

Australian Capital Territory

# **Public Sector Management Amendment Standards 2007 (No 1)**

**Disallowable instrument DI2007-64**

made under the

**Public Sector Management Act 1994, s 251 (Management Standards)**

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I amend the Standards as set out below.

Catherine Hudson  
Commissioner for Public Administration

02/03/2007

Approved under the Public Sector Management Act 1994, s 251 (Management Standards)

Jon Stanhope  
Chief Minister

28/02/2007

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**1 Name of instrument**

This instrument is the *Public Sector Management Amendment Standards 2007 (No 1)*.

**2 Commencement**

This instrument commences on the day after its notification day.

**3 Legislation amended**

This instrument amends the *Public Sector Management Standards 2006*.

**4 Part 7.3**

*substitute*

## **Part 7.3 Executive Vehicles**

**551 Interpretation – pt 7.3**

In this part:

*business use* means the use of an executive vehicle for purposes associated with the operation of the agency.

*executive* means:

- (a) an executive; or
- (b) a chief executive.

*executive vehicle* means a self drive and private plated passenger motor vehicle which is provided to an executive as part of their total remuneration package, and includes any vehicle provided in lieu of that vehicle.

**monthly lease rate** means the base lease rate for a vehicle based on a lease term of 24 months or 40,000 kilometres, quoted by the Territory's fleet manager at the time an order is placed for the vehicle.

**people mover** means a small van with the capacity of carrying a maximum of eight passengers, including the driver.

**private use** means the use of an executive vehicle for private or non-business purposes.

**statutory office** means an office established under an Australian Capital Territory law.

**sedan** means a car with:

- (a) two rows of seating; and
- (b) four doors; and
- (c) a separate boot; and
- (d) the capacity of carrying a maximum of five passengers, including the driver.

**wagon** means a car with:

- (a) two rows of seating; and
- (b) four doors; and
- (c) an extended interior providing additional space behind the rear row of seating; and
- (d) a separate boot accessible by a door or tailgate; and
- (e) the capacity of carrying a maximum of five passengers, including the driver.

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**551A Application – pt 7.3**

- (1) This part applies to:
  - (a) executives; and
  - (b) full time statutory office holders, subject to subsection (2).
- (2) This part does not apply to:
  - (a) the clerk of the Legislative Assembly; or
  - (b) the Chief Justice of the Supreme Court; or
  - (c) Judges of the Supreme Court; or
  - (d) acting Judges of the Supreme Court; or
  - (e) the Master of the Supreme Court; or
  - (f) the Chief Magistrate; or
  - (g) Magistrates.
- (3) In this part a reference to an executive includes a reference to a full time statutory office holder to whom this part applies.

**551B Executive Vehicle Entitlement**

- (1) An executive shall be entitled to the use of a four cylinder executive vehicle, within the Territory's leasing arrangements.
- (2) An executive shall be entitled to a parking space for the executive's vehicle at or near the executive's principal place of work.
- (3) If an executive vehicle is to be returned, replaced, purchased or transferred, this must be done in accordance with the requirements of the fleet provider and the *Guidelines for the Management and Use of Executive Vehicles*.

**551C Executive Vehicle Entitlement - Part Time Executives**

- (1) Subject to subsection (2), an executive who works regular hours but is engaged on a part time basis will continue to receive the vehicle entitlement as if they were a full time executive.
- (2) The administering chief executive as defined in the *Public Sector Management Act 1994* section 3, may approve requests, made in writing from the relevant agency chief executive, that the vehicle entitlement of an executive engaged on a part time basis be restricted to a pro rata basis.
- (3) Having regard to all circumstances, the administering chief executive, in consultation with the relevant agency chief executive, is required to consider and advise on the administrative arrangements required for the provision of a pro rata vehicle entitlement.

**552 Choice of Motor Vehicle**

- (1) When entering into a lease for an executive vehicle with the fleet provider, an executive is entitled to choose an executive vehicle, subject to:
  - (a) the requirements of this section; and
  - (b) the requirements of the fleet provider; and
  - (c) the specifications in the *Guidelines for the Management and Use of Executive Vehicles*.
- (2) The vehicle models available to an executive with an executive vehicle entitlement are:
  - (a) a sedan; or
  - (b) a wagon; or
  - (c) a people mover.



- (3) The vehicle selected by an executive must be a four cylinder vehicle.
- (4) The vehicle model selected by an executive must be suitable for business use at the ordinary place of work of the executive.
- (5) An executive vehicle may be Australian made or imported.
- (6) An executive must select a vehicle with a value no greater than the relevant monthly lease rate set out in table 552.

*Note* In table 552 the executive remuneration zone listed in column 1 is the zone determined in the Public Sector Management Standards section 38.

*Note* In table 552 the monthly lease rate is GST exclusive.

**Table 552**

<b>column 1</b>	<b>column 2</b>
<b>Remuneration Zone</b>	<b>Monthly Lease Rate Entitlement</b>
Zone 1 or equivalent remuneration	\$662
Zone 2 or equivalent remuneration	\$733
Zone 3 or equivalent remuneration	\$842

- (7) Where a statutory office holder receives remuneration that does not align with a remuneration zone as determined in section 38 of the Public Sector Management Standards the administering chief executive as defined in the *Public Sector Management Act 1994* section 3, must determine the appropriate monthly lease rate.
- (8) The administering chief executive as defined in the *Public Sector Management Act 1994* section 3, may, on a case-by-case basis and having regard to the particular circumstances, consider requests from other chief executives to exceed the monthly lease rate set out in table 552 by up to 5%.

### 553 Payment in Lieu of an Executive Vehicle Entitlement

- (1) An executive may elect to receive payment in lieu of the entitlement to an executive vehicle for the value set out in table 553.

*Note* In table 553 the executive remuneration zone is the zone determined in the Public Sector Management Standards section 38.

*Note* In table 553 the value of payment is GST exclusive.

**Table 553**

<b>column 1</b>	<b>column 2</b>
<b>Remuneration Zone</b>	<b>Value of Payment in Lieu</b>
Zone 1 or equivalent remuneration	\$15,000 per annum
Zone 2 or equivalent remuneration	\$15,500 per annum
Zone 3 or equivalent remuneration	\$17,000 per annum

- (2) Where a statutory office holder receives remuneration that does not align with a remuneration zone as determined in section 38 of the Public Sector Management Standards the administering chief executive as defined in the *Public Sector Management Act 1994* section 3, must determine the appropriate value of payment in lieu.
- (3) Payment in lieu of an executive vehicle will be paid in fortnightly instalments.
- (3) Where an executive elects to receive payment in lieu of an executive vehicle, the executive:
- is entitled to retain access to a parking space; and
  - is not entitled to access any other entitlements provided under this part.
- (4) An executive may elect to receive payment of \$1,500 in lieu of the entitlement to a parking space.
- (5) Payment in lieu of a parking space will be paid in fortnightly instalments.

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- (6) Where an executive is engaged on a part time basis, and is restricted to a pro rata vehicle entitlement under section 551C, any payment in lieu of the entitlement to an executive vehicle must be made on a pro rata basis.

#### **554 Executive Vehicle Modification**

- (1) If an executive has a disability that affects his or her ability to drive a standard vehicle, the executive shall be entitled to such modifications the relevant chief executive certifies in writing as being reasonably necessary to enable the executive to drive a vehicle.
- (2) If a chief executive has a disability that affects his or her ability to drive a standard vehicle, the chief executive shall be entitled to such modifications or options as the Commissioner certifies in writing as being reasonably necessary to enable the chief executive to drive a vehicle.
- (3) An executive shall be able to choose optional items of equipment to be fitted to his or her executive vehicle in accordance with requirements specified in the *Guidelines for the Management and Use of Executive Vehicles*.
- (4) Any other modification to an executive vehicle must be made in accordance with the requirements specified in the *Guidelines for the Management and Use of Executive Vehicles*.

#### **554A Executive Vehicle Maintenance and Running Costs**

- (1) Subject to subsection (3) all executive vehicle maintenance costs will be met by the Territory.
- (2) All running costs of an executive vehicle will be met by the Territory.
- (3) Where, as a result of the conduct of the driver of an executive vehicle, the Territory's insurance arrangements will not respond in

part or in whole to a claim for damage to an executive vehicle, the driver (or where the driver is the executive or a person nominated by the executive, the executive) will be required to meet the repair costs, not covered by the Territory's insurance arrangements, associated with restoring that executive vehicle.

**554B Executive Vehicle Care**

- (1) An executive must ensure that due care and security is afforded to executive vehicles.
- (2) In accordance with subsection (1), an executive who home garages an executive vehicle must:
  - (a) park the executive vehicle behind the property line; and
  - (b) if possible, park the executive vehicle under cover.

**555 Authorised Use of an Executive Vehicle**

- (1) Any driver of an executive vehicle must:
  - (a) hold an appropriate license; and
  - (b) obey all traffic laws and parking restrictions; and
  - (c) abide by the requirements outlined in the Guidelines for the Management and Use of Executive Vehicles.
- (2) The driver in control of an executive vehicle is personally responsible for any breaches of traffic laws and parking restrictions, and must pay any fines incurred.

**555A Business Use of an Executive Vehicle**

- (1) Subject to subsection (2), when an executive is at his or her normal place of work the executive must bring the executive vehicle to work and make it available for business use by the executive's agency during normal business hours.

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- (2) When an executive's vehicle is being repaired or serviced, or undergoing a similar process, the executive is not required to bring the executive vehicle to his or her normal place of work.
  - (3) Officers and employees who drive an executive vehicle are subject to the same conditions related to the authorised use of that vehicle as the executive.
  - (4) Staff of the executive's agency who use the executive vehicle must:
    - (a) report vehicle accidents and defects to the agency; and
    - (b) record accurate and timely information on business use of the vehicle; and
    - (c) ensure that all cargo is properly secured; and
    - (d) abide by the requirements outlined in the *Guidelines for the Management and Use of Executive Vehicles*.

#### **555B Private Use of an Executive Vehicle**

- (1) An executive may use an executive vehicle for private purposes outside of normal business hours.
- (2) An executive vehicle may only be driven for private purposes by:
  - (a) the executive to whom the vehicle is provided; or
  - (b) an appropriately licensed driver nominated by the executive to the agency who is approved by the agency.
- (3) The executive's agency shall maintain a register of drivers approved to drive executive vehicles for private purposes.
- (4) Drivers approved to drive an executive vehicle for private purposes are subject to the same conditions of authorised use of that vehicle as the executive.
- (5) An executive must not use an executive vehicle for personal gain, or the personal gain of any other person.

- (6) An executive must not permit another person to use an executive vehicle for the executive's personal gain, or the personal gain of any other person.

**556 Record Keeping**

- (1) An agency must keep appropriate records on the use of executive vehicles:
  - (a) for Fringe Benefits Tax calculation and audit purposes; and
  - (b) to enable the monitoring of the executive vehicle use for servicing and replacement purposes.
- (2) An agency is responsible for the calculation and payment of any Fringe Benefits Tax liability associated with executive vehicles.

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**Endnotes**

**1 Notification**

Notified under the Legislation Act on 8 March 2007.

**2 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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