



Federal Chamber of Automotive Industries Code of Conduct for the Use of Press Cars

Introduction

This Federal Chamber of Automotive Industries (**FCAI**) *Code of Conduct for the Use of Press Cars* (**Code**) sets out the principles the Members, Media Representatives should uphold concerning the use of Press Cars.

The Code has been developed to ensure the Media:

1. uphold the integrity of Press Cars;
2. take appropriate care in their treatment of the Press Cars; and
3. ensure the safety of all drivers and the public when in control of the Press Cars.

Definitions

All Drivers means the Media Representative and Other Drivers.

Press Cars are motor vehicles loaned to Media Outlets for the Term to allow the Media Representatives and Other Driver to research, review and analyse the Press Car for the purposes of including but not limited to, creating media articles, reviews, blogs, social media content and other media uses.

Media Representative(s) includes any journalist, freelance writer or writer/blogger taking custody of a Press Car on behalf of a Media Outlet or in their own right to research, review and analyse the Press Car for the purposes of including but not limited to, creating media articles, reviews, blogs, social media content and other media use.

Media Outlet means the entity which the Media Representative works, owns, is an agent for, is employed or is contracted to.

Members mean the FCAI members, as appears on the FCAI website, as amended from time to time.

Other Drivers include any driver, with a current and valid drivers licence, given permission to drive the Press Car by the Media Representative who holds custody of the Press Car during the Term.

Owner is the Member who owns or supplies the Press Car.

Press Car Loan Form outlines the Member's terms and conditions for use of a Press Car.

Term means the period between the Commencement Date or the date the Media Representative takes possession of the Press Car (whichever is later) and the Return Date or the date on which the Press Car is returned to the Owner (whichever is later).

Endorsement

This Code has been endorsed by the FCAI and the Members.

Commencement

The Code is effective as of 1 March 2017.

Purpose

This Code aims to ensure Press Cars are available to the media via the Media Representatives and that Press Cars are returned to the Owner in an appropriate condition.

Capacity

By applying to loan a Press Car, the Media Representative enters agrees to be bound by this Code (and any applicable terms in the relevant Press Car Loan Form) in their personal capacity and on behalf of their Media Outlet (if any).

The Media Representative warrants to have all requisite authority, powers and consents, to bind their Media Outlet (if any) to the terms of this Code and the relevant Press Car Loan Form.

The Media Representative and the Media Outlet undertakes to ensure that all Other Drivers also receive a copy of this Code, understand its terms, and agree to abide by it at all material times.

Professional conduct

Who can Drive

- Only the Media Representative may drive or use the relevant Press Car, unless the Owner agrees.
- The Media Representative must ensure that the details of All Drivers (or all proposed drivers) are included in the relevant Press Car Loan Form.
- All Drivers must provide the Owner with either an original certified copy of, or enable the Owner to sight and take a copy of, their valid, current, Australian or international drivers licences prior to the commencement of the Term.
- The Owner may agree or reject any Other Drivers proposed on the relevant Press Car Loan Form at the Owner's sole discretion.
- The Media Outlet and the Media Representative must not allow any person who is not an Other Driver, approved by the Owner, to drive or use the relevant Press Car whatsoever.
- Members reserve the right to, at their absolute discretion, to refuse Press Cars to any/all Media Representatives, Drivers and/or Media Outlet(s).

All Drivers – General Obligations

- All Drivers must hold and maintain a valid current Australian or valid international drivers licence and have their drivers licence in their possession at all times while driving the Press Car during the Term.
- All Drivers must drive the Press Car in a responsible manner and with due care and diligence, including strictly obeying all relevant legislation, regulation, policy and guidelines, inclusive of

all safety-related rules and regulations imposed by owners of private/public facilities such as off-road courses and racetracks.

- All Drivers must only use the Press Car for the purpose it was provided by the Owner, and not use the Press Car for any purpose that the Press Car is not designed for.
- All Drivers warrant to not turn off, or otherwise intentionally do or fail to do anything to diminish the effectiveness of, any safety feature of the Press Car, including electronic stability control (ESC). All Drivers acknowledge that doing so may void insurance policies and result in the Media Representative being solely responsible for any damage, loss, claim or similar attributable to the turning off any safety feature of the Press Car.
- All Drivers warrant to adhere to any in-Press Car status warnings (**Warnings**), and take immediate action to reasonably attend to same. All Drivers and Custodians must notify the Owner of any Warnings during the Term.
- Without limiting the generality of All Drivers' obligations under this section, the following are a list of things that All Drivers must, or must not do:
 - All Drivers must not use the Press Car on any private test tracks, race tracks, or non-gazetted roads for any purpose whatsoever without the prior written consent of the Owner, which may be given or withheld at the Owner's sole discretion, and with or without conditions.
 - All Drivers must not, and must allow anyone to, intentionally, wilfully or maliciously damage the Press Car.
 - All Drivers must ensure that they, and any passengers in the Press Car, are wearing seat belts while the Press Car is in use.
 - All Drivers must ensure that any loads carried or towed by the Press Car is properly and safely secured, and that the Press Car is not required to carry or tow any load that is in excess of what the Press Car is designed for.
 - All Drivers must not, and must ensure no other person, smokes in the Press Car.
 - All Drivers must maintain all operating fluids (e.g. fuel, coolant, oil, etc) and the tyre pressure of the Press Car is maintained at an appropriate or correct level at all times.
 - All Drivers must not use the Press Car in any way whatsoever if they are under the influence of alcohol or drugs.
 - All Drivers must not carry any dangerous, flammable, noxious or illicit substances in the Press Car, except for a reasonable emergency fuel container.
 - All Drivers must ensure that the number of passengers in the Press Car does not exceed the number that the Press Car was designed for.

Media Representative and Media Outlet

- The Media Representative and Media Outlet must:
 - sign and strictly comply with all terms of the relevant Press Car Loan Form and this Code;
 - ensure the Press Car is kept in a safe location, at the Media Representative's and the Media Outlet's risk;
 - report damage or theft of the Press Car to the Owner as soon as possible, but no later than 24 hours after becoming aware of such damage or theft;

- ensure All Drivers comply with all terms of the relevant Press Car Loan Form and this Code; and
- while the Press Car is loaned to the Media Outlet/Media Representative, pay all costs and expenses of operating, possession, using, or parking the Press Car, whatsoever, including, but not limited to:
 - parking expenses and tolls;
 - parking or speeding fines, infringements, costs of impoundment or immobilization;
 - any costs and expenses of consumable goods used in conjunction with the Press Car (e.g. fuel, coolant, oil, etc, as necessary).

Owner

- The Owner will provide the Custodian with this Code and the Press Car Loan Form, which must be signed by the Custodian.
- The Owner will hand over the Press Car to the Custodian in a registered and roadworthy condition.

Liability

- The Media Representative, all Drivers and Media Outlet must have and maintain sufficient public liability insurance during the Term.
- The Media Representative and the Media Outlet must have and maintain all other insurances required by the Owner, pursuant to the Press Car Loan Form.
- The Media Representative and the Media Outlet (jointly and severally if more than one) hereby:
 - release the Owner from;
 - are responsible for;
 - indemnify, keep indemnified, and hold harmless, the Owner against; and
 - must pay on demand;

any cost, expense, damage, demand, fines, penalties or claims (including any insurance excess) in relation to the use and possession of the Press Car during the term, including any third parties property damage or personal injury or death.

I, _____ (Media Representative), hereby agree to abide by the Terms of this FCAI Code of Conduct for the Use of Press Cars

SIGNED

DATED