



## AUSTRALIAN CAPITAL TERRITORY REMUNERATION TRIBUNAL

### Statement 14 of 2010

#### Clerk of the Legislative Assembly

#### Background

Section 10 of the *Remuneration Tribunal Act 1995* requires the Remuneration Tribunal (Tribunal) to inquire into, and determine, the remuneration, allowances and other entitlements for the Clerk of the Legislative Assembly (the Clerk).

The Tribunal last reviewed remuneration, allowances and other entitlements for the Clerk in June 2010 and subsequently issued Determination 4 of 2010 of 16 June 2010.

The Clerk's motor vehicle entitlement is the same as that of other full-time holders of public office and chief executives and executives.

#### Tribunal Consideration

##### Motor Vehicle Entitlement

The Tribunal noted that the vehicle entitlements for other full-time holders of public office and chief executives and executives contained in the Public Sector Management Standards were amended in August 2010. The change involved a move from a system based on monthly lease rates to one based on vehicle value or the manufacturer's recommended retail price of the motor vehicle.

The Tribunal determined that the Clerk's motor vehicle entitlement be the same as the existing entitlements for full-time holders of public office and chief executive and executives as specified in the Public Sector Management Standards.

ACT Remuneration Tribunal  
December 2010

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**AUSTRALIAN CAPITAL TERRITORY  
REMUNERATION TRIBUNAL**

**Determination 14 of 2010**

**Clerk of the Legislative Assembly**

Pursuant to Section 10 of the *Remuneration Tribunal Act 1995* the Remuneration Tribunal has inquired into the remuneration and allowances to be paid, and other entitlements to be granted to the Clerk of the Legislative Assembly.

This Determination is taken to have commenced on and from 24 August 2010.

Alan Kerr AM  
Chair

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Anne Cahill Lambert AM  
Member

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Greg Friedewald  
Member

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December 2010

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## AUSTRALIAN CAPITAL TERRITORY REMUNERATION TRIBUNAL

### Determination 14 of 2010

#### Clerk of the Legislative Assembly

#### The Tribunal determines as follows:

Under section 10 of the *Remuneration Tribunal Act 1995* the Remuneration Tribunal has inquired into the remuneration and allowances to be paid, and other entitlements to be granted the Clerk of the Legislative Assembly and determines that:-

1. Clause 4 of Schedule A of Determination 4 of 2010, dated 6 June 2010, is substituted with the following sub-clause:

#### **4 Motor Vehicle and Parking**

##### 4.1 Definitions

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

*Clerk* means the Clerk of the ACT Legislative Assembly.

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

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

##### 4.2 Vehicle Entitlement

4.2.1 The Clerk shall be entitled to the use of a four cylinder executive vehicle, within the Territory's leasing arrangements.

4.2.2 The Clerk shall be entitled to a parking space for his or her vehicle at or near his or her place of work.

4.2.3 If a 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*.

##### 4.3 Vehicle Entitlement – Part-time Clerk

4.3.1 Subject to sub-clause 4.3.2, a Clerk who works regular hours but is engaged on a part-time basis will continue to receive the vehicle entitlement as if he or she were full-time.

- 4.3.2 The Tribunal may approve requests, made in writing, that the vehicle entitlement of the Clerk engaged on a part time basis be restricted to a pro rata basis.

#### 4.4 Choice of Vehicle

- 4.4.1 When entering into a lease for a vehicle with the fleet provider, the Clerk is entitled to choose a vehicle, subject to:
- (a) the requirements of this clause; and
  - (b) the requirements of the Territory's fleet provider;
  - (c) the specifications in the *Guidelines for the Management and Use of Executive Vehicles*.
- 4.4.2 The vehicle selected by the Clerk must be a four cylinder vehicle.
- 4.4.3 The vehicle model selected by the Clerk must be suitable for business use at his or her place of work.
- 4.4.4 The vehicle model selected by the Clerk must not be a high performance, luxury or prestige vehicle.
- 4.4.5 The vehicle selected by the Clerk may be Australian made or imported.
- 4.4.6 The vehicle selected by the Clerk must be valued by the Territory's fleet provider at or below \$41,800.
- 4.4.7 The Clerk is entitled to choose optional items of equipment for a vehicle provided:
- (a) the equipment is approved and the modifications made in accordance with the requirements specified in the *Guidelines for the Management and Use of Executive Vehicles*; and
  - (b) The total value of the vehicle with the equipment does not exceed \$41,800.

#### 4.5 Payment in Lieu of Vehicle

- 4.5.1 The Clerk may elect to receive payment in lieu of the entitlement to a vehicle of the amount of \$16,000.
- 4.5.2 Payment in lieu of a vehicle will be paid in fortnightly instalments.
- 4.5.3 Where the Clerk elects to receive payment in lieu of a vehicle, the Clerk:
- (a) is entitled to retain access to a parking space; and
  - (b) is not entitled to access any other entitlements provided under this part.
- 4.5.4 The Clerk may elect to receive payment of \$2,500 pa in lieu of the entitlement to a parking space.
- 4.5.5 Payment in lieu of a parking space will be paid in fortnightly instalments.
- 4.5.6 Where the Clerk is engaged on a part-time basis, and is restricted to a pro rata vehicle entitlement under clause 4.3, any payment in lieu of the entitlement to parking must be made on a pro rata basis.

#### 4.6 Vehicle Modification

- 4.6.1 If the Clerk has a disability that affects his or her ability to drive a standard vehicle, the Clerk will be entitled to such modifications the Tribunal certifies in writing as being reasonably necessary to enable the Clerk to drive a vehicle.

#### 4.7 Vehicle Maintenance and Running Costs

- 4.7.1 Subject to sub-clause 4.8.3 all vehicle maintenance costs will be met by the Territory.
- 4.7.2 All running costs of the vehicle will be met by the Territory;
- 4.7.3 Where, as a result of the conduct of the driver of the vehicle, the Territory's insurance arrangements will not respond in part or in whole to a claim for damage to a vehicle, the driver (or where the driver is the Clerk or a person nominated by the Clerk) will be required to meet the repair costs, not covered by the Territory's insurance arrangements, associated with restoring that executive vehicle

#### 4.8 Vehicle Care

- 4.8.1 The Clerk must ensure the due care and security is afforded to the vehicle.
- 4.8.2 In accordance with sub-clause 4.8.1, if the Clerk home garages the vehicle he or she must:
- (a) park the vehicle behind property line; and
  - (b) if possible, park the vehicle under cover.

#### 4.9 Authorised Use of Vehicle

- 4.9.1 Any driver of the 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*.
- 4.9.2 The driver in control of the vehicle is personally responsible for any breaches of traffic laws and parking restrictions, and must pay any fines incurred.

#### 4.10 Business Use of the Vehicle

- 4.10.1 Subject to sub-clause 4.10.2, when the Clerk is at his or her normal place of work, the Clerk must bring the vehicle to work and make it available for business use by the Clerk's agency during normal business hours.
- 4.10.2 When a vehicle is being repaired or serviced, or undergoing a similar process, the Clerk is not required to bring the vehicle to his or her normal place of work.
- 4.10.3 Staff who drive the vehicle are subject to the same conditions related to the authorised use of that vehicle as the Clerk.

4.10.4 Staff who use the vehicle must:

- (a) report vehicle accidents and defects to the agency; and
- (b) record accurate and defects to the agency; 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*.

4.11 Private Use of Vehicle

4.11.1 The Clerk may use the vehicle for private purposes outside of normal business hours.

4.11.2 The vehicle may only be driven for private purposes by:

- (a) the Clerk to who the vehicle is provided; or
- (b) an appropriately licensed driver nominated by the Clerk to the agency who is approved by the agency.

4.11.3 The Clerk's agency shall maintain a register of drivers approved to drive the vehicle for private purposes.

4.11.4 Drivers approved the drive the vehicle for private purposes are subject to the same conditions of authorised used of that vehicle as the Clerk.

4.11.5 The Clerk must not use the vehicle for personal gain, or the personal gain of any other person.

4.11.6 The Clerk must not permit another person to use the vehicle for the Clerk's personal gain, or the personal gain of any other person.

4.12 Record Keeping

4.12.1 The agency must keep appropriate records on the use of the vehicle:

- (a) for Fringe Benefits Tax calculation and audit purposes; and
- (b) to enable the monitoring of the vehicle use for servicing and replacement purposes.

4.12.2 The agency is responsible for the calculation and payment of any Fringe Benefit Tax liability associated with the vehicle.

2. The date of effect of this determination is 24 August 2010.

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