



GUIDELINES ON PROVISION OF PRIVATE-PLATED VEHICLES FOR SENATORS AND MEMBERS 2017

I, SCOTT RYAN, Special Minister of State,

1. revoke the *Guidelines on Provision of Private-Plated Vehicles for Senators and Members 2012* immediately before the commencement of these guidelines; and
2. make these guidelines under clauses 1.6, 4.9 and 6.2 of *Remuneration Tribunal Determination 2017/13: Members of Parliament - Entitlements*.

Dated 2017.

SCOTT RYAN
Special Minister of State



GUIDELINES ON PROVISION OF PRIVATE-PLATED VEHICLES FOR SENATORS AND MEMBERS 2017

made under

Remuneration Tribunal Determination 2017/13: Members of Parliament – Entitlements (the Determination)

1. Date of Effect

1.1 These Guidelines commence on 1 July 2017.

2. The Provisions

2.1 A Senator or Member is provided with a private-plated vehicle to be used for parliamentary, electorate or official business, family travel and private purposes, but not for commercial purposes.

2.2 This is provided under the Determination.

3. Standard and Non-Standard Vehicles

3.1 A list of standard vehicles available to Senators and Members is advised from time to time by the Special Minister of State. The vehicles on the list are subject to a price cap based on the luxury car tax threshold for non-fuel efficient vehicles (the threshold), as determined by the Australian Tax Office from time to time. The list is available from the Ministerial and Parliamentary Services website at www.maps.finance.gov.au. The list will be reviewed from time to time and Senators and Members will be informed if there are any changes. Senators and Members are required to select a vehicle from the list of standard vehicles (except as provided in paragraphs 3.2 to 3.4 below). Where derivatives of a vehicle on the list have a recommended retail price which exceeds the threshold, these models will not be available for selection by Senators and Members.

3.2 Under clause 6.1(b) of the Determination, a Senator or Member may request a non-standard vehicle *instead of* a standard vehicle (see paragraphs 13.1 to 19.1 below for additional guidance relating specifically to non-standard vehicles).

3.3 Under clause 6.1(c) of the Determination, a Member representing an electorate that is 300,000 km² or more in size may select a four-wheel drive vehicle *instead of* a standard vehicle.

3.4 Under clause 6.1(d) of the Determination, a Senator representing the Northern Territory or a Member representing an electorate that is 300,000 km² or more in size, may

select a four-wheel drive vehicle *in addition to* the vehicle provided under clause 6.1(a) or clause 6.1(b) of the Determination. The lease cost of this additional vehicle will be drawn from the Senator or Member's transport in large electorate budget or electorate allowance, as nominated by the Senator or Member.

3.5 A four-wheel drive vehicle provided to a Senator or Member under clause 6.1(c) or clause 6.1(d) of the Determination is not subject to a price cap. However, the Senator or Member is expected to select the lowest priced four-wheel drive vehicle (and model within a range) that will meet his or her operational requirements.

4. Selection of Vehicle

4.1 The relevant state office of Ministerial and Parliamentary Services will contact a Senator or Member to arrange his or her vehicle order.

4.2 Where there will be an unreasonable delay in the provision of a Senator or Member's private-plated vehicle, an interim vehicle may be supplied. These delays can include, but are not limited to, extended wait times for manufacturers to fulfil a vehicle order, extended wait times for the maintenance or repair of a private-plated vehicle, or where a delay has been caused by the contracted vehicle provider.

4.3 *For standard vehicles only*, a Senator or Member may choose any vehicle from the list of standard vehicles, referred to in paragraph 3.1 above, advised from time-to-time by the Special Minister of State. When selecting a vehicle from the list, a Senator or Member should pay particular attention to value for money when deciding whether a vehicle meets his or her needs.

4.4 *For standard vehicles only*, lump sum payments, as described in paragraph 5.3 below, may only be used where the cost of optional extras brings the total value of an available vehicle above the price cap, referred to in 3.1 above. Lump sum payments may not be used to obtain a vehicle that does not appear on the relevant list of standard vehicles.

4.5 Prior to delivery of the selected vehicle, a lease term will be determined by Ministerial and Parliamentary Services. Ministerial and Parliamentary Services regularly review private-plated vehicle use to ensure that best value for money is achieved by matching vehicle use patterns to lease terms. Lease terms may be adjusted (either reduced or extended) by Ministerial and Parliamentary Services where vehicle use does not match lease terms. Ministerial and Parliamentary Services will advise a Senator or Member whose vehicle lease term is adjusted. Unless unforeseen circumstances arise, it is expected that a Senator or Member will retain the vehicle for the entire length of the lease term or the adjusted lease term where relevant.

5. Optional Extras

5.1 Optional extras should be included as part of the vehicle order. Optional extras that can be fitted by the vehicle's dealer, that were overlooked at the time the vehicle was ordered, may only be added until the time of the vehicle's first scheduled service.

5.2 A Senator or Member wishing to add dealer-fitted optional extras after the original order is placed must discuss the matter with the relevant Ministerial and Parliamentary Services' State Manager, before booking a fitting with the dealer. This will allow the State Manager to make arrangements with the contracted vehicle supplier and ensure that the fitting dealer is given the required advance notice.

5.3 *For standard vehicles only*, where the cost of the optional extras brings the total value of the vehicle above the price cap, a Senator or Member is required to pay the difference by way of a lump sum payment at the time the final contract supplement for the vehicle is issued. Where, due to unforeseen circumstances, an optional extra is added after the time the final contract supplement for the vehicle is issued, but no later than the vehicle's first scheduled service, any additional payment should be made at the time of fitting.

5.4 All optional extras included in the cost of the lease must be kept with the vehicle and returned with the vehicle:

- (a) at the end of the vehicle lease; or
- (b) after the vehicle is written-off in an accident; or
- (c) when the Senator or Member ceases to hold office,

whichever occurs first.

*Optional extras **not** taken into account when determining the total value of the vehicle*

5.5 The cost of the following dealer-fitted optional extras are **not** taken into account when determining the total value of the vehicle:

- automatic transmission;
- bonnet protector;
- cargo barrier;
- carpet mats;
- standard tow pack;
- factory-fitted Bluetooth handsfree mobile phone functionality, where this is not factory fitted), a separate handsfree mobile phone car kit will not be installed after delivery of the vehicle, but additions such as an external aerial may be added);
- bull bar (or similar), driving lights or a kangaroo repellent device where Ministerial and Parliamentary Services considers that a Senator or Member will be using the vehicle in circumstances where collision with kangaroos or other wildlife is likely;
- electronic stability control;
- reverse parking sensor and/or factory-fitted reverse cameras;
- a full size steel spare wheel on a vehicle where this is not standard; and
- a first aid kit.

A reverse parking sensor or camera, a full sized spare wheel and a first aid kit will automatically be included with all private-plated vehicles where this is possible.

5.6 A Senator or Member who selects a four-wheel drive vehicle under clause 6.1(c) or clause 6.1(d) of the Determination may be provided, on request with a satellite telephone service and/or an Emergency Position Indicating Radio Beacon (EPIRB) for workplace health and safety reasons.

5.7 In addition, a Senator or Member provided with a vehicle under clause 6.1 of the Determination may be provided with a satellite telephone service and/or an EPIRB, for workplace health and safety reasons, *subject to the approval of the relevant Ministerial and Parliamentary Services State Manager.*

6. Drivers

6.1 It is a Senator or Member's responsibility to ensure that persons who drive his or her private-plated vehicle have an appropriate licence and do not use the vehicle for commercial purposes.

7. Return of Vehicles

7.1 All vehicles provided to a Senator or Member by Ministerial and Parliamentary Services must be returned immediately to Ministerial and Parliamentary Services (or an authorised agent acting on behalf of either Ministerial and Parliamentary Services or the contracted vehicle supplier), when:

- (a) the Senator or Member's access to that vehicle ceases, because they:
 - (i) are no longer a Senator or Member; or
 - (ii) no longer hold an office that provides access to a private-plated vehicle; or
- (b) the lease on the vehicle expires.

7.2 Where a Senator or Member wishes to purchase his or her private-plated vehicle,

- (a) the vehicle is eligible for purchase:
 - (i) for a Senator or Member who is leaving the Parliament, if, at the date of leaving the Parliament, the vehicle lease will expire in no more than three months;
 - (ii) in all other cases, on or after the vehicle's lease expiry date, and
- (b) the Senator or Member:
 - (i) must make arrangements for the purchase directly with the contracted vehicle supplier;
 - (ii) is personally responsible for all costs associated with the purchase; and
 - (iii) regardless of the progress of the purchase negotiations:
 - A. must return the vehicle immediately when its lease expires; or
 - B. in the case of a Senator or Member who is leaving the Parliament, must return the vehicle upon the earlier of the ceasing to hold an office that carries access to a private-plated vehicle or the expiry of the lease of the vehicle.

8. Vehicle Maintenance

8.1 All vehicles provided to a Senator or Member must be appropriately maintained and returned in good condition. To assist with this:

- (a) scheduled services should be performed when due;
- (b) any damage should be repaired promptly, in consultation with the contracted vehicle supplier and the vehicle's insurer;
- (c) the vehicle should be washed regularly, as specified by the manufacturer; and
- (d) any theft or malicious damage involving the vehicle must be reported to police.

8.2 The costs of car-washing services for a private-plated vehicle, provided to a Senator or Member under the Determination, will be met by the Commonwealth through the fuel card provided with the vehicle. A Senator or Member may choose a car-washing service that appropriately maintains the vehicle's presentational condition, noting the attached fair wear and tear guidance on the constant use of automatic car washes and any manufacturer's instructions. Vehicle manufacturers provide advice on the car-washing requirements to maintain a vehicle. It is expected that a Senator or Member's car-washing costs are reasonable. A Senator or Member is not eligible to use valet car-washing services.

8.3 Returning a vehicle at end of lease in a sound, serviceable condition assists in ensuring that the Commonwealth does not incur additional charges, and achieves the best possible sale price when the vehicle is disposed of. When assessing a vehicle's condition

at the end of its lease term, the contracted vehicle supplier takes into account any deterioration in the vehicle's overall condition that is considered fair wear and tear for the distances travelled and the age of the vehicle. Unfair wear and tear is any deterioration judged as unacceptable against industry standards that may require refurbishment prior to sale.

8.4 The attached summary of guidance on industry fair wear and tear standards is reproduced, with permission, from the *Fair Wear and Tear Guide* produced in 2005 by the Australian Fleet Lessors Association (AFLA), and should be read in that context. The current contracted vehicle supplier, is a member of AFLA and endorses their guidance on unfair wear and tear. Further information is available from the relevant Ministerial and Parliamentary Services State Manager.

9. Fines associated with Infringements

9.1 Where a fine or penalty is issued by a relevant authority in respect of a private-plated vehicle provided to a Senator or Member under the Determination, the Senator or Member is personally responsible for settling the imposed fine or penalty with the relevant authority.

9.2 Where the Commonwealth is charged a fee* in connection with a notice related to a fine or penalty referred to in clause 9.1, the Senator or Member will be asked to pay to the Commonwealth an amount equal to the fee charged to the Commonwealth.

9.3 Where the fine or penalty referred to in clause 9.1 is withdrawn by the relevant authority, the Commonwealth will meet the cost of any fee charged to the Commonwealth for a notice that relates to the fine or penalty referred to in clause 9.1.

9.4 Where the fine or penalty is not withdrawn, but the Senator or Member is able to demonstrate to the satisfaction of Ministerial and Parliamentary Services that the fine or penalty was not a result of an action by the driver of the private-plated vehicle, the Commonwealth will meet the cost of any fee charged to the Commonwealth for a notice that relates to the fine or penalty referred to in clause 9.1, but will not meet the cost of the fine or penalty.

* For example, as at the date of commencement of these Guidelines, the contracted supplier of vehicles charges the Commonwealth an administration fee for processing a fine or penalty notice.

10. Tolls and Parking

10.1 Where a toll road charge is incurred in respect of a private-plated vehicle, provided to a Senator or Member under the Determination, the Senator or Member is personally responsible for payment of the toll road charge to the relevant authority.

10.2 The Commonwealth will cover the costs of parking a private-plated vehicle provided to a Senator or Member under the Determination, in circumstances where parking is provided under the Determination, but not otherwise. At the commencement of these Guidelines, the parking costs which may be met are:

under clause 5.3 of the Determination, where a Senator or Member undertakes travel, as provided by the Determination, from an airport, railway station or similar point of embarkation (a terminus), and uses his or her private vehicle, or private-plated vehicle to drive to the terminus, the Senator or Member is entitled to reimbursement of related parking costs up to a maximum of \$240 for each instance.

11. Requirement to Provide Odometer Readings

11.1 A Senator or Member who:

- (a) is provided with a private-plated vehicle; and
- (b) uses a Commonwealth-provided fuel card to pay for fuel for the vehicle,

must ensure that an odometer reading for the vehicle is given on each occasion that the vehicle is fuelled.

11.2 For paragraph 11.1, the odometer reading must be given:

- (a) to the fuel supplier to enter into its electronic records linked to the Commonwealth-provided fuel card; or, if the fuel supplier does not take electronic records,
- (b) by recording the reading on the receipt for the fuel and giving the receipt to Ministerial and Parliamentary Services with a certification that the odometer reading recorded on the receipt is true and correct.

11.3 Where a Senator or Member does not provide odometer readings in accordance with paragraph 11.2, the Special Minister of State may cancel the Commonwealth-provided fuel cards linked to the Senator or Member's vehicle.

11.4 Where a fuel card has been cancelled under paragraph 11.3, the Special Minister of State may later approve the reissue of Commonwealth-provided fuel cards for the Senator or Member's vehicle.

11.5 In the event that a fuel card has been cancelled under paragraph 11.3 fuel costs will be reimbursable upon receipt of tax invoices by Ministerial and Parliamentary Services. The odometer reading should be provided on the tax invoice.

12. Exceptional circumstances

12.1 Where a private-plated vehicle provided to a Senator or Member under the Determination is temporarily unavailable due to extraordinary circumstances (such as a natural disaster), on request to Ministerial and Parliamentary Services the Senator or Member may be provided, with a short-term hire car, with fuel cards, for the period that the private-plated vehicle is unavailable.

NON-STANDARD VEHICLES

The following paragraphs apply to non-standard private-plated vehicles provided to Senators and Members under clause 6.1(b) of the Determination.

13. Factors that will be Considered for Provision of a Non-Standard Vehicle

13.1 Factors that will be taken into account in considering applications for a non-standard vehicle are:

- (a) operational requirements;
- (b) workplace health and safety reasons such as medical grounds; and
- (c) environmental considerations.

14. Operational Requirements

14.1 A case based on operational requirements should demonstrate that, for a significant part of the time spent driving, the use of a standard vehicle would not adequately meet the reasonable requirements of a Senator or Member.

14.2 A Senator or Member may seek a non-standard vehicle to better fulfil his or her electorate duties. For example, a Senator or Member may seek a non-standard vehicle for the purposes of operating or towing a mobile electorate office.

14.3 Generally, a non-standard vehicle will not be provided solely for family reasons. However, if a Senator or Member considers that there are compelling reasons for seeking a non-standard vehicle (or modifications to a standard vehicle) to meet his or her family circumstances then the matter will be considered by the Special Minister of State on its merits.

15. Workplace Health and Safety

15.1 A case for provision of a non-standard vehicle on the basis of an ongoing medical condition should be accompanied by advice from a medical practitioner supporting the case.

16. Environmental Considerations

16.1 A case for provision of a non-standard vehicle on the basis of environmental considerations should be accompanied by documentary evidence demonstrating the non-standard vehicle's environmental superiority. This material should demonstrate that the vehicle:

- (a) is powered by alternative fuel sources (such as electric power) or a hybrid engine (powered by a combination of fuel sources); and
- (b) has an increased fuel efficiency and/or a decrease in emissions as a result.

17. Proposals for a Non-Standard Vehicle

17.1 When submitting a proposal for a non-standard vehicle, a Senator or Member should provide justification for the standard and type of vehicle sought, including any special features. A Senator or Member is expected to request the lowest priced vehicle (and model within a range) that will meet his or her operational requirements.

17.2 Given the grounds on which a non-standard vehicle may be required, it is not expected that a Senator or Member would seek a sports car, coupe or high performance vehicle. It is unlikely that such vehicles would be approved.

17.3 A request for a non-standard vehicle may be made at the time that a Senator is appointed or commences their term (whichever is the latter), or a Member is elected. Otherwise, it generally would be expected that a non-standard vehicle would only be provided at the time an existing leased vehicle is due for replacement.

17.4 An initial request for a non-standard vehicle should be submitted in writing to Ministerial and Parliamentary Services. A formal request is not required when a Senator or Member intends to replace a non-standard vehicle that is due for replacement with a vehicle of similar type, provided the Senator or Member's circumstances remain unchanged.

18. Adjustment to Transport in Large Electorate Budget or Electorate Allowance

18.1 Where a Senator or Member is provided with a non-standard vehicle, his or her transport in large electorate budget or electorate allowance will be reduced by the difference between the lease cost of the non-standard vehicle and the lease cost of a standard vehicle. When seeking approval to lease a non-standard vehicle and when an approved non-standard vehicle is replaced, a Senator or Member must nominate whether these additional leasing costs are to be met from his or her transport in large electorate budget or electorate allowance.

18.2 If a Senator or Member elects to meet the additional lease costs from his or her transport in large electorate budget, the proposal for a non-standard vehicle should be based on the Senator or Member's ability to transport himself or herself within and for the service of the electorate, consistent with clause 6.1 of the Determination.

18.3 Where a Senator or Member nominates his or her transport in large electorate budget, the full difference between the lease cost of the non-standard vehicle and the lease cost of a standard vehicle will be deducted. Initially a pro rata amount will be deducted for the remainder of the current financial year and thereafter the full annual cost will be deducted at the beginning of each financial year.

18.4 Where a Senator or Member nominates his or her electorate allowance, arrangements will be made with the relevant chamber department for deductions to be made monthly.

19. Determination of the Difference between the Lease Cost of a Non-Standard Vehicle and the Lease Cost of a Standard Vehicle

19.1 Any difference between the lease cost of a non-standard vehicle and the lease cost of a standard vehicle will be determined when the final contract supplement for the lease is issued, and remains fixed for the term of the vehicle's lease. Ministerial and Parliamentary Services' State Managers are able to provide indicative costs only, prior to the issue of the final contract supplement. The lease cost difference is recalculated each time an approved non-standard vehicle is replaced.