vehicle for use.

4.1.2 Contingent Worker, Volunteers and Students – access to pool vehicles

Contingent workers, contractors, volunteers and students on placement are permitted to drive a health vehicle under the following provisions:

- The health organisation authorises them to use a vehicle in accordance to their delegation manual;
- Volunteers and Students complete a driver licence form and agree to adhere to the health organisation's motor vehicle procedures;
- A copy of their driver's licence is kept on file by the health organisation, for insurance and infringement purposes;
- They have a current and appropriate drivers licence for the vehicle.

Contractors can access a pool vehicle in circumstances where a NSW Health organisation vehicle is required to carry out the contracted work or as part of the contracted service. However, where contingent workers or contract employees have provision for travel included in their contract, access to pool cars will require the approval of the health organisation Chief Executive or delegate.

Under no circumstances are contractors, volunteers and students permitted to use an official vehicle for private purposes.

4.2 Private use of a Health Service Vehicle

4.2.1 Health Executive Employees

Health Executive employees can only select vehicles available on the Approved Vehicle Listing (AVL).

Any private use of a government-owned or leased vehicle under this arrangement must have accurate cost recovery from the driver.

Any business/private salary packaging of a motor vehicle 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 in the executive and non-executive salary packaging motor vehicle charges and guidelines, available on ProcurePoint and must adhere to the minimum NSW Treasury requirements.

Reconciliation can be completed using the lowest cost method in accordance with ATO Guidelines.

Health Executives employees must provide an estimated percentage of private use to calculate their motor vehicle contribution.

In the event the HSSE employee does not maintain running sheets, the cost of the employee's undocumented travel is to be calculated on a 100% private basis.

A HSSE employee allocated a health service vehicle for private use must ensure other persons authorised by them to use the vehicle are appropriately licensed.

4.2.2 Specialist Medical Administrators

A Specialist Medical Administrator employed in accordance with Clause 25 of the [Staff Specialists \(State\) Award](#) may make a once-only election for the term of the Award to either:

- (i) accrue the Training, Education and Study Leave (TESL) funding entitlement pursuant to this clause; or
- (ii) use a motor vehicle consistent with Health Service Senior Executive guideline and charges.

The election must be made within one month of the date of commencement of the Award, or the commencement of employment.

If a Specialist Medical Administrator elects option (ii) above, he/she will be entitled to access an amount of Training, Education and Study Leave annual funding entitlement which represents the difference in value between (i) and (ii) above. With regard to the accumulation of the funding entitlement, a Specialist Medical Administrator who elects option (ii) above may accumulate the same dollar value as a Specialist Medical Administrator who elects option (i) above. The number of days of Training, Education and Study Leave available shall be reduced by the same proportion as the annual funding entitlement is reduced.

This provision shall not apply to Senior Medical Practitioners who are not Specialist Medical Administrators employed in accordance with Clause 25 of the Award

NB: In accordance with NSW Treasury requirements all vehicles acquired, must be retained for a minimum period as stated in section 3.3 of the policy.

4.2.3 Full Private Use Employees

Health Employees who regularly require the use of a health organisation vehicle for official purposes during the normal course of their duties may be offered the allocation of a motor vehicle for private use.

Private use of a NSW Health vehicle is not permitted unless such use is authorised by the health organisation Chief Executive, or otherwise provided for under an industrial instrument or in this Policy Directive. Chief Executive approved arrangements are not transferrable if the employee were to relocate to another health organisation. Upon transfer to another health organisation, permission to commence a private use agreement must be granted by the relevant Chief Executive.

When an offer for full private use is made, it must clearly indicate whether the private use extends to;

- travel to and from place of work;
- other after hours and general weekend running; and
- travel during periods of leave.

Fleet needs will determine whether a vehicle will be allocated on a business/private basis. Fleets are not to be expanded to cover allocations under this clause. Vehicles cannot be allocated on a 100% private basis under this arrangement. Fleet vehicles must be pooled during business hours.

When an official vehicle is allocated to an employee for business/private purposes, it is subject to the following restrictions;

- the vehicle is not to be driven by any person other than the employee or their nominee, being one other member of the employee's Household; and
- This nominee must have a current unrestricted Australian driver's licence.

NB: Notwithstanding the above, where specific methods of charging for motor vehicles use for particular classifications of employees were determined by the Health Administration Corporation prior to November 1997 and have not subsequently been varied or rescinded, those approved arrangements and methods of charging for the particular classifications of employees will prevail over the charges and methodology specified in this policy.

4.2.4 Contribution rate for private usage

Employees of the NSW Health Service permitted private use of a NSW Health vehicle are required to contribute at a rate determined by the Secretary from time to time. The applicable rates are detailed by way of Information Bulletin, (Motor Vehicles – Award Employees – Charges for Private Use).

Annual registration, insurance, roadside service arrangements, maintenance and running costs including fuel will be paid by NSW Health. Cost for cleaning of vehicles is to be met by the Employee and is not to form a charge against the employing organisation.

At the start of any 12 month period, Employees who have been granted approval to have private use of a NSW Health motor vehicle, are to nominate an estimated proportion of private travel, i.e., *up to and including 15,000 km, or greater than 15,000 km.*

Charges are to be levied each pay cycle. If an employee ceases the arrangement, no adjustment is to be made to the rate of charge. For example, if an Employee nominates the *greater than 15,000 km* tier, ceases the arrangement after 3 months after travelling

5,000 private km, this employee would be required to pay 3 months' worth of the higher rate. A *pro rata* calculation is to be applied as follows:

$$\text{Annual Rate} \times \frac{\text{Number of days used}}{365.25}$$

Reconciliation is required on an annual basis to establish that the appropriate contribution rate has been paid (i.e. up to and including, or greater than 15,000 km) and if necessary, the employee must pay the additional contribution or receive a refund as appropriate. Where it is evident during the year that an employee has nominated an inappropriate annual total kilometre tier, the employee is to be contacted by the Fleet Management Provider with a view to amending the contribution rate during the annual period so that the employee does not have to pay or receive a large adjustment at year's end.

Employees are responsible for the payment of any insurance excess if damage occurs while the vehicle is being used for private purposes, where the employee or nominated driver (if applicable) is the driver at fault, as determined by NSW Police.

The payment by the employee to the public health organisation is payment for a taxable supply and, as such, 1/11th is payable by the health organisation as GST. The rates are not to be grossed-up, as a cost structure used to determine these rates is inclusive of GST. The NSW Health organisation can claim input tax credits on actual running costs (i.e. fuel, tyres, servicing and repair costs).

4.2.5 Access to vehicles during leave

Approval must be given by the relevant Chief Executive or delegate for the motor vehicle to be used by an employee during any leave period over four working days subject to a limit of six weeks per annum for annual leave or any other type of leave. In granting such approval the Chief Executive or delegate must be satisfied the business needs of the organisation will be met during the period the motor vehicle is unavailable. Employees are required to pay for all fuel used during periods of leave greater than four days. The organisation is to determine the most appropriate method of ensuring that employees pay for all fuel used during leave (e.g. recoup petrol card expenditure from employee or inform the employee they are not to use the official fuel card during the period of leave). The applicable annual rate is not to be adjusted when the vehicle is returned to the pool during periods of leave.

5 GENERAL PROVISIONS

5.1 Fleet Provisions

Chief Executives must ensure that motor vehicles approved for allocation to employees for private use at no direct charge to the employee (e.g. emergency on call) are integrated as part of the organisation's fleet and meet a genuine business need.

NSW Health has the right to require any NSW Health vehicle to be available for use by other staff for official purposes. Vehicles are to be available for use by other employees of NSW Health on a daily basis. This availability takes precedence over private use. These vehicles are to be parked on work site each day unless the officer is on approved leave.

Decisions in relation to fleet needs, access to a vehicle for private purposes and vehicle type are the responsibility of the Chief Executive or their delegate. Decisions made

should be fully documented and retained on an appropriate file for review by internal audit.

5.2 Written acceptance of conditions

Written acceptances are required for employees under arrangements 4.2.1 (Health Executive Service), 4.2.2 (Full Private Use) and for those employees approved on an on-going basis under 4.1.1 (Pool Vehicles). Written acceptance is to include an express acknowledgement by the employee that continued access to a NSW Health vehicle for private use is conditional upon acceptance of any future variations made either to charges or conditions of use of vehicles as may be determined by the Ministry of Health from time to time, and they are aware that a FBT liability may be incurred for any private use.

5.3 Running sheets

Running sheets must be kept for all journeys undertaken in fleet vehicles. Running sheets are to be submitted monthly with month end odometer readings specified and a monthly inspection when required by the health organisation.

The use of telematics management systems is encouraged where implementation supports strategic business outcomes, which may include;

- improving Workplace Health and Safety;
- improving asset management by location;
- improving driver behaviour and decreasing consumable costs; or
- increasing efficiency by automated capture of vehicle usage data to replace manual logbook data entry.

Health organisations should note the Workplace Surveillance Act 2005 before entering into telematics management arrangements for fleet management (refer to Part 2, Section 10 and Section 13). Any telematics solution must be Australian Taxation Office (ATO) compliant for Fringe Benefit Tax (FBT) purposes.

5.4 E-Tags & Tolls

HES and equivalent officers are not to be allocated business electronic toll collection tags (e-Tags) for the purpose of paying tolls on any Australian toll road. These officers must use personal e-Tags and claim back any work related toll usage from their employing health organisation.

Vehicles allocated to employees for Full Private Use (i.e. contributions made) use are not to be issued a business use e-Tag unless the vehicle is pooled during the day and used by other staff members.

Any tolls incurred on business issued e-Tags during private travel/personal use must be met by the employee who incurred the toll.

5.5 Fuel

Fuel can be provided in both petrol and electric form. For hybrid or electric vehicles that are privately garaged, a separately metred power outlet must be installed at the expense of the employee to enable the health organisation to reimburse charging costs incurred.

All employees are required to use E10 where this is practicable, available, cost-effective and within manufacturer guidelines.

The use of private loyalty or rewards cards for fuel purchases is prohibited.

Full private users are responsible for incurring the cost of fuel usage (petrol or electric) whilst on periods of leave longer than four days.

5.6 Motor vehicles accidents and Insurance

In the event of a motor vehicle accident, the driver must adhere to the provisions specified in section 287 of the Road Rules 2014 (NSW). In addition, the driver must;

- render assistance to any person injured;
- arrange emergency services as required; and
- not admit liability or fault.

NSW Health vehicles are agency insured and underwritten by Insurance and iCare NSW (iCare).

5.7 Departure check and monthly inspections

All employees who are authorised to use a motor vehicle must inspect the vehicle prior to departure for any damage or faults and report them to the Fleet Manager or Department Manager. If no inspection is conducted prior to use, the employee may be held liable for unreported faults or damage. The vehicle must not be used until the vehicle is deemed fit for purpose.

5.8 No Smoking

Smoking is prohibited in NSW Government vehicles.

5.9 Mobile phone use

Any driver of a vehicle must not use a mobile phone (or other telecommunication device) whilst in control of a vehicle, unless the mobile phone is secured in a hands-free device mounting and connected to a voice activated wireless communication unit. Under no circumstances are drivers permitted to touch a mobile device while the vehicle is moving, or stationary but not parked (in accordance with Road Rules 2014).

Learner and Provisional (P1 and P2) drivers are not permitted to use any function of a mobile device (including hands-free) while driving NSW Health vehicles.

5.10 Infringements and obligations

Employees using NSW Health vehicles are personally responsible for meeting the cost of parking, speeding, red light cameras or other types of motor vehicle infringements issued by law enforcement bodies.

This cost is not to be paid for by the NSW Health. Infringement notices for fleet and pool vehicles received by the NSW Health Financial Services and Asset Management Branch must be devolved from the name of the vehicle owner (Health Administration Corporation) to the driver through statutory declaration with advice provided to the Office of State Revenue accordingly within the strict timeframes.

6 DISPOSAL OF MOTOR VEHICLES

6.1 Disposal of agency owned vehicles

The disposal of NSW Health agency owned vehicles is to be managed by the Fleet Management Provider under Government Contract 603 – state contract for disposal of motor vehicles.

Upon receipt of proceeds of sales advice, a disposal form is submitted to the delegated officer of the relevant NSW Health agency under section 8.8 of the [Combined Delegations Manual](#) to dispose of surplus or unserviceable goods.

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.

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.

6.2 Disposal of leased vehicles

At the conclusion of the lease period disposal of the vehicle must be arranged through the Fleet Management Provider. Prior to sale, vehicles are to be rectified using the NSW Government Vehicle Condition Assessment document in order to maximise resale value. Each health organisation will manage the condition of their fleet to limit wear and tear consistent with service requirements of the Master Operating Lease Agreement.

Post disposal of any vehicle the fleet lease record identified in AFM Online must be retired by the health organisation prior to data entry of any replacement fleet lease contact into the AFM Online system.

7 LIST OF ATTACHMENTS

1. Implementation Checklist
2. NSW Government Vehicle Operational Guidelines

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Attachment 1: Implementation checklist

LHD/Facility:			
Assessed by:		Date of Assessment:	
IMPLEMENTATION REQUIREMENTS	Not commenced	Partial compliance	Full compliance
1.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<u>Notes:</u>		
2.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<u>Notes:</u>		
3.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<u>Notes:</u>		
4.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<u>Notes:</u>		
5.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<u>Notes:</u>		
6.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<u>Notes:</u>		

Attachment 2: NSW Government Motor Vehicle Operational Guide

https://www.procurepoint.nsw.gov.au/system/files/documents/mvog_final_15.07.19.pdf