



ACT
Government

ACTPS DIRECTOR-GENERAL AND EXECUTIVE HANDBOOK

**(Incorporating Full-Time
Holders of Public Office)**



A MESSAGE FROM THE HEAD OF SERVICE



Dear Executive

Congratulations on your new role and welcome to The ACT Public Service (ACTPS). I would like to thank you for choosing the ACTPS for the next stage in your career.

We are a small and unique Public Service established in 1994 providing the full range of local, Territory and State functions and services to the ACT Community. In all of our areas of responsibility I am very proud of what we deliver. Being a small service enables us to operate flexibly and to be more responsive. It facilitates collaboration to provide more coordinated services, and enables us to take on new ideas and new ways of operating as the needs of our community change.

My challenge to you as a new executive is to continue to build on our strength as a unique public service, to be one dynamic team – agile, responsive and innovative in delivering the Government’s priorities and in delivering excellent services to the people of Canberra on behalf of our Ministers.

This Handbook sets out executive employment arrangements. It also explains all the other benefits of working in the ACTPS. The ACTPS places emphasis on respect, equity and diversity, work/life balance, and supporting personal/professional development.

Have a look at the information contained in this Handbook and also discuss matters with your agency’s human resources unit.

Once again, welcome, and I look forward to meeting you at some time in the future.

Kathy Leigh
Head of Service

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3. **DPI Policy**

1. DIRECTORS-GENERAL AND EXECUTIVES

1.1 Introduction

The purpose of this handbook is to provide guidance to ACT Public Service (ACTPS) executives¹ on the process of employment arrangements.

Information for Full-time Holders of Public Office can be found at Section 8 of this handbook.

Executives are employed under a single, service-wide contract system. This system consolidates employment arrangements for executives, and strengthens individual performance and accountability.

1.1.1 The Public Sector Management Act 1994 (the PSM Act) and the Public Sector Management Standards 2016 (the Standards)

The PSM Act provides the legislative framework for the use of contracts to employ executives. It also sets out values, signature behaviours and general principles, including obligations and responsibilities.

The Standards support the PSM Act and sets out conditions of employment including the performance framework.

For executives who have been engaged continuously on contracts that commenced prior to 1 September 2016, the provisions of the pre-amendment Act and the Public Sector Management Standards 2006 continue to apply until such time as a new executive contract is commenced.

1.1.2 Determinations of the ACT Remuneration Tribunal (the Tribunal)

The Tribunal is empowered under the *Remuneration Tribunal Act 1995* to determine the remuneration, allowances and other entitlements granted to executives. Under the *Remuneration Tribunal Act 1995*, the Tribunal is required to review remuneration, allowances and entitlements for executives annually at its Autumn review (generally held in March) with Determinations coming into effect on 1 July. Any person may make a written submission to the Tribunal prior to a review. Whilst submissions will be accepted throughout the year, submissions will be called for six weeks prior to the Tribunal sitting.

To date, the Tribunal has made determinations covering executive salary rates, various employer provided benefits (or allowances in lieu of benefits), a salary packaging scheme, superannuation contributions and relocation expenses for executives engaged from interstate/overseas.

Territory law, Commonwealth law, and instruments of appointment prevail over Tribunal determinations to the extent of any inconsistency.

Current determinations are available at the Remuneration Tribunal website [Remuneration Tribunal - Determinations](#).

¹ For the purposes of this handbook, the term 'executive' includes 'directors-general', except where otherwise specified.

1.1.3 The contract system

This handbook provides an overview of executive employment in the ACTPS and sets out the terms, conditions and entitlements of employment that are prescribed in:

- the instrument of employment (the executive contract);
- the *Public Sector Management Act 1994* (the PSM Act);²
- the *Public Sector Management Standards 2016* (the Standards) or other instruments made from time to time under the PSM Act;
- determinations made by the ACT Remuneration Tribunal (the Tribunal) under the *Remuneration Tribunal Act 1995* (the Remuneration Tribunal Act);³ and
- other enactments of the Australian Capital Territory (the Territory) as applicable.⁴

1.1.4 The executive contract

The executive contract establishes the employment relationship between the executive as an employee and the Territory as the employer. Unlike non-executive ACTPS officers, executives *do not* have tenure; the duration of employment is governed by the terms of the contract. There are two classes of contract:

- ‘long-term’ contracts, which cannot exceed five years; and
- ‘short-term’ contracts, which cannot exceed two years.

Executive contracts provide details of the statutory employment terms (SETs), such as classification, assigned functions and length of employment.

1.1.5 Offer of a contract

The offer of an executive contract is made on behalf of the Territory by a letter of offer from the head of service or delegate of the head of service. The letter of offer is accompanied by a contract, an election form and a declaration of private interests proforma (if the contract exceeds three months). For new ACTPS employees, a criminal history record check form will need to be completed.

The offer should be accepted, or in-principle agreement notified, within twenty one days. The accompanying documents are expected to be completed before the executive commences.

1.1.6 Signatories to the contract

The parties who sign the contract are the executive and the head of service/delegate of the head of service on behalf of the Territory.

A contract is made once it is signed by both parties.

1.1.7 Tabling of executive contracts

Pursuant to section 56 of the Standards, lists of new long term contracts containing the executive’s name, classification and, where relevant, additional salary under section 52 of the Standards, must be tabled twice a year in the Legislative Assembly.

² Legislation referred to in this handbook can be found on the ACT Legislation Register, accessible at <http://www.legislation.act.gov.au>

³ Remuneration Tribunal determinations can be found on the Tribunal website, accessible at [Remuneration Tribunal - Determinations](#)

⁴ Fair Work instruments made under the Fair Work Act 2009 (Cwlth) do not apply to executives.

1.1.8 Executive Structure

In the ACTPS the executive is made up of Band 1, 2 and 3 executives. The classification of a role can be based on an independent executive position evaluation or as determined by the Head of Service on the executive's engagement. The zones consist of:

Classification Band	Classification
1	1.1
1	1.2
1	1.3
2	2.4
2	2.5
2	2.6
3	3.7
3	3.8
3	3.9
3	3.10
3	3.11
3	3.12

1.1.9 Helpful links

The following list includes tools to assist executives:

- Manager Toolkit is accessible at [Manager's Toolkit](#)
- Risk Management is accessible at [Risk Management](#);
- Leave approval is accessible at [HR21](#); and
- Use of ICT and Social Media is accessible at [Acceptable use of ICT Resources Policy](#) and [Social Media Policy Guidelines](#)

Any further information you require can be provided by your Corporate Human Resources area.

2. ROLES AND RESPONSIBILITIES

2.1.1 Directorates

Directorates administer executive entitlements and allocations such as motor vehicles, mobile telephones, laptop computers, travel bookings, and reimbursement of other appropriate expenses.

Directorates are also responsible for the co-ordination of selection processes for executive positions and the engagement of executives.

2.1.2 Head of Service

By virtue of the PSM Act, the head of service has responsibility for all matters relating to executive employment including the execution of contracts, re-engagement of executives, and the management of Service-wide executive numbers.

The head of service has delegated some powers in relation to executive contracts to the Deputy Director-General, Workforce Capability and Governance Division and the Executive Director, Shared Services, Finance and Payroll, Chief Minister, Treasury and Economic Development Directorate (CMTEDD).

2.1.3 Shared Services Partnership Services – Executive Contracts

Shared Services Partnership Services perform the following functions:

- receipts, registration and compliance check of all executive action requests;
- notify directorates about head of service decisions;
- prepare all contract documentation and forward them to the relevant executive for signature;
- submit contract lists to the Legislative Assembly for tabling;
- monitor timeframes, tracking completion of actions and providing regular reports on status of contracts and requests to directorate contact officers;
- advertise approved executive vacancies;
- publish Gazette notices;
- administer executive pay, conditions and salary packaging arrangements; and
- manage the administration of executive documentation and records.

Shared Services Partnership Services send reports, on a fortnightly and/or monthly basis, to all directorates with the following information:

- advising outstanding performance agreements which have not been received by Shared Services Partnership Services where the contract/contract extension exceeds three months;
- a report listing all executives and where their contracts are currently within the process;
- advise directorates what stage contracts which have been sent to Shared Services Partnership Services for processing are up to; and
- where required, Shared Services Partnership Services will run ad hoc reports for directorates.

Inquiries regarding pay arrangements, superannuation and leave entitlements should be directed to the relevant Human Resource area or the Senior Advisor, Shared Services Partnership Services on 620 53820. The Customer Service Portal for Shared Services can be viewed at [Shared Services Portal](#).

2.1.4 Workforce Capability and Governance Division (WCAG)

WCAG, based in CMTEDD, is responsible for policy advice and executive matters, including the preparation of this handbook. WCAG along with the Executive Contract Management team at Shared Services Partnership Services co-ordinates all administrative arrangements for executives and co-ordinates all matters that are referred to the head of service for consideration in respect of executives.

3. GENERAL OBLIGATIONS

3.1 Values and signature behaviours

In performing their duties, all ACTPS employees, including executives, must comply with the general obligations of the ACTPS Code of Conduct (which incorporates the framework for values and behaviours). The general obligations are set out in section 9 of the PSM Act (copy at **Attachment 2**).

A breach of section 9 may constitute grounds for suspension or termination of employment.

Information on the code of conduct and values and signature behaviours can be found on the intranet at [Values and Behaviours](#).

3.2 Disclosure of Private Interests (DPI)

Both inside and outside the ACTPS, decisions made by executives should be, and be seen to be, professional, impartial and beyond reproach. Executives need to be aware that their decisions are likely to be subject to both internal and external scrutiny. Maintaining public confidence in the ACTPS is crucial to good government.

A potential conflict of interest arises where private interests are, or are perceived to be, in conflict with official duties. That is, a potential conflict can be either real or perceived. These interests can be either financial (such as directorships, share-holdings, ownership of real estate and/or being the trustee or beneficiary of a trust), or personal (such as personal relationships built on common interests like sporting, social or cultural activities, as well as family and other personal relationships), and can sometimes extend to the interests of an executive's family.

Executives are not only required to disclose their interests, but also take any reasonable steps to identify and manage a conflict, or the appearance of a conflict.

All executives are required to provide a DPI containing their personal and financial interests on commencement. The DPI should be given to your director-general and an electronic copy will be sent to Shared Services Partnership Services and stored on your personnel file. For a director-general, this statement should be provided to the relevant Minister(s) for information and forwarded to the head of service. It will be stored securely and confidentially in the Public Sector Management Group of CMTEDD.

The purpose of disclosure is to ascertain and address any perceived or actual conflict of personal interest and public duty. This written statement must be updated:

- every twelve months;
- as soon as possible after any relevant facts requiring a change have come to the employee's notice; and
- whenever the circumstances change.

The Update to DPI form is only to be used where there are changes to the executives original DPI, for example disposal of an asset, new or changes in financial assets or changes in the executives or the executives family's business or pecuniary interests. The DPI policy is at **Attachment 3** for your information and the DPI form and the update to DPI form can be found at the following link [DPI form and Updated DPI form](#).

The Standards also includes provisions about disclosure of confidential information and the requirement that executives provide information about their material interests.

3.3 Second jobs

Under section 108 of the Standards and section 244 of the PSM Act, prior written approval must be obtained prior to engaging or continuing in other employment or professional practice or acting as a director of a company or incorporated society (otherwise than in accordance with public service duties). In the case of directors-general, written approval must be sought from the head of service. In the case of executives, written approval must be sought from the relevant director-general.

3.4 Media responsibilities

From time to time ACTPS executives are required to make official comments to the media or at public events. It is important that any WHOG media responses are cleared by the CMTEDD Communications team and that any speaking notes for public appearances have been endorsed by the relevant director-general or appropriate delegate. The WHOG Communications and Engagement policy around public servants responsibilities in dealing with the media and at public engagements can be found at the following links [Policy](#) and [Guidance](#) .

3.5 Other contractual requirements

3.5.1 Eligible person

Under the **Public Sector Management Act 1994** an eligible person, for appointment, engagement or employment is defined as a public servant who—

(a) satisfies any of the following:

- (i) is an Australian citizen;
 - (ii) is a permanent resident of Australia;
 - (iii) holds a visa that permits the person to work in the service;
- and

(b) is capable of—

- (i) upholding the public sector values; and
 - (ii) exercising each function that the person is, or will be, employed to exercise, in accordance with the best practice principle; and
 - (iii) acting consistently with section 9 (Public sector conduct);
- and

(c) holds all qualifications required to lawfully exercise every function that the person is, or will be, appointed, engaged or employed to exercise.

3.5.2 Disclosure of criminal convictions

On commencement, all ACTPS employees including executives are required to complete a criminal history record check form. This form:

- provides the opportunity for the executive to disclose any previous criminal convictions; and
- gives the employer the authority to ask the police to check records for any convictions.

A prior conviction does not necessarily mean that a person cannot be employed in the ACTPS as an executive. However, non-disclosure of a prior criminal conviction is a serious breach of the employment contract and may constitute grounds for termination of the contract.

3.5.3 Spent convictions

The obligation to disclose prior criminal convictions is subject to the *Spent Convictions Act 2000* for convictions recorded after 30 June 1990. After a period of ten years some convictions expire and an employer cannot ask that they be disclosed.

For convictions that occurred before to 30 June 1990, the Spent Convictions Scheme contained in the *Crimes Act 1914* (Cth) applies.

3.6 Executive Capabilities

The ACTPS Shared Capability Framework (the Capability Framework) has been developed to describe the skills, knowledge and behaviour that can universally be expected of every ACT Public Servant at different organisational levels in every workplace across the Service.

The ACTPS Values and Signature Behaviours and Executive Capabilities are incorporated into the ACTPS Shared Capability Framework to drive realisation of strategic business outcomes.

Using the Capability Framework will ensure that the ACTPS workforce is agile, responsive and innovative, capable of delivering consistently high quality services. The ACTPS will be equipped to weather change and embrace the future.

The Executive Capabilities can be found on the ACT Government website. Please see the link [ACT Public Service Shared Capability Framework](#).

3.7 Executive Performance Management

3.7.1 Negotiation of a performance agreement

It is a requirement of section 44 of the Standards that all executives participate in an annual review of their performance. The performance agreement is useful in monitoring performance and the progress of government business and is an essential component in the process for improving performance and accountability in the Service. A performance agreement is specifically developed to assess how executives have performed against the ACTPS values and signature behaviours as well as their performance in the technical aspects of their role. It also shows achievements against business plans and annual priorities.

When an executive enters into a contract, a performance agreement must be negotiated with the director-general or the person to whom the executive will directly report within three months of commencement. In the case of directors-general, the performance agreement should be negotiated with the head of service.

3.7.2 Key accountabilities

A director-general's performance agreement should reflect the responsibilities of the job and have regard to the government's policies, initiatives and commitments. The performance agreement will incorporate reporting areas for the directorate. It should also reflect Budget Papers and Outcomes, and any other requirements of the director-general.

Performance agreements for executives will usually have a relationship to the relevant director-general's performance agreement.

It is mandatory that the performance agreement contains meaningful performance indicators and timeframes against reporting commitments. Key accountabilities in the performance agreement, as modified from time to time, might include:

- the government's key objectives;
- strategic plans in the executive's area of responsibility;
- leadership and integrity;
- financial management;
- corporate behaviour, learning and development;
- people management, including:
 - ~ implementing performance management plans;
 - ~ improved WH&S performance;
 - ~ effective application of equity and diversity policies;
 - ~ achieving targets in relation to the employment of Aboriginal and Torres Strait Islander People and People with Disability; and
 - ~ achieving targets in relation to carbon neutrality.

3.7.3 Performance review

A review of the executive's performance is required annually. As a minimum, performance agreements should be reviewed at the beginning of each financial year to reflect changes to budget outcomes. However, performance agreements may be reviewed from time to time depending on operational and organisational changes.

The performance agreement template can be accessed on the Public Sector Management Group website at [Performance Framework - Chief Minister, Treasury and Economic Development Directorate](#).

4. THE LONG-TERM CONTRACT

4.1 Overview

Under the PSM Act, a long-term contract for a position may be entered into following a merit based selection process and can be for a duration of up to five years.

On 1 September 2016, amendments to the PSM Act commenced. These amendments significantly altered the operation of executive contracts. Executive contracts that were in operation at 31 August 2016 continue on the old terms and conditions until the current contract ceases.

4.1.1 (a) Structure of a contract (commencement date pre 1 September 2016)

The long-term director-general contract (under section 28 of the PSM Act) and long-term executive contract (under section 72 of the PSM Act) comprise:-

Main Body: includes such matters as contract operation and application, definitions, term, remuneration, applicable law, notices and special terms and conditions.

Schedule A: includes name, work address, job title and number, level and the term of the contract.

Schedule B: sets out the value of the total remuneration package, and its components.

Schedule C: which is discretionary, but is the mechanism to enable the insertion of any agreed “special” conditions that may have been negotiated when the contract was offered. Schedule C may also be used to formalise any changed conditions negotiated and agreed after the commencement of the contract, for example, contract extensions or assignment at level.

4.1.1(b) Structure of a contract (commencement date post 1 September 2016)

From 1 September 2016, SES members are engaged under section 31 of the amended Act. Executive contracts under section 31 must set out the prescribed Statutory Employment Terms (SETs) including:

- (a) each function assigned to the SES member; and
- (b) the administrative unit in which the SES member is engaged; and
- (c) the SES member’s classification; and
- (d) the SES member’s salary; and
- (e) the hours the SES member is engaged to work; and
- (f) the period the SES member is engaged to work; and
- (g) any prescribed SETs.

4.2 The long-term contract process

4.2.1 Offer of a contract

Generally, officers of the ACTPS who accept a long-term executive contract will not have a right of return to the non-executive service at the end of the contract. However, section 19 of the Standards provides that a long term executive may request the Head of Service to appoint them as an officer, prior to the end of their contract, in certain circumstances.

4.3 Variations to the contract (commencement date pre 1 September 2016)

4.3.1 Assignment

There may be circumstances where it is necessary to review and revise an executive's duties. These changes may be short or long-term; they may have been initiated by the executive or director-general; they may be as a result of the absence of another executive; a career development opportunity; a directorate restructure or changes to the ACTPS Administrative Arrangements; and they may involve different duties and could be at different levels. These changed arrangements may be handled by way of an assignment.

Under section 80A of the PSM Act, the head of service may transfer a director-general or an executive to another position at the same level or assign the director-general or executive to undertake other stated functions. This will not affect the remuneration of the executive or alter the period of the long-term contract.

The views of the executive will be taken into consideration before a decision is made to transfer or assign the executive.

Where the transfer or assignment involves a change in reporting arrangements across directorates there will be consultation between the head of service and the relevant director-general.

4.3.2 Contract variation to increase remuneration

Where the responsibilities of a position have increased, an independent work value assessment may be requested from the approved provider (currently Mercer CED).

If a position is assessed and found to be in a higher zone, for example executive level 1.3 to 2.4 or 2.6 to 3.7, in accordance with the requirements of section 630 of the Standards and section 65 of the PSM Act, a merit process must be undertaken to fill the position at the higher level on a long-term basis (i.e. nine months or more).

If the work value assessment recommends a higher remuneration level for a position, it is possible under section 630 of the Standards to vary an executive's long-term contract to increase remuneration to the reassessed level. However, variation to an executive contract to increase remuneration can only be made within a remuneration zone, for example, executive level 1.2 to 1.3. Additionally, if the jobs responsibility increases within zone 3, the contract variation is limited to no more than two executive levels, for example, executive level 3.7 to 3.9.

4.3.3 Contract variation, change to SETs (commencement date post 1 September 2016)

Under the amended Act there are a range of circumstances under which SETs **must** be changed and circumstances in which SETs **may** be changed.

1 or more SETs must be changed if:

- the SES member can no longer be engaged with the SETs and the engager is able to give the SES member another suitable SES position.

1 or more SETs may be changed if:

- the SES member, in writing, asks for the change and the engager is satisfied the request is reasonable; or

- the engager is satisfied the change is required for the efficient and effective management of the service; or
- the SES member is selected for another SES position in accordance with a selection process.

Consultation requirements—change to SETs

An SES member's engager may make 1 or more of the following changes to an SES member's SETs without consulting the SES member:

- assign a new function to the SES member;
- end the assignment of a function to the SES member;
- change the administrative unit in which the SES member is engaged;
- increase the SES member's salary.

The engager may not make the following changes to the SES member's position without consultation:

- reduce the SES member's salary;
- change the hours the SES member is engaged to work;
- change the period the SES member is engaged to work.

4.3.4 Extension of a long-term contract (applies to both pre and post 1 September 2016 contracts)

If the initial long-term contract was for a period of less than five years it is possible to extend the contract, provided:

- the total period does not exceed five years; and
- the extension relates to the existing contract and the same work value level.

The contract may be extended more than once within the five-year limit.

An extension is at the discretion of the head of service.

4.4 Long-term re-engagements (applies to all re-engagements after 1 September 2016)

At the expiration of an existing long-term contract, a new contract may be offered without a merit process, provided the duties are the same or similar. Section 55 of the PSM Standards 2016 provides that the merit and equity principle does not apply in relation to a second or subsequent engagement of an executive to perform the duties of the same office, if the subsequent engagement commences immediately at the end of the previous engagement.

Before a director-general recommends the re-engagement of an executive to the head of service, a comprehensive performance assessment must be carried out, by a panel, preferably six to twelve months before the expiry of the first contract. This will enable sufficient time for a decision to be made about the re-engagement with a view to advising the executive of the outcome at least six months before the first contract ceases.

The comprehensive assessment panel should, at a minimum, consist of:

- for Zone 2 executives - the relevant director-general and a director-general from another directorate; and

- for Zone 1 executives - the relevant director-general and Zone 2 executive from another directorate.

There is a requirement for the head of service to certify that they are satisfied that during the SES member's current engagement, the SES member met all expectations set out in the SES member's approved performance agreement. This certification would follow a recommendation by the relevant director-general.

Upon the head of service agreeing that the SES member has met all performance expectations, a new long-term contract will be issued to the executive for a term not exceeding five years.

There is no limit on how often the executive can be re-engaged.

4.5 Termination of a contract

4.5.1 Termination by an executive

Under both pre and post 1 September 2016 contracts, an executive may terminate a long-term contract by resigning at any time by giving eight weeks notice in writing. An executive is not required to give reasons in the notice. In some circumstances it may be possible for the executive to reach agreement with the relevant director-general for a shorter notice period to apply. There is no provision for any payment to be made in lieu of notice where the termination is at the initiative of the employee.

On resigning, executives are entitled to be paid out any outstanding salary, and any accrued annual leave and long service leave entitlements.

Note that annual leave and long service leave payments are calculated on cash salary and do not include any employer provided benefits or cash in lieu of such benefits.

4.5.2 Termination by the employer (pre 1 September 2016 contracts)

The head of service may terminate a contract early if he/she forms the view that:

- the executive has engaged in misconduct;
- the executive has failed to comply with the conditions of the executives employment;
- operational requirements result in substantial change to the nature of the work or of the office for which the employee was engaged; or
- the executive breaches the warranty mentioned in section 632 of the 2006 Standards.

On termination of the contract by the employer, the executive will be entitled to receive:

- payment of salary, allowances and entitlements to the date of cessation;
- payment in lieu of notice where this has not been worked;
- payment of salary in lieu of accrued annual leave; and/or
- payment of salary in lieu of accrued long service leave.

Except for termination for misconduct where the termination may be without notice, the head of service must give eight weeks notice in writing, including the reason for the termination. Either the executive or the employer may elect for payment of the notice period in lieu of working during the notice period. Any such payment is at the base salary rate only.

4.5.2(a) Termination by the employer (post 1 September 2016 contracts)

Under section 38 of the Act the engager of an SES member may end the SES member's engagement, on behalf of the Territory, in accordance with any prescribed requirement or prescribed notice period—

- under section 41 (Loss of eligibility); or
- under section 42 (Invalidity retirement); or
- if a misconduct procedure finds the disciplinary action to be taken is to end the SES member's engagement; or
- if the engager loses confidence in the SES member's ability to exercise the functions which the SES member has been engaged to exercise; or
- if the SES member's SES position is no longer required for the efficient and effective operation of the service—if the engager is unable to give the SES member another suitable SES position; or
- if the engager considers it is in the interest of the service for the SES member's engagement to be ended.

4.5.3 Termination benefits

In some circumstances, the executive may also be eligible for payment of a "special benefit". The termination benefits provided for in the Standards are:

(Pre 1 September 2016 contracts)

- changed operational requirements resulting in early termination of the contract - the prescribed benefit is two weeks of base remuneration for every completed year of continuous recognised service, up to a maximum of forty four weeks remuneration⁵. (This is in addition to any notice period provided in the contract of employment); and
- the employee failed to disclose a conviction or finding of guilt for an offence – the prescribed benefit must not be more than an amount equivalent to one month of the employee's salary.

No benefit is payable in the following circumstances:

- serious misconduct - no benefit payable; and
- failure to comply with the terms of the contract - no benefit payable.

Where a special benefit is payable the amount is calculated having regard to the executive's length of 'continuous recognised service'. Continuous service for the purpose of calculating special benefit payments is calculated in accordance with section 66(2)(a) of the Standards. It excludes any period of service for which the director-general, executive or full-time holders of public office has previously received a special benefit or redundancy type payment in the ACTPS or another jurisdiction.

(Post 1 September 2016 contracts)

If an SES member's engager ends an SES member's engagement under the [Act](#), section 38 (e) (changed operational requirements), the SES member must be paid the greater of—

⁵ A transitional executive is entitled to a maximum of forty four weeks pay on early termination. A transitional executive is defined in section 636H of the PSM Standards.

- an amount equivalent to 2 weeks of the SES member's salary for every year of relevant service but not more than an amount equivalent to 44 weeks of the SES member's salary; and
- an amount equivalent to 6 months of the SES member's salary.

4.5.4 Financial and Career Counselling

Where an executive's contract is terminated early due to operational reasons, there is scope to provide, with regard to all of the circumstances, additional support including:

- supplementation of accredited financial counselling up to the maximum identified in the template enterprise agreement for non-executive staff; and
- supplementation of accredited career/outplacement counselling up to a maximum of \$5,000. These may be billed to the directorate.

4.6 Non-renewal of contract

Under section 55 of the PSM Standards, where an executive is not to be re-engaged at the end of a long-term contract, the head of service must give a minimum of three months written notice. This notice requirement also applies if an executive has been engaged for less than five years and the long term contract is not to be extended.

A payment equal to $\frac{1}{4}$ of the executive's final annual base salary is payable where the contract ends and the appropriate notice has not been given. This payment is not required if the executive has accepted another position in the public sector or is entitled to a special benefit or redundancy type payment.

5. THE SHORT-TERM CONTRACT

5.1 Short-term contract

A short-term contract may be offered in the following circumstances:

- the absence of an existing executive; or
- a vacancy because the previous occupant ceased employment; or
- the need for a new set of assigned functions arises; or
- the need to fill a position before a formal selection process can be conducted.

A minimum period of a short-term contract is four weeks except in exceptional circumstances. These circumstances may include where a position needs to be filled for business critical positions or there is a legislative requirement for the role to be nominally filled at all times.

There are two versions of the short-term contract, one for existing executives and one for non-executives; this includes executives from outside of the ACTPS. The contract for existing executives includes a provision to enable the executive to revert to their long-term contract at the completion of the short-term contract. In the case of non-executives, their employment status is not affected by the executive contract (section 81 of the PSM Standards 2016).

Under the PSM Act, the maximum period for a short-term contract is two years. A full merit process is required where the contract is for nine months or more. Although the PSM Act does not require a merit process for periods up to nine months, it is considered appropriate that a director-general undertake a selection process by seeking expressions of interest through the [Jobs ACT](#) website. Short-term vacancies may be filled by an existing executive, a non-executive or by engaging an external person on a short-term basis.

A temporary position (a position which has not been subjected to an SES position evaluation) can be utilised for a short-term contract.

5.2 Extension of a contract

Short-term contracts can be extended up to a maximum period of two years. However, if the contract is extended beyond nine months a full merit process must be undertaken.

5.3 Termination by an executive or employer

The executive or employer may terminate a short-term contract at any time for any reason on giving one week's written notice to the employee/executive.

6. EXECUTIVE DEVELOPMENT AND MOBILITY

6.1 Executive development programs

Training and development opportunities for executives are important. Some requirements may be identified through the annual review of performance or when the performance agreement is reviewed. When performance agreements are discussed with executives, specific training needs and opportunities should be examined and agreed. Others may be evident from strategic planning. Directorates and their executives identify and source specific training and development opportunities for individuals within the directorates.

The ACT Government is a member of the Australia and New Zealand School of Government (ANZSOG) and as such is entitled to two places per year in the Executive Master of Public Administration Program (zone 1 executives) and one place in the Executive Fellows Program (zone 2 executives). WCAG coordinate the application process and nominations for both programs through directors-general to Strategic Board.

Executive are encouraged to attend executive events throughout the year. The events include specific information sessions and guest speakers.

6.2 Mobility arrangements

In addition to these development programs, an executive may have the opportunity to be considered for both short-term and long-term vacancies either at or above their current executive level.

Mobility with other public services can be facilitated if development needs and the overall best interests of the ACTPS can be demonstrated.

7. GENERAL CONDITIONS OF SERVICE

7.1 Remuneration

7.1.1 The ACT Remuneration Tribunal (the Tribunal)

The Tribunal is an independent body established under the *Remuneration Tribunal Act 1995* with jurisdiction to determine remuneration for executives and a range of other offices. It is required to undertake reviews of remuneration and other entitlements for executives at least annually.

7.1.2 Method for setting remuneration

The Tribunal reviews executive remuneration annually, with determinations ordinarily coming into force on 1 July each year.

7.2 Relocation costs

7.2.1 General

If an executive is recruited from outside the ACT, whether on a long-term or short-term contract, and moves to the ACT or the surrounding area to take up employment, the executive may be entitled to an allowance to **assist** in the payment of **some** of the costs associated with the move.

The allowance is in the form of reimbursement of expenses on production of receipts, or other acceptable evidence of expenditure. Some benefits e.g. assistance with rental costs may continue up to a maximum of six months.

The Tribunal determines executive relocation provisions including the maximum amount to be reimbursed to executives. Executives should refer to the latest Tribunal determinations and contact the directorate executive contact officer to confirm their entitlements and to make arrangements to claim them. The latest executive determinations, including the maximum entitlement, can be accessed on the Tribunal website at [Remuneration Tribunal - Determinations](#).

7.2.2 Reimbursable items

The range of items for which reimbursement may be made include:-

- packing of personal effects and furniture belonging to the executive and their family;
- necessary storage of personal effects and furniture;
- removal costs and associated insurance of personal effects and furniture;
- unpacking of personal effects and furniture;
- costs of travel, accommodation and meals between the former location and the ACT;
- temporary accommodation costs at the former location and in the ACT up to a maximum aggregate period of six months, or, in exceptional circumstances, nine months with the approval of the Tribunal;
- costs of disconnection and reconnection of utilities;
- cost of stamp duty and legal and professional services associated with the sale of the residence at the former location and/or the purchase of a residence or lease on a block of land in the ACT; and
- subject to the specific approval of the Tribunal, any other reasonable expenses necessarily incurred in relocating to the ACT.

7.2.3 Allowances and Employer Provided Benefits

The Tribunal has jurisdiction to determine allowances and other entitlements to the extent that an allowance or entitlement of a particular kind is not paid or granted under a law of the Territory or the Commonwealth.

In addition to the relocation allowance mentioned above, the Tribunal has determined various employer provided benefits and a salary packaging scheme.

The entitlement to an employer provided vehicle is prescribed in the Standards.

7.3 Superannuation

If the executive is a member of the Commonwealth Superannuation Scheme (CSS) or the Public Sector Superannuation Scheme (PSS), or has a preserved or deferred benefit in one of these schemes, the employer superannuation contributions will be paid to that scheme.

If the executive is not a member of CSS or PSS they may elect to join First State Super (the default scheme for the ACT Government) or have employer superannuation contributions directed to a superannuation fund nominated by the executive provided that the fund complies with all relevant superannuation and taxation legislation.

In choosing a superannuation fund, it is the executive's responsibility to meet any employee requirements of the fund.

In respect of executives who are not CSS or PSS members, the employer contribution is the minimum prescribed percentage under superannuation guarantee legislation of the salary component of the contract, plus an additional 1% if the executive contributes 3% or more of his or her salary component to an agreed superannuation fund in the form of superannuation contributions.

It is advisable that executives seek independent professional advice in relation to their superannuation before making any arrangements.

7.4 Vehicle

Executives may elect the use of a government provided motor vehicle or cash in lieu of a vehicle.

A government provided vehicle must be a **four-cylinder** vehicle.

Vehicle entitlements, including the lease rate or cash in lieu amounts an executive is entitled to, are covered in the Public Sector Management Standards 2016, the Territory Fleet Procurement and Management Policy, and Division 5.5 of the Standards and the *Guidelines for the Management and Use of Executive Vehicles 2015*. The Guidelines are at **Attachment 1** of this Handbook. The relevant Corporate Services area can assist with the range of vehicles that meet the requirements.

7.5 Salary packaging

Executives may participate in salary packaging arrangements subject to the conditions prescribed in the Tribunal's determination and the salary packaging guidelines issued by the head of service.

In accordance with the guidelines, executives may be required to obtain professional advice before participating in the salary packaging scheme. Information about the scheme may be obtained from the relevant directorate Human Resources area or Shared Services Partnership Services.

Full details of the policy for salary packaging are also available on the Public Sector Management Group website at [Policy Statements - Chief Minister, Treasury and Economic Development Directorate](#)

7.6 Leave

Section 63 of the Standards sets out that leave entitlements (other than long service leave) for a recipient (executive) are provided in the ACT Public Service Administrative and Related Classifications Enterprise Agreement 2013 – 2017 (or subsequent EA). The EA is available on the Public Sector Management Group website at [Enterprise Agreements](#).

Executives should apply to the relevant deputy director-general or director-general for leave. Approved leave needs to be entered into the HR21 system. Directors-general should seek approval from the relevant Minister(s).

It should be noted that any period of leave will not affect the contract end date.

7.6.1 Annual leave

An executive is entitled to the equivalent of four weeks annual leave. Annual leave may be granted at half pay.

Annual leave is covered under section F7 of the EA.

7.6.2 Purchased leave

Purchased leave is available to executives to enable them to be absent from duty to support their work/life balance. Executives may purchase leave in addition to the executive's usual annual leave entitlement, up to a maximum of twelve weeks in any twelve month period, subject to head of service approval.

Purchased leave is covered under section F9 of the EA.

7.6.3 Personal leave

On commencement the executive has a personal leave credit of eighteen days at full pay. On each anniversary of the executive's commencement a further eighteen days will be credited. Eligible prior service may be recognised for personal leave purposes.

Where possible, the executive should provide a medical certificate or a statutory declaration to substantiate any personal leave taken.

There are a number of conditions applicable to personal leave and the executive should seek advice from the relevant Human Resources area or Shared Services Partnership Services for further details.

Personal leave is covered under section F4 of the EA.

7.6.4 Compassionate leave

An executive is entitled to five days on each occasion a member of their immediate family or household has a potential illness or injury that poses a serious threat to the person's life, or dies. The delegate may also approve leave for compassionate purposes on the death of a foster parent, step parent, step sibling, guardian or foster child. Compassionate leave is non-cumulative.

Compassionate leave is covered under section F12 of the EA and the meaning of "immediate family" in the dictionary of the EA.

7.6.5 Long service leave

Long service leave of three months on full-pay accrues after ten years of recognised service, and thereafter at the rate of nine calendar days per year. Executives have access to long service leave after seven years of eligible employment.

Unlike other forms of leave, long service leave is calculated on calendar days. The executive may elect whether to take long service leave at double, full, or at half pay. Unused credits will be paid-out at the conclusion of employment.

Eligible prior service may be recognised for long service leave purposes. Section 64 of the Standards provides further details.

Long service leave is covered under section F25 of the EA and amounts payable under Part 4.3 of the Standards.

7.6.6 Maternity leave

Maternity leave is available to pregnant employees to enable them to be absent from duties:

- to support her own well being and to care for and bond with a new born child;
- support the protection of the family and the children under the *Human Rights Act 2004*; and
- support the employee's right to continuity of service.

A pregnant employee, who has completed twelve months of continuous service, including recognised prior service, is eligible for eighteen weeks paid maternity leave.

An eligible employee is entitled to be absent for up to fifty two weeks maternity leave for each pregnancy. To avoid doubt, this entitlement does not increase in cases of multiple births.

There is also a provision in circumstances where the executive is not fit for work due to a pregnancy related illness or the pregnancy ends within twenty weeks of the expected due date.

Maternity leave and special maternity leave is covered under sections F14 and F15 respectively in the EA.

7.6.7 Parental leave

An executive may have an entitlement to various forms of parental leave including primary care giver leave, and bonding leave for a new born or adopted child.

Details in relation to parental leave are covered under section F17 of the EA.

7.6.8 Community service leave

Community service leave is available to executives to allow them to be absent from duty to engage in jury service, voluntary emergency management activity or other recognised voluntary community service activity.

Details in relation to community service leave are covered under section F13 of the EA.

7.6.9 Leave for other purposes

An executive may need to access leave for purposes other than outlined above. The relevant director-general may grant an executive leave on a case-by-case basis, with or without pay.

Leave for other purposes include:

- personal leave in extraordinary and unforeseen circumstances;
- infectious disease circumstances;
- primary care giver leave;
- bonding leave;
- grandparental leave;
- adoption or permanent care leave;
- attend Aboriginal or Torres Strait Islander ceremonies
- foster and short term care leave; and
- leave for domestic violence purposes.

Details into other leave are covered under section F of the EA.

7.6.10 Christmas Shutdown

An executive is entitled to two days paid leave during the Christmas shutdown period plus a gazetted Public Service leave day between 28 and 31 December inclusive.

Details of Christmas Shutdown can be found at clause F11 of the EA.

7.6.11 Access to annual and long service leave

An executive may apply at any time for annual or long service leave where an entitlement exists. Such applications are granted at the discretion of the relevant director-general or delegate.

7.7 Suspension and misconduct

7.7.1 Suspension

The employer may suspend an executive from duty at any time after having formed the reasonable opinion that the executive is, or may be, guilty of misconduct. The executive will be provided with a written notice of suspension containing the reason for the suspension and the expiration or review date.

The suspension may be with or without pay or the executive may be transferred to other duties. While it would normally be expected that a suspension would be without pay the employer may have regard to the reasons for the suspension and the potential for financial hardship.

Ultimately, an executive's contract may be terminated on the grounds of serious or gross misconduct.

Divisions 9.3B.3 and 9.3B.4 of the Standards (2006) includes further details regarding suspension and termination for executive contracts that commenced on or before 31 August 2016.

Division 5.2 of the Standards (2016) includes further details regarding suspension and termination for executive contracts that commenced on or after 1 September 2016.

7.7.2 Misconduct

Division 9.3B.3 of the Standards (2006, for executive contracts that commenced on or before 31 August 2016) and Part 5 of the Standards (2016, for executive contracts that commenced on or after 1 September 2016) details each executive's general obligations as an employee. Misconduct includes a breach of section 9 of the PSM Act.

It is important to note that while the source of the general obligations has changed, the obligations themselves are identical.

7.8 Grievance and discipline resolution

7.8.1 General principles

Provisions in the PSM Act relating to grievances and appeals **do not** apply to executives, i.e. there are no prescribed processes in the PSM Act or any subordinate legislation. The provisions set out in the Enterprise Agreement may provide guidance on processes that may be applied to assist in the investigation of misconduct investigations. This should be dealt with on a case by case basis.

7.8.2 Informal grievance/appeal process

Most issues in relation to the workplace can be resolved through regular communication or through advice from the various particular areas (e.g. the relevant Human Resources area). However there may be some instances where an executive may prefer to seek an informal review.

The first option is to seek a review of the matter by the relevant director-general. The second is to seek a review by the head of service. The final avenue is a review by another, agreed person such as a director-general from another directorate or a person not employed in the ACTPS.

Such an independent review would focus on realistic outcomes and resolution through adoption of recommendations. There are no decision-making powers associated with such a review.

8. FULL-TIME HOLDERS OF PUBLIC OFFICE

The following information relates to full-time holders of public office that are appointed under legislation other than the PSM Act. In these cases, the person will have similar entitlements to ACTPS executives, subject to any determination made by the ACT Remuneration Tribunal.

8.1 Appointment

Certain ACT Government legislation requires or enables the appointment of a person to a full-time public office (or position).

In these cases, the person is appointed by either the Minister or the Executive (Chief Minister and one other Minister) depending on the requirements of the relevant Act that establishes the office. The *Legislation Act 2001* (Part 19.3) covers the procedures relating to the making of appointments.

Although the relevant Act may specify that the Minister or Executive may determine terms and conditions of appointment, it is likely that the instrument of appointment will only specify the term of the appointment.

8.2 Remuneration and Entitlements

In most cases, full-time holders of public office are listed in Schedule 1 of the *Remuneration Tribunal Act 1995* and the Tribunal must make determinations every twelve months in relation to remuneration, allowances and other entitlements. In respect of a public office not listed in the *Remuneration Tribunal Act 1995* the Chief Minister will refer the office to the Tribunal for determination.

8.2.1 Remuneration Tribunal

The annual determinations for full-time holders of public office usually takes effect from 1 July each year and currently include remuneration; salary packaging; relocation entitlements, vehicles, travel, employer provided benefits of FBT and superannuation.

The current Tribunal determination can be viewed at the Remuneration Tribunal website [Remuneration Tribunal - Determinations](#). The website also includes resource documents for executives that will be relevant for full-time holders of public office in relation to certain employment conditions.

9. FURTHER INFORMATION

An Executive Information page is available on the intranet at Shared Services Customer Service Portal at [Shared Services Portal - Executives](#). You may also wish to view other information relating to ACT executive employment on the Public Sector Management Group website at [CMTEDD Executive Publications](#).



Workforce Capability and Governance Division
Government Business and Governance

GUIDELINES
for the
MANAGEMENT
AND USE OF
EXECUTIVE
VEHICLES

August 2017

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DEFINITIONS

ACTPS

Means the Australian Capital Territory Public Service

Agencies

The guidelines apply to all ACTPS directorates and authorities (excluding Territory Owned Corporations).

Head of Service/Director-General

Means the Australian Capital Territory Public Service.

For the purpose of these guidelines:

- is a person who performs the duties of an office of head of service/director-general or equivalent office, in terms of their responsibility for managing an administrative unit; or
- their authorised delegate.

Executive

Means:

- an executive; or
- a director-general; or
- a full time holders of public office as defined in the Standards.

Executive vehicle

Means a self drive and private plated passenger motor vehicle the use of which is provided to the head of service, director-general, executive or full-time holders of public office as part of total remuneration package, and includes any vehicle provided in lieu of that vehicle.

Fleet vehicles

Means all leased passenger and light commercial vehicles comprising the ACT Government fleet and managed by the Territory Fleet Provider.

Territory Fleet Provider

Means the contracted fleet provider (the current provider for all ACTPS vehicles is sgfleet).

Standards

Means the *Public Sector Management Standards 2016*.

2. INTRODUCTION

Purpose of the guidelines

These guidelines are issued by the administering director-general to support the provisions within the Standards which regulate the use of executive vehicles for both official and private purposes. The Standards can be accessed on the ACT Legislation Register at [Public Sector Management Standards 2016](#).

The use of an executive vehicle is an option that forms part of an executive remuneration package. The vehicle is, however, provided by the Territory and must align with vehicle selection parameters provided for in the Standards.

3. MANAGEMENT OF EXECUTIVE VEHICLE ENTITLEMENT

Chief Minister, Treasury and Economic Development Directorate's role

The Chief Minister, Treasury and Economic Development Directorate (CMTEDD) is responsible, on a whole of Government basis for:

the development of policy initiatives, in consultation with agencies;
the oversight of measures aimed at ensuring the effective implementation of Government policy;
entering into commercial arrangements for the leasing of Territory vehicles, including executive vehicles; and
development of a Fleet Procurement and Management Policy outlining the policy framework for leasing, purchase, and maintenance of vehicles, including executive vehicles

Territory Fleet Provider

The Territory Fleet Provider is responsible for leasing and management of ACTPS fleet vehicles.

Agency responsibility

Agencies are responsible for communicating the guidelines to relevant staff, and for ensuring compliance with the guidelines.

4. EXECUTIVE VEHICLE ENTITLEMENT

Four cylinder vehicles

An executive is entitled to the use of a four-cylinder vehicle, within the Territory's leasing arrangements. An executive must comply with the requirements of the Standards and with these guidelines when selecting and using a vehicle.

Use of fuel efficient low emission vehicles

Government policy is to increase the number of fuel efficient, low emission vehicles in the fleet.

Executives should be encouraged to consider selecting a vehicle that has a high star rating under the [Green Vehicle Guide](#).

Choice of vehicles

An executive is able to select a four-cylinder vehicle in accordance with the Standards. An executive must select a vehicle that is suitable for business use. It is important to ensure that an appropriate image of the ACT Public Service is promoted by executives when selecting an executive fleet vehicle.

Payment in lieu of vehicle

An executive may elect to receive payment in lieu of the vehicle entitlement provided this is done in accordance with the Standards.

An executive who elects to take payment in lieu of a vehicle (paid in fortnightly instalments) may, at any time, elect to obtain an executive vehicle instead of taking payment in lieu.

However, an executive who has elected for a vehicle leasing arrangement cannot change the election (to cash payment) until the lease has expired, without the approval of the Administering director-general.

Where there is a change to parking arrangements, the executive is to contact their Human Resources area or Shared Services, Partnership Services immediately.

Payment in lieu of entitlement to vehicle parking space

An executive who elects to take payment in lieu of a vehicle may also elect to take payment in lieu of the entitlement to a vehicle parking space. However, an executive who has elected for a vehicle leasing arrangement cannot elect for payment in lieu of a parking space.

Annual Vehicle Allowance

The Standards prescribe the annual vehicle allowance for each remuneration zone. The annual allowance is the same where an executive selects a fleet vehicle or takes a cash payment in lieu of a vehicle.

Where an executive selects a fleet vehicle, the annual allowance must cover but is not limited to:

- annual lease costs;
- annual costs associated with vehicle maintenance, vehicle modification, repair of the vehicle, insurance of the vehicle and vehicle registration;
- annual fuel costs;
- GST and FBT; and
- management and administration fees.

5. PURCHASE/RETURN AND HIRE ARRANGEMENTS

Vehicle Purchase

An executive may elect to purchase their assigned passenger vehicle at the end of the lease period, or upon their separation from the ACTPS, irrespective of the age of the vehicle or kilometres travelled.

Notification of Intention to Purchase

An executive must notify the Territory Fleet Provider in writing of their intention to enter into an arrangement to purchase their assigned vehicle as early as possible, having regard to any timeframes required by the Territory Fleet Provider, before the lease term of the relevant vehicle expires.

Vehicle Valuation and Sale

The Territory Fleet Provider will provide a pay-out figure for the vehicle. The purchase price will be the value of the vehicle as determined by Territory Fleet Provider. The notification of purchase price will be regarded as the first and final offer. All costs associated with this process are to be met by the executive concerned.

Payment Arrangements

The method of payment must be agreed with the Territory Fleet Provider and must be made within seven days of receiving notification of the purchase price. If this does not occur, the offer to purchase will be deemed to have lapsed.

Upon receipt of payment, the Territory Fleet Provider will arrange for the transfer of papers. The vehicle will remain **on lease** to the agency until such time as the Territory Fleet Provider receives payment.

Vehicle return

Where an executive, no longer requires an executive vehicle, within the prescribed executive vehicle arrangements in the Standards, that vehicle must either be:

returned to the agency for reallocation; or
returned to the Territory Fleet Provider.

Any direct or indirect costs incurred by the ACTPS as a result of the early sale of the vehicle must be met by the agency.

Short term hire of vehicles

Occasions may arise where a vehicle is required for a short period of time, for example to perform essential services while an executive vehicle is off the road.

Agencies should first endeavour to redeploy existing fleet vehicles in these circumstances. However, if this is not possible, short term car hire may be organised through the Territory Car Hire Provider for a period not exceeding 30 days.

Further information about the Territory Car Hire Provider contract and a *'User Reference Guide for Short Term Car Hire of Motor Vehicles'* is available through the Goods and Services Procurement intranet site (<http://sharedservices/actgovt/Procurement/Buying/index.htm>).

Approval for vehicle hire

Each occasion of vehicle hire must be individually justified, and approved by the director-general. Vehicles must not be hired on a short term basis to cover a long-term need.

Vehicle hire while interstate

Arrangements relating to short term vehicle hire when travelling interstate are also covered in the *'User Reference Guide for Short Term Car Hire of Motor Vehicles'*. However provisions in these guidelines regarding appropriate behaviour continue to apply.

6. EXECUTIVE VEHICLE MODIFICATION

Vehicle modification

In all circumstances, executive vehicle modification must:

comply with the manufacturer's specifications; and
be undertaken in consultation with the Territory Fleet Provider; and
maintain a highly professional image of the ACTPS.

General

The executive must meet the cost of any approved modification made at the request of the executive. The executive who requested the modification must also meet any cost of restoration of the vehicle.

The cost of any modification made to an executive vehicle in order to meet the operational requirements of the agency must be met by the agency. This includes costs associated with the acquisition, fitting, removal, refitting or restoration of the vehicle related to the modification.

Executive with a disability

Where an executive requires specific modifications to a vehicle due to a disability, the Territory Fleet Provider should be advised of these requirements when the vehicle is selected. Any additional cost associated with such a modification will be met by the agency.

Optional items of equipment

An executive is entitled to choose optional items of equipment for an executive vehicle provided the equipment is approved and the total value of the vehicle with the equipment does not exceed the annual vehicle allowance for the executive's remuneration zone.

Mobile phones and two-way radios

Where the fitting of a mobile phone or two-way radio to an executive vehicle is required for operational reasons, the responsible Directorate fleet executive may approve the agency covering the costs of fitting this equipment and the costs of restoration prior to the vehicle being returned to the Territory Fleet Provider. Otherwise, the cost of fitting a mobile phone or two-way radio will be met by the executive from their annual vehicle allowance. If a mobile phone or two-way radio is fitted this must be undertaken by contractors approved by the Territory Fleet Provider.

7. VEHICLE OPERATION

Workers' compensation

Normal workers' compensation provisions apply to an executive using an executive vehicle for business purposes, excluding travel to and from work, but not for other private use.

Parking permits

Agencies are responsible for issuing any relevant parking permits. Executive vehicles must display approved Government vehicle labels to enable them to park in spaces reserved for Government vehicles.

Payment of insurance excess

Where an insurance claim needs to be made in relation to an executive vehicle, the executive's agency must meet any payment of excess. This excess payment may in turn be charged to the executive.

Driver responsibilities

Drivers of ACTPS vehicles are required to:

- be appropriately licenced;
- obey all traffic laws and parking restrictions;
- behave in a courteous way at all times;
- ensure the safe and efficient operation of the vehicle, and that any cargo is properly secured;
- report vehicle accidents and defects;
- ensure the care and security of the vehicle; and
- comply with the provisions set out in these guidelines.

Drivers are personally responsible for any breaches of road transport legislation while they are in control of an ACTPS vehicle. This includes the payment of any fines incurred.

Directors-general are ultimately responsible for ensuring all fines for vehicles under their control are paid in a timely manner by the driver concerned.

Use of vehicles by family members

Executive vehicles may be used by members of the executive's family outside of those times that the vehicle could reasonably be expected to be available for use by the executive in the conduct of their official business.

Executives should advise their agency Fleet Manager of any family member who is likely to use the executive vehicle.

Availability of vehicles

All ACTPS vehicles, including executive vehicles, must be made available for use by authorised personnel during normal working hours.

Appropriate behaviour

Drivers and passengers of ACTPS vehicles should behave at all times with courtesy towards members of the public, and in accordance with the general obligations of public employees, or “Code of Ethics”, as set out in Section 9 of the [Public Sector Management Act 1994](#) and the values and signature behaviours outlined in the ACTPS Code of Conduct.

8. VEHICLE UTILISATION

Vehicle servicing

Directors-general are to ensure that ACTPS vehicles are serviced at intervals recommended by the manufacturer, maintained in a safe and roadworthy condition, and that prompt arrangements are made to correct any defects.

Servicing must be authorised by the Territory Fleet Provider and arranged through approved service centres.

The costs of unauthorised service and maintenance will be met by the area responsible for the vehicle.

Excess wear and tear

Excessive wear and tear may result in a vehicle attracting a lower than usual resale price. Where the resale price is less than the residual calculated under the lease, the agency responsible for the vehicle will bear the cost of any price difference.

Vehicle defects

Executives are to advise the Territory Fleet Provider of any defects requiring correction.

Any vehicle with a defect that renders it unsafe must NOT be driven. An executive knowingly driving an ACTPS vehicle which is unsafe does so at their own risk and liability.

Use of official logos

As a general rule, logos and transfers should NOT be affixed to vehicles where this could damage paintwork and reduce the resale value.

The Territory Fleet Provider must be consulted before any logos are affixed to vehicles, and prior approval must be obtained from the director-general.

Where approval has been granted, transfers should be affixed to glass rather than to paintwork.

Any costs associated with the restoration of paintwork will be charged to the agency.

Care of vehicles

Executives are responsible for the care of ACTPS vehicles in their control, including:

- conducting necessary safety checks (such as fuel, oil and water levels, tyre pressure, etc);
- reporting any defects or faults requiring rectification as soon as possible; and
- keeping vehicles clean and tidy at all times.

Fuel and other supplies

Fuel should be obtained from approved outlets or participating service stations, using the fuel card allocated to that vehicle.

An accurate odometer reading must be recorded each time an ACTPS vehicle is supplied with fuel to ensure appropriate vehicle management. This information is used to monitor fuel usage against industry benchmarks.

The filling of receptacles other than the vehicle fuel tank is NOT permitted, and may be regarded as fraud.

Any loss of fuel from a vehicle is to be reported to the relevant agency immediately.

Where other vehicle items need to be purchased in an emergency a tax invoice should be obtained and provided to the agency Fleet Manager together with an explanation for the purchase and reimbursement if appropriate.

The Territory Fleet Procurement and Management Policy provides further information on Territory fuel arrangements.

Fuel cards

Fuel cards are supplied with ACTPS vehicles, which entitle the holder to purchase fuel, top up oil and car wash for official purposes ONLY. Use of fuel cards for other than official purposes may constitute fraud and may lead to disciplinary action.

These cards must NOT be used for any other vehicle.

Information regarding the choice of fuel cards may be obtained from the Territory Fleet Provider. In this regard primary consideration should be given to the principle of best value for money.

Any loss or damage to a fuel card must be reported to the relevant agency and to Territory Fleet Provider immediately. Replacement cards are to be arranged through the Territory Fleet Provider.

The Territory Fleet Procurement and Management Policy provides further information on Territory fuel arrangements.

Fuel costs while on leave without pay

Where an executive wishes to use an executive vehicle during a period of leave without pay, they must first seek the approval of the relevant Director-General. In this circumstance, the executive will be required to cover all lease and running costs associated with the vehicle lease arrangement while on leave without pay.

Roadside assistance

Drivers should follow the instructions contained in the *Driver Information Card or Kit* provided with each ACTPS vehicle.

9. ACCIDENTS

Accident reporting procedures

Drivers should follow the instructions contained in the *Driver Information Card or Kit* provided with each ACTPS vehicle.

Drivers should also report the accident to their agency Fleet Manager immediately.

10. CONTACT INFORMATION

Executives seeking further information regarding executive vehicle use and entitlements should contact their agency Human Resources or Corporate Services area provider in the first instance.

Agency Human Resources or Corporate Services areas seeking further information in relation to the policy/legislative framework for executive vehicle entitlements should contact:

Government Business and Governance
Workforce Capability and Governance Division
Chief Minister, Treasury and Economic Development Directorate
Ph: 620 50884

Contracts and Category Management Section
Goods and Services Procurement
Chief Minister, Treasury and Economic Development Directorate
Ph: 620 72058

**Workforce Capability and Governance Division
Government Business and Governance**

August 2017

Public sector conduct – Section 9, *Public Sector Management Act 1994*

A public servant must -

- (a) take all reasonable steps to avoid a conflict of interest; and
- (b) declare or manage a conflict of interest that cannot reasonably be avoided; and
- (c) when acting in connection with the public servant's job—
 - (i) comply with laws applying in the Territory; and
 - (ii) comply with any lawful and reasonable direction given by a person with the authority to give the direction; and
 - (iii) if dealing with a member of the public—make all reasonable efforts to help the person to understand the person's entitlements, and any requirement the person is obliged to meet, under a territory law; and
 - (iv) treat all people with courtesy and sensitivity to their rights and aspirations; and
- (d) do the public servant's job with reasonable care and diligence, impartiality and honesty.

A public servant must not –

- (a) behave in a way that—
 - (i) is inconsistent with the public sector values; or
 - (ii) undermines the integrity and reputation of the service; or
- (b) take improper advantage of the public servant's job or information gained through the public servant's job; or
- (c) improperly use a Territory resource, including information, accessed through the public servant's job; or
- (d) without lawful authority—
 - (i) disclose confidential information gained through the public servant's job; or
 - (ii) make a comment that reasonably appears to be an official comment; or
- (e) when acting in connection with the public servant's job— bully, harass or intimidate anyone; or
- (f) when doing the public servant's job—apply improper influence, favouritism or patronage.

Issued by
Employment Policy
Workforce Capability and Governance Division
Chief Minister, Treasury and Economic Development Directorate



DECLARATION OF PRIVATE INTERESTS POLICY

Purpose

1. This policy articulates the principles by which a Declaration of Private Interest (DPI) form should be received, managed and stored within the ACT Public Sector (the Sector).

Application

2. This policy applies to all executives employed under the *Public Sector Management Act 1994* and full-time holders of public office that are required to lodge a DPI form (or similar) under their appointment provisions.

Background

3. The aim of this policy is to improve current practice around the management, handling and storage of DPIs given they contain information of a confidential nature. It is also to ensure consistency in arrangements across the public sector, and to implement a system whereby they are reviewed on an ongoing basis.

Principles

4. Decisions made by executives and full-time holders of public office should be, and should be seen to be, professional, impartial and beyond reproach. Executives and full-time holders of public office need to be aware that their decisions are likely to be subject to both internal and external scrutiny. Maintaining public confidence in the integrity and honesty of the Sector is crucial to good governance.
5. In this vein, the Sector requires DPIs as a systemic measure to provide the Government with notice of a person's private interests in order to prevent and manage potential conflicts of interest where those private interests are, or could be perceived to be, in conflict with official duties. These interests can be either financial, or private, and can sometimes extend to the interest of family members.

Specific Matters

6. All executives are required to provide a written DPI on commencement of their appointment. In the first instance all DPIs should be provided to Shared Services.
7. The DPI should be updated:
 - every 12 months; and
 - as soon as possible after any relevant change in the executive's circumstances.
8. For an executive, Shared Services will keep an electronic copy of the DPI to be stored confidentially on file. The DPI will then be provided to the relevant director-general. It is the responsibility of the director-general to assure themselves that they are regularly reviewing executives DPI's to ensure a conflict does not arise.

9. For the head of service or directors-general, the DPI will be stored in the Public Sector Management Branch of CMTEDD. It will be stored securely and confidentially on the central executive file. For directors-general a copy will be provided to the head of service for information. It is the responsibility of the head of service to assure them that they are regularly reviewing directors-general DPI's to ensure a conflict does not arise.
10. A DPI will remain valid for a 12 month period in the event an executive enters into several short term contracts during that period.
11. Action must be taken by the relevant director-general (or head of service for directors-general) if an executive fails to provide a DPI on commencement of their appointment or does not update their DPI every 12 months.
12. Original and copied DPIs must be stored in accordance with records management requirements.
13. Where a full-time holder of public office is required to provide a DPI, a copy shall be provided to the Deputy Director-General Workforce Capability and Governance for confidential and secure filing.
- 14.

Legislative Reference

Public Sector Management Standards 2016, section 46.

Policy Owner

Director, Public Sector Management
Workforce Capability and Governance Division
Chief Minister, Treasury and Economic Development Directorate
Date: August 2017