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PUBLIC SERVICE (GOVERNMENT VEHICLES) REGULATIONS 2017

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Cabinet makes the following Regulations under section 130 of the *Public Service Act 2016*:

PART 1 - PRELIMINARY

1. CITATION

These Regulations may be cited as the *Public Service (Government Vehicles) Regulations 2017*.

2. COMMENCEMENT

These Regulations commence on the day they are notified in the Gazette.

3. DEFINITIONS

In these Regulations:

'employee' includes public service employees, contract employees, temporary employees and all other persons and officers employed under the Act and whom are authorised to drive Government vehicles;

'leave' includes recreation leave, study leave, official leave, special leave and leave without pay;

'Motor traffic laws' means the Motor Traffic Act 2014 and any other relevant law;

'Public service' subject to the provisions of the Constitution, means the service of the Republic of Nauru;

'the Act' means the *Public Service Act 2016*;

'use' includes to drive;

'vehicle' means a Government issued or Government owned vehicle and includes a vehicle funded or donated under a Project or Programme or a vehicle provided by Development Partners.

4. APPLICATION

These Regulations apply to all employees who have been assigned or have the use of or access to a vehicle.

PART 2 – VEHICLES

5. VEHICLE COLOUR CODES

- (1) All vehicles shall be coded with coloured labels as follows:
 - (a) Green – full use by Heads of Departments and employees who have contractual entitlement to the personal use of vehicle;
 - (b) Yellow – emergency service workers, shift workers;
 - (c) Red – limited use during official hours between 9am to 5pm only on Monday to Friday.
- (2) All vehicles with Red labels shall be parked at the car parks allocated by the Heads of Departments after 5pm every day including the weekends.

6. RESPONSIBILITIES

- (1) The Heads of Departments shall:
 - (a) monitor the usage of vehicles, where necessary; and
 - (b) display the Regulations conspicuously on a notice Board or in a place the employees can easily access.
- (2) An employee who is assigned or has access to a vehicle shall:
 - (a) only use the vehicle for public service related purposes, unless expressly excluded in the Regulations or under his or her contract of employment;
 - (b) not use the vehicle for any activities which are in violation of the laws of the Republic;
 - (c) keep the vehicle clean and in good repair;
 - (d) have a valid Nauruan driver's license with a photocopy of the licence provided to his or her Head of Department;

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- (e) not transfer or tamper with the colour code of any vehicle;
- (f) not remove the vehicle registration number plate; and
- (g) not drive a vehicle without a vehicle registration number plate affixed at both the front and rear of the vehicle.

7. AUTHORISED USE OF GOVERNMENT ISSUED VEHICLES

- (1) All employees assigned or having access to a vehicle shall ensure the vehicles are used in accordance with the authorisation given by the Chief Secretary, applicable laws and the terms and conditions of their contracts.
- (2) The personal use of a vehicle extends only to:
 - (a) a Head of Department; and
 - (b) an employee who has a contractual entitlement to the personal use of a vehicle.
- (3) The Chief Secretary may vary the authorisation for the use of a vehicle on an application by an employee on any terms as the Chief Secretary thinks fit.
- (4) An approval under sub-regulation (3) shall be in writing and issued to the employee prior to the use of a vehicle.
- (5) An authorisation to drive a vehicle may be cancelled by a Head of Department in consultation with the Chief Secretary if an:
 - (a) employee's driver's licence expires;
 - (b) employee's driver's licence has been revoked;
 - (c) employee has been disqualified from driving by the Court; or
 - (d) employee breaches any:
 - (i) condition of the authorisation for the use of the vehicle;
 - (ii) motor traffic law; or
 - (iii) terms and conditions of his or her contractual use of the vehicle.

8. RENTAL VEHICLES

A Head of Department shall not hire a rental vehicle for public service use without the prior approval of the Chief Secretary.

9. VEHICLES FOR CONSULTANTS

A Consultant engaged by the Republic shall not have the use of a vehicle or a rental vehicle paid for by a Department unless provided for under his or her contract.

10. USE AND POSSESSION OF VEHICLE DURING LEAVE

- (1) An employee shall return the keys to the vehicle in his or her possession to his or her Head of Department before going on leave unless the Chief Secretary has provided written consent for the use of the vehicle during the period of leave.
- (2) The employee shall ensure that the vehicle is parked in a safe place during the period of his or her leave or absence from office.

11. PROHIBITED USE

- (1) The following is prohibited conduct in relation to the use of vehicles:
 - (a) smoking in vehicles;
 - (b) drinking alcohol in vehicles;
 - (c) driving of vehicles while under the influence of alcohol or narcotic or intoxicating drugs;
 - (d) subject to Regulation (5), using the vehicles for leisure activities including, but not limited to gambling;
 - (e) using the vehicles for commercial activities or secondary employment;
 - (f) using the vehicles to tow boat trailers or to transport other fishing gear; and
 - (g) permitting unauthorised persons to drive the vehicles.

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- (2) For the purposes of this regulation, '*permitting*' means express or implied authority or allowing access to a vehicle to unauthorised persons which includes the failure to store the vehicle keys safely.
- (3) A contravention of sub-regulation (1) may result in the employee being summarily dismissed from public service employment.

12. MOTOR TRAFFIC LAWS

- (1) All employees shall act in accordance with all motor traffic laws.
- (2) An employee who contravenes any motor traffic law shall:
 - (a) defend himself or herself if any prosecution is undertaken; and
 - (b) pay any fine, penalty or compensation ordered by the court.

13. REGISTRATION AND INSURANCE

- (1) The Republic shall ensure that all vehicles have:
 - (a) valid motor vehicle registration certificates; and
 - (b) third party insurance pursuant to the Motor Traffic Act 2014.
- (2) The Heads of Departments are responsible for any fines relating to the condition of the vehicles including the renewal of annual registration and third party insurance.

14. ACCIDENTS OR INCIDENTS REPORTS

- (1) The employee shall report in writing including by electronic means, to his or her Head of Department, within 24 hours if the vehicle is involved in an accident or is stolen.
- (2) The Head of Department shall submit the report to the Chief Secretary for his or her consideration.
- (3) If a vehicle is damaged as a result of an act or an omission of the employee, the employee shall pay for:
 - (a) the damage to the vehicle; and

- (b) any expenses incurred by the Government for any rental vehicles acquired as replacements for the damaged vehicles.
- (4) If a vehicle is involved in an accident without any act or omission of the employee, the employee shall pay for the damage to the vehicle, which sum shall be reimbursed by the Government upon identification of the person who caused the damage.
- (5) An employee, who is the driver of a vehicle involved in an accident shall provide an accident or incident report in the prescribed form in the Schedule to his or her Head of Department within 5 days from when the accident or incident took place.

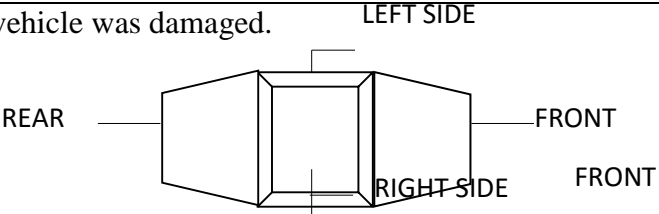
15. PENALTIES

- (1) In addition to the penalty prescribed in Regulation 11(3), if an employee breaches these Regulations, the employee's vehicle privileges shall be withdrawn either permanently or for a term determined by the Chief Secretary.
- (2) A breach of these Regulations shall be a ground:
 - (a) for disciplinary action under the Act; or
 - (b) a surcharge for loss or destruction of or damage to a vehicle.
- (3) For the purposes of these Regulations, ignorance of law is not a defence to any action which may be taken by the Republic against an employee for any breach of the Regulations.

16. EXISTING POLICIES

These Regulations supersede all vehicle policies in effect prior to the notification of these Regulations.

SCHEDULE
PUBLIC SERVICE (GOVERNMENT VEHICLES) REGULATIONS 2017
ACCIDENT/INCIDENT REPORT FORM

Date and time of accident/incident	Driver's Name	Department
Driver's contacts (phone and email)		
Details of vehicle concerned (registration number, colour, make etc.)		
Driver's Statement: <i>Please explain fully and clearly what happened. Continue on a separate sheet of paper if needed. (Provide location, names, other vehicles involved etc.)</i>		
Did you report this to the Police? If yes, when? If no, why not?	Who were the witnesses if any?	
If possible, provide diagram of the scene of the accident/incident.		
Circle where the vehicle was damaged.		
		
Describe full extent of damage to the vehicle:		
Date/Time and signature by driver upon submitting this form.	Date/Time and signature of Head of Department upon receiving this report.	