

Australian Capital Territory

# **Public Sector Management Amendment Standards 2010 (No 4)**

**Disallowable instrument DI2010-193**

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

18/8/2010

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

Jon Stanhope  
Chief Minister

16/8/2010

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# Public Sector Management Amendment Standards 2010 (No 4)

Disallowable instrument DI2010-193

made under the

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

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**1 Name of instrument**

This instrument is the *Public Sector Management Amendment Standards 2010 (No 4)*.

**2 Commencement**

This instrument commences on 24 August 2010.

**3 Legislation amended**

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

**4 Section 551**

substitute

**551 Application—pt 7.3**

This part applies to chief executives, executives and statutory office holders.

**5 Section 551A**

*substitute*

**551A 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) a chief executive employed under the Act, section 28 or section 30; or

- (b) an executive employed under the Act, section 72 or section 76;  
or
- (c) a statutory office holder to whom this part applies.

***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.

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

***statutory office holder*** means—

- (a) the holder of an office established under an Australian Capital Territory law and prescribed in Table 1.1 of Remuneration Tribunal Determination 3 of 2010, as varied; or
- (b) the holder of an office established under an Australian Capital Territory law and prescribed in Determination 5 of 2010, as varied; or
- (c) any determination by the Remuneration Tribunal which supersedes Determination 3 of 2010 and applies to full-time holders of public offices; or
- (d) any determination by the Remuneration Tribunal which supersedes Determination 5 of 2010 and applies to the part-time presidential member of the ACT Civil and Administrative Tribunal.

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**6 Section 551C**

*substitute*

**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 may agree to a recommendation from the chief executive of the relevant administrative unit, 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 chief executive of the relevant administrative unit, is required to consider and advise on the administrative arrangements required for the provision of a pro rata vehicle entitlement.

*Note* The usual pro rata arrangement will be pro rata payment in lieu in accordance with section 553.

**7 Section 552**

*substitute*

**552 Choice of motor vehicle**

- (1) When entering into a lease for an executive vehicle an executive is entitled to choose an executive vehicle, subject to—
  - (a) the requirements of this section; and
  - (b) the requirements of the territory's fleet provider; and
  - (c) the specifications in the whole of government policy for executive vehicle management.

- (2) The vehicle selected by an executive must be a four cylinder vehicle.
- (3) The vehicle model selected by an executive must be suitable for business use at the ordinary place of work of the executive.
- (4) The vehicle model selected by an executive must not be a high performance, luxury or prestige vehicle.
- (5) The vehicle selected by an executive may be Australian made or imported.
- (6) The vehicle selected by an executive must be valued by the fleet provider at or below the applicable vehicle value set out in table 552.

*Note* The vehicle value is the value on the day the quotation is provided by the fleet provider.

- (7) An executive is entitled to choose optional items of equipment for an executive vehicle provided:
  - (a) the equipment is approved; and
  - (b) the total value of the vehicle with the equipment does not exceed the applicable vehicle value set out in table 552.

**Table 552**

<b>column 1</b>	<b>column 2</b>
<b>remuneration zone</b>	<b>maximum vehicle value (excluding GST)</b>
Zone 1 or equivalent remuneration	\$38,800
Zone 2 or equivalent remuneration	\$41,800
Zone 3 or equivalent remuneration	\$46,000

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

*Note 2* In table 552 the maximum vehicle value listed in column 2 is determined by the manufacturer's recommended retail price.

- (8) Where a statutory office holder receives remuneration that does not align with a remuneration zone as determined in section 38, the administering chief executive must determine the appropriate maximum value applicable to the vehicle entitlement of the statutory office holder.

## **8 Section 553(2)**

*omit*

as defined in the *Public Sector Management Act 1994* section 3,

## **9 New section 553A**

*insert*

### **553A Changing to payment in lieu of an executive vehicle entitlement**

An executive who has elected to use an executive vehicle may subsequently elect to receive payment in lieu of an executive vehicle:

- (a) from the date the lease of the executive vehicle ends; or
- (b) with the agreement of the administering chief executive, where the administering chief executive:
  - (i) has received a recommendation from the relevant chief executive; and
  - (ii) is satisfied that there are exceptional circumstances that warrant agreement.

**10 Section 554(1)**

*omit*

shall

*insert*

will

**11 Section 554(2)**

*omit*

shall

*insert*

will

**12 Section 554(3)**

*omit*

shall be able to

*insert*

may

*insert after executive vehicle management*

provided the manufacturer's recommended retail price does not exceed the maximum value prescribed in Table 552.

**13 Section 554B(2)**

*omit*

In accordance with subsection (1),

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## Endnotes

**1 Notification**

Notified under the Legislation Act on 20 August 2010.

**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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