Procedural Rule No 1 of 2012 – Car Transport

I, GARY GRAY, Special Minister of State:

1. revoke Procedural Rule 1998/1 – Use of Car with Driver Services in Canberra;

2. revoke Procedural Rules No. 1 of 1999 and Prescribed Modes of Car Transport 1999; both dated 5 May 1999;

3. revoke Procedural Rule No 5 of 2005 – Car Transport in Canberra, dated 10 October 2005; and

4. make this procedural rule under clauses 1.6, 4.6 and 4.9 of Remuneration Tribunal Determination 2012/04: Members of Parliament – Entitlements.

Dated 3 - 12 2012

[Signature]

Special Minister of State
# Procedural Rule No 1 of 2012 – Car Transport

made under  
*Remuneration Tribunal Determination 2012/04*

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Part 1 – Preliminary

Section 1 Name of procedural rule

This procedural rule is *Procedural Rule No 1 of 2012 – Car Transport*.

Section 2 Commencement

(1) Part 3, Subsection 5(3)(a) commences on 5 May 1999.

(2) Part 3, Subsection 7(5) commences on 15 March 2012.

(3) The remaining provisions commence on the day after this procedural rule is signed.

Section 3 Definitions

In this instrument:

*Canberra* means in Canberra and locations within a radius of 30 kilometres from Parliament House.

*Canberra-based private-plated vehicle* means a vehicle that is:

(a) provided to a Senator or Member in accordance with clause 4.1(b) of the Determination as a form of long-term self-drive car transport;

(b) arranged through a lease agreement with the contracted vehicle supplier; and

(c) either:

(i) a standard vehicle; or

(ii) a non-standard vehicle approved by the Special Minister of State or an authorised person for provision to a Senator or Member.

*Car-with-driver services* means a vehicle and driver provided by:

(a) COMCAR;

(b) a commercial hire car company; or

(c) a taxi company.

*Contracted vehicle supplier* means the supplier(s) contracted by the Commonwealth to provide private-plated vehicles to Senators and Members.


*Leader of a minority party* has the same meaning as in the Parliamentary Entitlements Act 1990.
long-term self-drive car transport means a vehicle provided to a Senator or Member in accordance with the Determination that is arranged through a lease agreement with the contracted vehicle supplier. This term includes a Canberra-based private-plated vehicle.

Ministerial and Parliamentary Services means the Ministerial and Parliamentary Services division of the Department of Finance and Deregulation.

non-standard vehicle means a vehicle, that is approved by the Special Minister of State or an authorised person for provision to a Senator or Member, that is not included on the list of standard vehicles prescribed by the Special Minister of State in accordance with clause 6.1 of the Determination.

Opposition Office Holder has the same meaning as in the Parliamentary Entitlements Act 1990.

parliamentary business day means a day when:
(a) either House of Parliament is sitting in Canberra; or
(b) a Parliamentary Committee of which the Senator or Member is a member is meeting in Canberra.

parliamentary sitting week means a week that contains at least one parliamentary business day.

people-mover means a vehicle that seats a minimum of 6 persons and has a maximum seating capacity of 8 persons.

Presiding Officer has the same meaning as in the Parliamentary Entitlements Act 1990 and Deputy Presiding Officer has a corresponding meaning.

relevant department means the department responsible for providing long-term self-drive car transport to Senators and Members for clauses 4.8 and 4.9 of the Determination.

short-term self-drive car transport means a vehicle that is:
(a) arranged through a short-term hire agreement with a commercial hire car company; and
(b) either:
   (i) a standard vehicle; or
   (ii) a non-standard vehicle, provided that the rate of hire does not exceed the rate of hire for a people-mover.

standard vehicle means a vehicle that is included on the list of standard vehicles prescribed by the Special Minister of State in accordance with clause 6.1 of the Determination.
Part 2 Car transport between home/electorate office and the nearest airport/railway station

Section 4 Prescribed modes of car transport for travel under clause 4.1(a) of the Determination

(1) For clause 4.1(a) of the Determination, the following modes of car transport are prescribed:

(a) car-with-driver services; or

(b) short-term self-drive car transport.

(2) A Senator or Member may not access more than one mode of car transport prescribed under this section, concurrently.

Note 1. Clause 4.1 of the Determination provides that: A senator or member shall be provided with car transport at government expense when travelling on parliamentary business, but not including party business (other than meetings of a parliamentary political party, or of its executive, or of its committees, and the national conference of a political party, of which he or she is a member):

(a) for direct travel between his or her home, electorate office or place of business and the nearest airport or railway station.
Part 3 Car transport in Canberra

Section 5 Prescribed modes of car transport for travel under clause 4.1(b) of the Determination

(1) For clause 4.1(b) of the Determination, for travel on parliamentary business or other travel authorised by clause 4.3 of the Determination, the following modes of car transport are prescribed:

(a) car-with-driver services which includes the following:

A. a Senator or Member who is using a car-with-driver service to travel in Canberra, may travel directly between his or her place of residence and Parliament House; and

B. a Senator or Member may interrupt his or her journey, provided that, if the Senator or Member expects the break in the journey to be longer than half an hour, the car will be released immediately and another ordered to complete the journey at a later time; or

(b) short-term self-drive car transport in accordance with Section 6 of this procedural rule; or

(c) for those Senators and Members specified in subsection 7(1),

long-term self-drive car transport in accordance with Section 7.

(2) Subject to subsection 5(3), a Senator or Member may not access more than one mode of car transport prescribed under this section concurrently.
(3) A Senator or Member who is provided with a Canberra-based private-plated vehicle in accordance with Section 7 may access a car-with-driver service:

(a) for direct travel between Parliament House, or his or her accommodation in Canberra, and Canberra Airport;

(b) to attend a Vice Regal, parliamentary, diplomatic or official function; and

(c) where the Senator or Member has a specific concern for his or her personal safety or security.

Note 2. Clause 4.1 of the Determination provides that: A senator or member shall be provided with car transport at government expense when travelling on parliamentary business, but not including party business (other than meetings of a parliamentary political party, or of its executive, or of its committees, and the national conference of a political party, of which he or she is a member):

(b) in Canberra and locations within a 30 kilometre radius of Parliament House.

Note 3. Clause 4.3 of the Determination provides that: A senator or member may use the car transport in Canberra for the purposes of personal emergencies such as dental and medical treatment, funerals and other compassionate circumstances and reasonable personal services such as religious services and banking when these are not available at Parliament House.
Section 6  Short-term self-drive car transport in Canberra

(1) For clause 4.1(b) of the Determination, a Senator or Member may only use short-term self-drive car transport in Canberra between two adjoining parliamentary sitting weeks, that is, two parliamentary sitting weeks separated by a single weekend.

(2) The following rules apply to the use of short-term self-drive car transport in Canberra:

(a) a Senator or Member may collect the vehicle at any time after midday on the last business day of a parliamentary sitting week and must return the vehicle before midday on the first business day of the next parliamentary sitting week;

(b) if a Senator or Member wishes to authorise another person to drive the vehicle, the Senator or Member must:

i. be able to so authorise the person under the hire agreement; and

ii. comply with all requirements of the commercial hire car company regarding the authorisation of other drivers.

(3) If, having hired a vehicle for travel on parliamentary business a Senator or Member also uses the vehicle for private purposes in accordance with clause 4.7 of the Determination\(^4\), the Senator or Member must meet all fuel costs related to the hire of the vehicle. All hire costs, other than fuel, will be met by the Commonwealth.

Note 4. Clause 4.7 of the Determination provides that: If, pursuant to clause 4.6, a senator or member is provided with a short-term self-drive car in Canberra on the weekend, he or she may use the car for private purposes but will meet fuel costs of such usage. The car may not be used for commercial purposes. Clause 4.6 of the Determination provides that: The Special Minister of State may prescribe the mode or modes of transport to be made available to a senator or member for the purposes of clause 4.1.
Section 7  Long-term self-drive car transport in Canberra – Canberra-based private-plated vehicle

(1) For clause 4.1(b) of the Determination, the following Senators and Members may be provided with a Canberra-based private-plated vehicle for long-term self-drive car transport in Canberra:

(a) a Senator or Member who is a Minister or Parliamentary Secretary may be provided with a Canberra-based private-plated vehicle by the relevant portfolio department;

(b) a Senator or Member who is a Presiding Officer or a Deputy Presiding Officer may be provided with a Canberra-based private-plated vehicle by the relevant chamber department;

(c) a Senator or Member who holds a position listed in paragraph (i) to (v) may be provided with a Canberra-based private-plated vehicle by Ministerial and Parliamentary Services:
   (i) an Opposition Office Holder;
   (ii) the leader of a minority party;
   (iii) a shadow minister or shadow parliamentary secretary, subject to subsection 7(2);
   (iv) a whip; or
   (v) the leader of a party forming a coalition government who is not otherwise entitled to a Canberra-based private-plated vehicle in accordance with this procedural rule.

(2) The number of shadow ministers (including shadow parliamentary secretaries) qualifying for a Canberra-based private-plated vehicle shall at no time exceed the number of Ministers (including Parliamentary Secretaries). Where the number of shadow ministers exceeds the number of Ministers, the Leader of the Opposition will advise Ministerial and Parliamentary Services which members of the shadow ministry are eligible to be provided with a Canberra-based private-plated vehicle.

(3) A Senator or Member who wishes to be provided with a Canberra-based private-plated vehicle must:

(a) advise the relevant department in writing that he or she wishes to access the entitlement; and

(b) provide the relevant department with the information that it requires to enable it to give effect to the entitlement.
(4) A Senator or Member who is provided, under subsection 7(1), with a Canberra-based private-plated vehicle must use the vehicle in accordance with clause 4.8 of the Determination\(^5\).

(5) Senators and Members are required to comply with the provisions specified in guidelines developed by the Special Minister of State pursuant to Clause 4.9 of the Determination, including any personal cost contribution set by the Special Minister of State. A personal cost contribution towards Canberra-based private-plated vehicles is not set in the current Guidelines on Provision of Private-Plated Vehicles for Senators and Members 2012.

(6) A Senator or Member who wishes to authorise another person to drive the vehicle must:

(a) be able to so authorise the person under the lease agreement; and

(b) comply with all requirements of the lease agreement regarding the authorisation of other drivers.

(7) An employee who is authorised to drive the vehicle may not use the vehicle for travel between his or her home and place of work, for his or her ordinary hours of duty, except where the employee is travelling on official business and is carrying luggage to and/or from the office for the purpose of the travel.

(8) Subject to subsection 7(9), a Canberra-based private-plated vehicle provided in accordance with this procedural rule may be used for travel outside Canberra for Parliamentary, official or private purposes.

(9) A Canberra-based private-plated vehicle provided in accordance with this procedural rule must be garaged in Canberra and may only be used outside of Canberra for direct travel between Canberra and the electorate, or for a specific return trip to Canberra.

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Note 5. Clause 4.8 of the Determination provides that: \textit{If, pursuant to clause 4.6, a senator or member is provided with long-term self-drive car transport in Canberra, and where this is the case, he or she may use the car transport for private purposes, but not for commercial purposes.}
Part 4 Car transport outside Canberra and the city in which a Senator or Member resides or has an electorate office

Section 8 Prescribed modes of car transport for travel under clause 4.1(c) of the Determination

(1) For clause 4.1(c) of the Determination, the following modes of car transport are prescribed:

(a) car-with-driver services; or

(b) short-term self-drive car transport.

(2) A Senator or Member may not access more than one mode of car transport prescribed under this section concurrently.

Note 5. Clause 4.1 of the Determination provides that: A senator or member shall be provided with car transport at government expense when travelling on parliamentary business, but not including party business (other than meetings of a parliamentary political party, or of its executive, or of its committees, and the national conference of a political party, of which he or she is a member):

(c) in other capital cities and regional centres, except within the city/centre in which a senator or member resides or has an electorate office, and between capital cities and regional centres.
Part 5  Car transport for parliamentary committee business

Section 9  Prescribed modes of car transport for travel under clause 4.1(d) of the Determination

(1) For clause 4.1(d) of the Determination, the following modes of car transport are prescribed:

(a) car-with-driver services; or

(b) short-term self-drive car transport.

(2) A Senator or Member may not access more than one mode of car transport prescribed under this section concurrently.

Note 5. Clause 4.1 of the Determination provides that: A senator or member shall be provided with car transport at government expense when travelling on parliamentary business, but not including party business (other than meetings of a parliamentary political party, or of its executive, or of its committees, and the national conference of a political party, of which he or she is a member):

(d) on visits in the course of parliamentary committee business.
Part 6    Administration

Section 10    Early return of vehicles

Where a Senator or Member, who is provided with long-term self-drive car transport under the Determination, chooses to return the vehicle before the end of the vehicle's lease, to:

(a) the relevant department; or

(b) an authorised agent acting on behalf of either the relevant department or the contracted vehicle supplier,

the Senator or Member will be personally responsible for any costs that the Commonwealth is charged in connection with the early return of the vehicle.