

Australian Capital Territory

Public Sector Management (Executive Employee Conditions of Employment) Amendment Standards 2013 (No 1)

Disallowable instrument DI2013-187

made under the

[Public Sector Management Act 1994](#), s 251 (Management Standards)

I amend the Standards as set out below.

Andrew Kefford
Commissioner for Public Administration

Date 19/6/13

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

Katy Gallagher
Chief Minister

Date 21/6/13

J2013-277

Australian Capital Territory

Public Sector Management (Executive Employee Conditions of Employment) Amendment Standards 2013 (No 1)

Disallowable Instrument DI2013-187

made under the

[Public Sector Management Act 1994](#), s 251 (Management Standards)

Contents

| | Page |
|--|------|
| 1 Name of instrument | 1 |
| 2 Commencement | 1 |
| 3 Legislation amended | 1 |
| 4 Parts 9.1 to 9.3 | 1 |
| 5 Choice of motor vehicle Section 647 (7), note 1 | 28 |
| 6 Section 647 (8) | 28 |
| 7 New section 647 (9) | 28 |
| 8 Payment in lieu of an executive vehicle entitlement Section 648 (1), note 1 | 28 |
| 9 Section 648 (2) | 29 |

Contents

| | | Page |
|----|-----------------------------|------|
| 10 | New section 648 (8) | 29 |
| 11 | Dictionary, new definitions | 29 |

1 Name of instrument

This instrument is the *Public Sector Management (Executive Employee Conditions of Employment) Amendment Standards 2013 (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 Parts 9.1 to 9.3

substitute

Part 9.1 Executive employee conditions of employment

618 Application—pt 9.1 etc

Parts 9.1, 9.2, 9.3, 9.3A, 9.3B and 9.3C apply to an executive employee contract entered into on or after the commencement of this part.

619 Executive employee—conditions of employment

- (1) Unless otherwise provided by the Act or these management standards, an executive employee's conditions of employment are made up of—
 - (a) the conditions stated in the employee's contract of employment with the Territory (the *contract conditions*); and

- (b) the provisions in chapter 9 (excluding part 9.4); and
 - (c) any other condition imposed by law.
- (2) A contract condition that is inconsistent with a provision in chapter 9 (excluding part 9.4) is void to the extent of the inconsistency.

Part 9.2 Executive employee's functions

620 Executive employee functions—generally

An executive employee's functions are set out in—

- (a) the Act; and
- (b) the management standards; and
- (c) the employee's contract of employment with the Territory; and
- (d) other Territory and Commonwealth law.

621 Executive employee functions—financial management

An executive employee must, for each financial year, ensure that expenditure for the directorate or business unit for which the employee is responsible is equal to or less than the budget (including any variation) approved by the relevant person for the employee for the directorate or business unit.

Part 9.3 Executive employee remuneration

622 Executive employee salary

An executive employee must be paid a cash amount determined in accordance with the following:

- (a) the Act;
- (b) these management standards;
- (c) any determination made by the Chief Minister or the remuneration tribunal under the *Remuneration Tribunal Act 1995*;
- (d) any relevant industrial instrument.

623 Executive employee entitlements generally

An executive employee must be given all entitlements, benefits or allowances determined by, or provided for, under the following:

- (a) the Act;
- (b) these management standards;
- (c) any determination made by the Chief Minister or the remuneration tribunal under the *Remuneration Tribunal Act 1995*;
- (d) any relevant industrial instrument;
- (e) any relevant Territory and Commonwealth law.

Part 9.3A Working out executive employee remuneration

624 Definitions—pt 9.3A

In this part:

assessed work value—see section 626 (2).

base remuneration—see section 628.

independent job evaluation methodology—see section 626 (1).

remuneration, in relation to an executive employee, means—

- (a) the employee's salary; and
- (b) the entitlements given to the employee under section 623.

salary, in relation to an executive employee, means the cash amount paid to the employee under section 622.

total remuneration point, for an executive employee office—see section 625.

625 Meaning of *total remuneration point*—pt 9.3A

In this part:

total remuneration point, in relation to an executive employee office that has an assessed work value in a range mentioned in table 625, column 2, means the figure mentioned in column 3 for that range of assessed work value.

Table 625 Table of total remuneration points

| column 1 item | column 2 range of assessed work value | column 3 total remuneration point |
|------------------|--|--------------------------------------|
| 1 | 680 – 735 | 1.1 |
| 2 | 736 – 791 | 1.2 |
| 3 | 792 – 899 | 1.3 |
| 4 | 900 – 1000 | 2.4 |
| 5 | 1001 – 1200 | 2.5 |
| 6 | 1201 – 1299 | 2.6 |
| 7 | 1300 – 1488 | 3.7 |
| 8 | 1489 – 1679 | 3.8 |
| 9 | 1680 – 1870 | 3.9 |
| 10 | 1871 – 2061 | 3.10 |
| 11 | 2062 – 2249 | 3.11 |
| 12 | 2250 + | 3.12 |

626 Assessed work value for an executive employee office

- (1) The head of service must approve a methodology (the *independent job evaluation methodology*) for working out the work value of an executive employee office.
- (2) For this part, an *assessed work value*, for an executive employee office, means the work value determined for the office by applying the independent job evaluation methodology.
- (3) An executive employee office must be given an assessed work value.

627 Circumstances where assessed work value for an executive employee not required

- (1) The head of service may decide that an assessed work value for an executive employee office does not apply to the office—
 - (a) if—
 - (i) a person is to be employed under the [Act](#), section 76 (Executives—temporary contracts) to exercise the functions of the office; and
 - (ii) the head of service decides that it is in the interests of the service for an assessed work value not to apply to the office while the person is engaged to exercise the functions of the office; or
 - (b) if—
 - (i) a new administrative unit is established; and
 - (ii) a person is engaged under the [Act](#), section 30 (Directors-general—temporary contracts).

- (2) In the application of this section to an autonomous instrumentality, a reference to the head of service is a reference to the chief executive officer of the instrumentality.

Note **Autonomous instrumentality**—see the [Act](#), dictionary.

- (3) If the head of service decides that an assessed work value for an executive employee office does not apply to the office in relation to a person, the head of service must decide the total remuneration point for the person.
- (4) The Chief Minister may decide that an assessed work value for an executive employee office does not apply to the office if—
- (a) a person is to be employed under the [Act](#), section 23J (Head of service—temporary contract) to exercise the functions of the office; and
 - (b) the Chief Minister decides that it is in the interests of the service for an assessed work value not to apply to the office while the person is engaged to exercise the functions of the office.
- (5) If the Chief Minister decides that an assessed work value for an executive employee office does not apply to the office in relation to a person, the Chief Minister must decide the total remuneration point for the person.

628 Executive employee—base remuneration

For this part, **base remuneration** for an executive employee office means the remuneration determined by the remuneration tribunal for the total remuneration point for the executive employee office.

Note **Remuneration** means salary and entitlements (see s 624).

629 Head of service may approve higher remuneration—new executive employees

- (1) The head of service may on the head of service’s own initiative, or on request by a director-general, approve remuneration for a new executive employee that is more than the base remuneration.

Note Power given by a law to make a decision includes power to reverse or change the decision (see [Legislation Act](#), s 180).

- (2) The head of service may only approve remuneration under subsection (1) if the head of service—

(a) has consulted with the commissioner; and

(b) is satisfied of at least 1 of the following circumstances:

(i) the vacancy in the executive employee office was advertised at the base remuneration for the office and no suitable person successfully applied for the position;

(ii) having regard to advice from the entity responsible for preparing the independent job evaluation methodology, a higher remuneration is necessary to attract a suitable person to the position;

(iii) for a new executive employee that was employed outside the service immediately before being offered employment in the executive employee office—the employee received higher remuneration for the employment outside the service than the base remuneration for the executive employee office.

(c) is satisfied that the remuneration is fair having regard to the remuneration of other executive employees in the service.

- (3) For a new executive employee to whom subsection (2) (b) (iii) applies, the head of service must not approve remuneration that is more than 10% higher than the base remuneration.

-
- (4) For a proposed engagement of a new executive employee to an office that is, or will become, vacant—
- (a) a request under subsection (1) may only be made before the executive employee is engaged; and
 - (b) the higher remuneration approved by the head of service may be advertised in relation to the vacancy.
- (5) A director-general may only delegate the power to make a request under subsection (1) to another director-general or an executive.
- (6) In this section:
- new executive employee* means a person to be engaged in an executive employee office who has not previously been engaged under a contract for the same executive employee office.

630 Contract variation to increase total remuneration point

- (1) For the [Act](#), section 23E (2) (b), section 28AB (2) (b) and section 72A (2) (b), a variation to an executive employee's contract may increase the employee's remuneration if—
- (a) the employee's job responsibilities have been increased; and
 - (b) a new work value assessment has been done and a higher total remuneration point applies to the office to which the employee is engaged; and
 - (c) 1 of the following applies:
 - (i) if the total remuneration point that applies to the office before the new work assessment falls within zone 1—the higher total remuneration point falls within zone 1;
 - (ii) if the total remuneration point that applies to the office before the new work assessment falls within zone 2—the higher total remuneration point falls within zone 2;

632 Warranty by executive employee

An executive employee warrants that he or she—

- (a) is and will continue to be a fit and proper person; and
- (b) has disclosed to the relevant person for the executive employee any conviction or finding of guilt for an offence relating to the employee (other than an offence for which the conviction is spent).

633 Disclosure of material interests

- (1) This section applies to an executive employee engaged under a contract of employment for 3 months or longer.
- (2) An executive employee must give to the relevant person for the employee a written statement of material interests relevant to the employee's employment—
 - (a) before entering into the employee's contract of employment; and
 - (b) at the end of every 12 month period after the employee's contract starts.
- (3) The statement must be in a form approved by the head of service.
- (4) An executive employee must tell the relevant person for the employee in writing if the employee has a material interest relevant to the employee's employment that has not been disclosed to the relevant person as soon as practicable after the relevant facts come to the employee's knowledge.

(5) In this section:

indirect interest—without limiting the kinds of indirect interests a person may have, a person has an ***indirect interest*** in a matter if any of the following has an interest in the matter:

- (a) an associate of the person;
- (b) a corporation if the corporation has not more than 100 members and the person, or an associate of the person, is a member of the corporation;
- (c) a subsidiary of a corporation mentioned in paragraph (b);
- (d) a corporation if the person, or an associate of the person, is an executive officer of the corporation;
- (e) the trustee of a trust if the person, or an associate of the person, is a beneficiary of the trust;
- (f) a member of a firm or partnership if the person, or an associate of the person, is a member of the firm or partnership;
- (g) someone else carrying on a business if the person, or an associate of the person, has a direct or indirect right to participate in the profits of the business.

material interest—an executive employee has a ***material interest*** relevant to the employee's employment if the employee has—

- (a) a direct or indirect financial interest in a matter relevant to the employee's employment; or
- (b) a direct or indirect interest of any other kind if the interest could conflict with the proper exercise of the employee's functions of the office to which the employee has been engaged.

634 Confidentiality of information

An executive employee must not, after stopping being an employee in the service, disclose any confidential information acquired by the employee as a consequence of the employee's employment in the service without the written approval of the relevant person for the employee.

Note The [Act](#), s 9 (m) imposes an obligation of confidentiality on an executive employee while the employee is employed in the service.

635 Equity and diversity—director-general responsibilities

A director-general must take all reasonable steps to—

- (a) prepare an equity and diversity plan for the directorate for which the director-general is responsible—
 - (i) for a new directorate—within 3 months after the unit is established; and
 - (ii) for an existing directorate—before the end of the previous plan; and
- (b) ensure the plan is implemented by the directorate; and
- (c) monitor the implementation of the plan; and
- (d) report to the head of service on the directorate's implementation of the plan.

Division 9.3B.2 Performance

636 Performance agreement

- (1) An executive employee must give the relevant person for the employee a draft performance agreement within 3 months after the start of the employee's contract of employment.
- (2) The head of service must—
 - (a) approve the draft performance agreement; or
 - (b) after consulting with the executive employee, amend and approve the performance agreement.
- (3) A performance agreement must comply with any policy approved by the head of service.
- (4) The executive employee must comply with the terms of the employee's approved performance agreement.

636A Underperformance

- (1) This section applies if the relevant person for an executive employee considers that the employee—
 - (a) has not met or is not meeting requirements or targets set out in the employee's approved performance agreement; or
 - (b) has not complied with section 621 (Executive employee functions—financial management); or
 - (c) is otherwise not working to a satisfactory level.

- (2) The relevant person for the executive employee may decide to manage the employee's performance but may only do so by following—
 - (a) if the head of service has made a policy under section 636B—the policy; or
 - (b) principles of natural justice and procedural fairness.

636B Performance policy

- (1) The head of service may approve a policy setting out the procedures for dealing with underperformance by an executive employee.
- (2) The head of service must ensure the procedures are consistent with principles of natural justice and procedural fairness.

Division 9.3B.3 Misconduct

636C Misconduct

- (1) This section applies if the relevant person for an executive employee receives an allegation that the employee has engaged in misconduct.
- (2) The relevant person for the executive employee may, by written notice to the employee, do 1 or more of the following:
 - (a) suspend the employee from work without pay;
 - (b) suspend the employee from work with pay;
 - (c) transfer the employee to other duties.

(3) If, after investigating the allegation, the relevant person for the executive employee is satisfied on reasonable grounds that the employee has engaged in misconduct the relevant person may do 1 or more of the following:

- (a) counsel the employee;
- (b) give the employee a warning;
- (c) transfer the employee to other duties;
- (d) deduct a monetary penalty from the employee's salary.

Note 1 For the deduction of a monetary penalty from an executive employee—see the [Act](#), s 250A.

Note 2 The relevant person for the executive employee may, on behalf of the Territory, terminate the employee's employment (see s 636F).

(4) In taking action under subsection (2) and (3), the relevant person for the executive employee must follow—

- (a) if the head of service has made a policy under section 636D—the policy; or
- (b) principles of natural justice and procedural fairness.

(5) For subsection (2) (a) and (b), notice of suspension must state—

- (a) the day on which the suspension starts; and
- (b) the reason for the suspension; and
- (c) the day on which the suspension ends.

(6) In this section:

misconduct includes—

- (a) conduct that harms, or is likely to harm, the reputation of the service or the Territory; and
- (b) a breach of the [Act](#), section 9.

636D Misconduct policy

- (1) The head of service may approve a policy setting out the procedures for dealing with misconduct by an executive employee.
- (2) The head of service must ensure the procedures are consistent with principles of natural justice and procedural fairness.

Division 9.3B.4 Termination

636E Termination by the executive employee

An executive employee may terminate the employee's employment at any time, for any reason, on giving the relevant person for the employee—

- (a) at least 8 weeks written notice; or
- (b) some other period of notice agreed by the parties.

636F Termination by the Territory

- (1) The relevant person for an executive employee may, on behalf of the Territory, terminate the employee's employment at any time, for a reason mentioned in subsection (2), on giving the employee—
 - (a) at least 8 weeks written notice; or
 - (b) some other period of notice agreed by the parties.
- (2) An executive employee's employment may be terminated if the relevant person for the employee is satisfied on reasonable grounds that—
 - (a) the employee has engaged in misconduct; or

Note The employee's employment may be terminated without notice for serious misconduct (see s (3)).

- (b) the employee has failed to comply with the conditions of the employee's employment; or
 - (c) changes to operational requirements result in substantial change to the nature of the work of the office for which the employee was engaged; or
 - (d) the employee breaches the warranty mentioned in section 632; or
 - (e) after the employee's underperformance has been managed in accordance with section 636B—the employee is continuing, or is likely to continue, to underperform.
- (3) The relevant person for an executive employee may, on behalf of the Territory, terminate the employee's employment at any time, without notice, if the relevant person is satisfied on reasonable grounds that the employee has engaged in serious misconduct.
- (4) A notice under subsection (1) must state the reason for terminating the executive employee's employment.

Part 9.3C Executive employee financial entitlements

636G Meaning of *continuous recognised service*—pt 9.3C

For this part, a period of *continuous recognised service* for an executive employee is a period worked out in the same way an officer's period of service is worked out for long service leave in section 64 (Recognition of prior service—long service leave).

636H Meaning of *transitional executive*—pt 9.3C

In this part:

transitional executive means a director-general or executive who—

- (a) was an ACT Senior Executive Service officer immediately before the commencement of the *Public Sector Management (Amendment) Act 1995* (repealed); and
- (b) has been continuously employed by the Territory from the commencement of the *Public Sector Management (Amendment) Act 1995* (repealed).

Note Continuous employment with the Territory may include an appointment to a full-time statutory office established under a territory law.

636I Head of service and director-general employment benefit

- (1) This section applies to a person engaged under the [Act](#), section 23C (Head of service—engagement) or section 28 (Directors-general—engagement).
- (2) The Chief Minister may approve in writing the payment to a person of an amount (an *employment benefit*) if—
 - (a) for an employment benefit equivalent to 20% or less of the person's salary—the Chief Minister is satisfied of the requirements of subsection (3); or
 - (b) for an employment benefit equivalent to more than 20% of the person's salary—
 - (i) an assessed work value has been determined for the relevant office; and
 - (ii) the Chief Minister considers—
 - (A) the assessed work value for the relevant office; and

- (B) the requirements under subsection (3); and
 - (C) market rate pressures; and
 - (D) the specialist skill and expert technical knowledge of the person; and
 - (E) any other relevant matter; and
- (iii) the Chief Minister is satisfied that it is appropriate to approve the employment benefit under this section.
- (3) The Chief Minister may only approve an employment benefit to a person if satisfied that—
- (a) the person is suitable for employment as the head of service or a director-general; and
 - (b) the benefit is necessary to secure, or retain, the person's employment as the head of service or a director-general.
- (4) If the Chief Minister approves the payment of an employment benefit to a person, the benefit—
- (a) starts on the day and is for the amount stated in the approval; and
 - (b) unless stated in the approval, applies for the term of the person's contract; and
 - (c) if the employment benefit is equivalent to 20% or less of the person's salary—may be increased by the Chief Minister at any time during the term of the person's contract; and
 - (d) may be reduced or ended by the Chief Minister if the person's salary is increased, but not so as to reduce the amount paid to the person to an amount less than the sum of—
 - (i) the salary paid to the person before its increase; and
 - (ii) the benefit.

- (5) To avoid doubt, the payment of an employment benefit is in addition to any remuneration determined by the Remuneration Tribunal under the *Remuneration Tribunal Act 1995*.
- (6) An employment benefit must be paid by fortnightly payments.
- (7) An employment benefit is taken to be salary for all purposes including—
 - (a) superannuation; and
 - (b) paid leave; and
 - (c) a payment instead of termination notice period under section 636J; and
 - (d) a special benefits payment under section 636K, section 636L or section 636M.
- (8) If a person takes leave on reduced pay the person's employment benefit must be reduced on an equivalent basis.
- (9) In this section:
assessed work value—see section 626 (2).

636J Payment instead of termination notice period

- (1) If notice of termination is required under an executive employee's contract of employment, an amount equal to the employee's salary for that period of notice may, at the election of the employer or employee, be paid to the employee instead of giving notice.
- (2) A payment made instead of notice under this section is in addition to a payment made under section 636K, section 636L or section 636M.

636K Special benefit payable on early termination of contract—generally

- (1) This section applies if—
 - (a) an executive employee, other than a transitional executive, is engaged under a contract mentioned in any of the following provisions of the [Act](#):
 - (i) section 23F (Head of service—early termination of contract);
 - (ii) section 28A (Directors-general—early termination of contract);
 - (iii) section 73 (Early termination of contract); and
 - (b) the executive employee’s contract is terminated by a person other than the employee.
- (2) If the reason the executive employee’s contract is terminated is because of a change to operational requirements that results in a substantial change to the nature of the work required under the contract, the benefit payable in relation to the termination—
 - (a) is an amount equivalent to 2 weeks of the employee’s salary for every completed year of continuous recognised service; and
 - (b) must not take into account any period of service for which the employee has received a special benefit or redundancy type payment in relation to employment in the service or the public service of another jurisdiction; and
 - (c) must not be more than an amount equivalent to 44 weeks of the employee’s salary.

-
- (3) If the reason the executive employee's contract is terminated is because the employee failed to disclose a conviction or finding of guilt for an offence (other than an offence for which the conviction is spent), the benefit payable in relation to the termination—
- (a) is an amount equivalent to 2 weeks of the employee's salary for every completed year of continuous recognised service; and
 - (b) must not take into account any period of service for which the employee has received a special benefit or redundancy type payment in relation to employment in the service or the public service of another jurisdiction; and
 - (c) must not be more than an amount equivalent to 1 month of the employee's salary.

636L Special benefit payable on early termination of contract—transitional executives

- (1) This section applies if—
- (a) a transitional executive is engaged under a contract mentioned in any of the following provisions of the [Act](#):
 - (i) section 23F (Head of service—early termination of contract);
 - (ii) section 28A (Directors-general—early termination of contract);
 - (iii) section 73 (Early termination of contract); and
 - (b) the transitional executive's contract is terminated by a person other than the transitional executive.
- (2) If the reason the transitional executive's contract is terminated is because of a change to operational requirements that results in a substantial change to the nature of the work required under the contract, the benefit payable in relation to the termination—

- (a) is an amount equivalent to 2 weeks of the transitional executive's salary for every completed year of continuous recognised service; and
 - (b) must not take into account any period of service for which the transitional executive has received a special benefit or redundancy type payment in relation to employment in the service or the public service of another jurisdiction; and
 - (c) must not be more than an amount equivalent to 52 weeks of the transitional executive's salary.
- (3) If the reason the transitional executive's contract is terminated is because the transitional executive failed to disclose a conviction or finding of guilt for an offence (other than an offence for which the conviction is spent), the benefit payable in relation to the termination—
- (a) is an amount equivalent to 2 weeks of the transitional executive's salary for every completed year of continuous recognised service; and
 - (b) must not take into account any period of service for which the transitional executive has received a special benefit or redundancy type payment in relation to employment in the service or the public service of another jurisdiction; and
 - (c) must not be more than an amount equivalent to 1 month of the transitional executive's salary.

636M Special benefits payable on non-renewal of contract in certain circumstances—transitional executives

- (1) This section applies if—
 - (a) a transitional executive is engaged under a contract mentioned in any of the following provisions of the [Act](#):
 - (i) section 23F (Head of service—early termination of contract);
 - (ii) section 28A (Directors-general—early termination of contract);
 - (iii) section 73 (Early termination of contract); and
 - (b) the transitional executive’s contract ends (the *existing contract*).
- (2) Subsection (3) applies if—
 - (a) before or immediately after the existing contract ends, the transitional executive is not offered another contract for the same office to which the existing contract relates; and
 - (b) the reason the transitional executive is not offered another contract does not relate to any 1 of the following:
 - (i) poor performance;
 - (ii) misconduct;
 - (iii) failure by the transitional executive to disclose a conviction or finding of guilt for an offence (other than an offence for which the conviction is spent).
- (3) The benefit payable to the transitional executive—
 - (a) is an amount equivalent to 2 weeks of the transitional executive’s salary for every completed year of continuous recognised service; and

- (b) must not take into account any period of service for which the transitional executive has received a special benefit or redundancy type payment in relation to employment in the service or the public service of another jurisdiction; and
 - (c) must not be more than an amount equivalent to 52 weeks of the transitional executive's salary.
- (4) Subsection (5) applies if before or immediately after the existing contract ends, the transitional executive—
 - (a) is offered another contract in relation to an executive office that has a significantly lower assessed work value than the office to which the existing contract relates; and
 - (b) the transitional executive does not accept the offer of the other contract.
- (5) The benefit payable to the transitional executive—
 - (a) is an amount equivalent to 2 weeks of the transitional executive's salary for every completed year of continuous recognised service; and
 - (b) must not take into account any period of service for which the transitional executive has received a special benefit or redundancy type payment in relation to employment in the service or the public service of another jurisdiction; and
 - (c) must not be more than an amount equivalent to 52 weeks of the transitional executive's salary.

636N Superannuation—executive employees

- (1) This section—
 - (a) applies to an executive employee engaged under a contract on or after 1 July 2006; but

- (b) does not apply to an executive employee—
- (i) who is an existing Commonwealth Superannuation Scheme or Public Sector Superannuation Scheme member; or
 - (ii) who was engaged or appointed under the Act before 30 June 2006, if the employee's subsequent engagement was continuous with employment started before 30 June 2006; or
 - (iii) who was engaged or appointed to the Territory under a territory law before 30 June 2006, if the employee's subsequent engagement was continuous with employment started before 30 June 2006.
- (2) The executive employee's employer must pay for each income year, on behalf of the employee, to an agreed superannuation fund nominated by the employee—
- (a) the amount nominated in writing by the employee as the employee's personal superannuation contribution; and
 - (b) as the employer's superannuation contribution—an amount equivalent to—
 - (i) 9% of the employee's remuneration for the income year; or
 - (ii) if the employee pays an amount of personal superannuation contribution equivalent to 3% or more of the employee's remuneration to the employee's agreed superannuation fund in the income year—10% of the employee's remuneration for that income year.
- (3) In this section:
- income year* has the same meaning as in the *Income Tax Assessment Act 1997* (Cwlth).

**5 Choice of motor vehicle
Section 647 (7), note 1**

omit

6 Section 647 (8)

omit

remuneration zone as determined in section 620

substitute

zone mentioned in table 647

7 New section 647 (9)

insert

(9) In this section:

zone 1 means the ranges of assessed work values mentioned in table 625, items 1 to 3.

zone 2 means the ranges of assessed work values mentioned in table 625, items 4 to 6.

zone 3 means the ranges of assessed work values mentioned in table 625, items 7 to 12.

**8 Payment in lieu of an executive vehicle entitlement
Section 648 (1), note 1**

omit

9 Section 648 (2)

omit

remuneration zone as determined in section 620

substitute

zone mentioned in table 648

10 New section 648 (8)

insert

(8) In this section:

zone 1 means the ranges of assessed work values mentioned in table 625, items 1 to 3.

zone 2 means the ranges of assessed work values mentioned in table 625, items 4 to 6.

zone 3 means the ranges of assessed work values mentioned in table 625, items 7 to 12.

11 Dictionary, new definitions

insert

assessed work value, for part 9.3A (Working out executive employee remuneration)—see section 626 (2).

base remuneration, for part 9.3A (Working out executive employee remuneration)—see section 628.

continuous recognised service, for part 9.3C (Executive employee financial entitlements)—see section 636G.

executive employee means a person employed under any of the following provisions of the [Act](#):

- (a) section 23C (Head of service—engagement);
- (b) section 23J (Head of service—temporary contract);
- (c) section 28 (Directors-general—engagement);
- (d) section 30 (Directors-general—temporary contracts);
- (e) section 72 (Executives—engagement);
- (f) section 76 (Executives—temporary contracts).

independent job evaluation methodology, for part 9.3A (Working out executive employee remuneration)—see section 626 (1).

relevant person, in relation to an executive employee, means—

- (a) for an executive employee other than the head of service—the head of service; and
- (b) for the head of service—the Chief Minister.

remuneration, for part 9.3A (Working out executive employee remuneration)—see section 624.

salary, for part 9.3A (Working out executive employee remuneration)—see section 624.

spent, in relation to a conviction—see the [Spent Convictions Act 2000](#), section 7.

total remuneration point, for part 9.3A (Working out executive employee remuneration)—see section 625.

transitional executive, for part 9.3C (Executive employee financial entitlements)—see section 636H.

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 5 July 2013.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

© Australian Capital Territory 2013