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**NORTHERN TERRITORY OF AUSTRALIA
REMUNERATION TRIBUNAL**

REPORT AND DETERMINATION

No. 2 of 2016

**ON ENTITLEMENTS OF
ASSEMBLY MEMBERS**

**REMUNERATION TRIBUNAL
REPORT AND DETERMINATION
NO. 2 OF 2016
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Introduction

1. On 28 April 2016, the Administrator of the Northern Territory, His Honour the Honourable John Hardy OAM, issued the following request to the Remuneration Tribunal:
 - (a) as mentioned in section 3A(1) of the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act* (the Act) request the Tribunal to, on or before 31 July each year, inquire into and determine:
 - (i) the amount of basic salary; and
 - (ii) the amount of additional salary of office and the offices in respect of which additional salary of office is to be paid; and
 - (iii) the basis on which the amounts mentioned in subparagraphs (i) and (ii) have been or should be determined; and
 - (b) as mentioned in section 4(1) of the Act, request the Remuneration Tribunal to, on or before 31 July of each year, inquire into and determine an entitlement (other than basic salary or additional salary of office) of an Assembly member for:
 - (i) performing the functions of an Assembly member; or
 - (ii) performing a function for the Assembly; or
 - (iii) holding or occupying any of the offices mentioned in section 4(1)(c) of the Act; and
 - (c) as mentioned in section 4AA of the Act, request the Remuneration Tribunal to, on or before 31 July of each year, inquire into and determine an entitlement for a person who ceases to hold office as an Assembly member as mentioned in that section.
2. The resulting Report and Determination must be tabled in the Legislative Assembly within six sitting days of receipt by the Minister. The Assembly may disallow all or part of the Determination within ten (10) sitting days of tabling.

Powers of the Tribunal

3. The powers of the Tribunal in respect of determining entitlements for Assembly Members are set out in sections 3(A), 4, 4AA, 4AB and 4A of the Act. The relevant sections of the Act are set out below:

3A Tribunal's power in relation to salaries

- (1) *The Tribunal must, on the Administrator's request, inquire into and determine the following:*
 - (a) *the amount of basic salary;*
 - (b) *the amount of additional salary of office and the offices in respect of which additional salary of office is to be paid;*
 - (c) *the basis on which the amounts mentioned in paragraphs (a) and (b) have been or should be determined.*
- (2) *A request under subsection (1) may relate to:*
 - (a) *an inquiry for a specified time; or*

(b) inquiries for specified intervals.

4 Tribunal's powers except for basic salary or additional salary of office

(1) The Tribunal must, on the Administrator's request, inquire into, or inquire into and determine, an entitlement (other than the basic salary or additional salary of office) of an Assembly member for:

- (a) performing the functions of an Assembly member; or
- (b) performing a function for the Assembly; or
- (c) holding or occupying any of the following offices:
 - (i) the Speaker of the Assembly;
 - (ii) the Leader of the Opposition;
 - (iii) any other office in the Assembly;
 - (iv) a Minister;
 - (v) a member of the Executive Council.

(1B) Without limiting subsection (1), the Tribunal may, under the request, inquire into, or inquire into and determine, other entitlements, including, for example, the following:

- (a) an entitlement for establishing or maintaining offices for an Assembly member, including:
 - (i) the provision of staff and equipment for the offices; and
 - (ii) the payment or reimbursement of amounts to cover expenses incurred in relation to the offices;
- (b) an entitlement for official travel undertaken by:
 - (i) an Assembly member; and
 - (ii) a person who, under a determination, may accompany an Assembly member for the travel;
- (c) the provision of a motor vehicle to an Assembly member;
- (d) an entitlement relating to child care services required because of the performance of official functions by an Assembly member.

4AA Tribunal's power in relation to former Assembly member

The Tribunal must also, on the Administrator's request, inquire into, or inquire into and determine, an entitlement for a person (a former member) who, after the commencement of this section, ceases to hold office as an Assembly member; and

- (a) who was first elected as an Assembly member at the general election held in 2005 or a later election; and
- (b) who is not, after ceasing to be an Assembly member, entitled to receive payment of a pension or superannuation benefit related to the former member's office as an Assembly member.

4AB Circumstances of disentitlement

A former member is not entitled to receive an entitlement mentioned in section 4AA in any of the following circumstances:

- (a) the former member has, under section 21(2) of the Northern Territory (Self-Government) Act 1978 (Cth), vacated office as an Assembly member because section 21(1)(c) of that Act applies to the former member;
- (b) the former member retires from office as an Assembly member to be a candidate for another seat in the Assembly, or in any other Australian parliament, and is elected to the other seat.

4A Report following inquiry

- (1) The Tribunal must prepare a report for each inquiry conducted under section 3A, 4 or 4AA.
- (2) However, if inquiries are conducted together under any of the following provisions, the Tribunal need only prepare one report for those inquiries:
 - (a) section 3A;

(b) section 4;
(c) section 4AA.

- (3) *The report:*
 - (a) *if the Tribunal is requested to inquire into and determine an amount of salary or entitlement – must include a determination of the amount of salary or entitlement; or*
 - (b) *otherwise – may include recommendations on the entitlement to which the inquiry relates.*
- (4) *The Tribunal must give the Administrator and Minister a copy of the report as soon as practicable after it is made.*
- (5) *The Minister must table a copy of the report in the Assembly within 6 sitting days after receiving it.*

Conduct of this Inquiry

4. Advertisements were placed in the main newspapers circulating in the Northern Territory in May 2016 to draw attention to the Inquiry and to invite submissions. Individual letters were sent to all Members of the Assembly in May 2016 and to the Clerk of the Legislative Assembly, Under Treasurer, Auditor-General and Commissioner for Public Employment. The Tribunal met with the Chief Minister, Speaker, Leader of the Opposition, Member for Nelson and Clerk and Deputy Clerk of the Legislative Assembly.
5. The Tribunal received four submissions. The Tribunal also met with the Under Treasurer, Commissioner for Public Employment and Director of the NT Fleet.
6. The Tribunal has carefully considered all representations and advice it has received.
7. The Tribunal is particularly grateful for the submission provided by the Clerk and officers of the Department of the Legislative Assembly.
8. The Tribunal notes the challenge in drawing a balance between community expectations in relation to Members' remuneration and entitlements against the need to attract well qualified candidates to represent the people of the Northern Territory in the Parliament and manage the affairs of the Territory as Parliamentarians, Office Holders and Ministers. The Tribunal is independent and must provide a fair and impartial determination which is in the long term interest of the Northern Territory.
9. The entitlements in the Determination take effect on 1 January 2017.

Basic Salary of Assembly Member

10. The Tribunal has determined that the basic salary of Members should be increased by 2% to \$156,378 effective from 1 January 2017. This increase was determined after taking into account general movements in salary and wages, CPI increases and productivity gains since Determination No. 1 of 2015 for Assembly Members.

Additional Salary of Office

11. Determination No. 1 of 2015 for Assembly Members inadvertently omitted additional salary of office for the Deputy Leader of the Opposition. This oversight was corrected by the Chief Minister's Determination of Entitlement under section 5 of the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act* dated 23 May 2016. This entitlement is now included in Determination No. 2 of 2016.

12. The amounts paid to Office Holders will increase by 2% as a consequence of the basic salary of a member being increased by that amount. All Office Holders receive a percentage of the basic salary of Members as set out in Schedule 1.

Electorate Allowance

13. An electorate allowance is payable to a Member to enable the electorate to be serviced. It was last increased by 3% in Determination No. 1 of 2015 and, given the low Consumer Price Index, the Tribunal does not consider it appropriate to increase the allowance.

Member Entitled to Travel

14. The Tribunal considered the issue of the Basic Allowance Travel for Members and noted that South Australia has recently reviewed its approach to Members' travel entitlement and includes this entitlement in a Common Allowance. This approach is considered to have merit for the Northern Territory but would require legislative changes. The Tribunal is considering making representations for the necessary legislative changes to provide for a Common Allowance in its next report.

Travelling Allowance

15. If a Member travels for the purposes of the Legislative Assembly, and the travel does not involve an overnight stay, the Tribunal has introduced a new provision whereby the Speaker may approve the Member being paid \$45 to cover meals and incidental expenses.
16. Other Travelling Allowance rates have been adjusted on the basis of the amount considered reasonable by the Australian Taxation Office.

Child Care

17. The Tribunal has clarified that members are entitled to Child Care expenses for certain hours on weekends and public holidays if Members are involved in Legislative Assembly matters on those days.

Retirement of Members

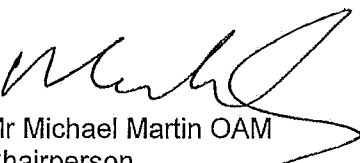
18. The *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act* was amended in March 2016 to expand the provision for an involuntary retirement entitlement to a broader retirement entitlement. The Tribunal notes the Chief Minister's Determination of Entitlement made under section 5 of the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act* on 23 May 2016 which provided:
- (a) a member has an entitlement, on ceasing to be a member in the circumstances mentioned in section 4AA of the Act (subject to section 4AB of the Act), of the equivalent of one month's basic salary for each year served in the Assembly; and
 - (b) the minimum entitlement is the equivalent of 4 months' basic salary; and
 - (c) the maximum entitlement is the equivalent of 12 months' basic salary.

19. The Tribunal supports the terms of the entitlement and has incorporated the same entitlement in this Determination.

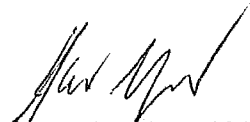
Other Entitlements

20. There have been a number of minor changes in the wording of some entitlements which are for clarification and have no effect on the entitlements themselves. The Tribunal was requested to make changes to a number of other entitlements but has not done so, as it was considered that the requests were either without precedent and/or could not be justified or were outside the Tribunal's authority.

Dated 29 July 2016



Mr Michael Martin OAM
Chairperson
Remuneration Tribunal



Mr John Flynn AM
Member

CORRIGENDUM

Determination of Entitlements of Assembly Members No. 2 of 2016 dated 29 July 2016 is hereby reissued to correct the error appearing at Schedule 2 by replacing "Arafura \$75,500" with "Arafura \$100,500"



**NORTHERN TERRITORY OF AUSTRALIA
REMUNERATION TRIBUNAL**

*Assembly Members and Statutory Officers
(Remuneration and Other Entitlements) Act*

DETERMINATION OF SALARIES AND OTHER ENTITLEMENTS OF ASSEMBLY MEMBERS

Under section 3A and section 4 of the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act*, the Tribunal determines as follows:

1. DEFINITIONS

1.1 In this Determination:

'accompanying person' means partner, nominee or dependent children who are approved to join the Member for the purpose of the visit and that person need not necessarily travel with the Member;

'additional salary of office' means salary paid to an Assembly member, in addition to basic salary, because the member holds or occupies a prescribed office;

'Assembly' means the Legislative Assembly;

'Assembly Committee', for the purpose of payment of Travelling Allowance, means one so designated by the Speaker;

'basic salary' means salary paid to an Assembly member for being an Assembly member;

Note for definition of basic salary:

An Assembly member may also be paid other salary because, for example, the Assembly member holds or occupies a certain office, including that of a Minister.

'capital city' means locations within a radius of:

- (a) 10 kilometres from the general post office of a capital city; or
- (b) 5 kilometres from the major airport servicing a capital city.

'Clerk' means the Clerk of the Legislative Assembly;

'commercial accommodation' means accommodation in a commercial establishment such as a hotel, motel or one bedroom serviced apartment;

'Darwin' means the Total Darwin Statistical Division and the Litchfield Shire Sub-Division as prescribed by the Australian Bureau of Statistics;

'dependent child' means a dependent child under 16 years of age or a dependent full-time student under 25 years of age;

'dependent full-time student' means one whose income from all sources is less than the minimum adult wage;

'home base', for a Member, means:

- (a) a place of residence of the Member nominated by the Member to the Clerk; or
- (b) if the Member has not nominated a place, the principal place of residence of the Member;

'Member' means a Member of the Northern Territory Legislative Assembly;

'nominee' means a close relative (parent, son, daughter or dependent child, brother or sister) nominated to the Speaker to receive travel privileges available to the partner of a Member for the life of an Assembly. The Speaker may at his/her discretion in special circumstances at the request of a Member approve the nominee of that Member to be a person other than the partner or close relative of the Member;

'Office Holder' means:

- (a) Speaker of the Assembly;
- (b) Leader of the Opposition;
- (c) another office in the Assembly;
- (d) a Minister; or
- (e) a member of the Executive Council;

'partner' means spouse or defacto partner. (different sex or same sex);

'Scrutiny Committee' means: all standing, sessional or select committees of the Legislative Assembly except for the House, Privileges, Standing Orders and Members' Interest committees and other committees determined by the Speaker to be domestic committees;

'services as a Member' and **'official business'** cover all matters of relevance or interest to Northern Territory electors;

'Shadow Minister' in relation to the granting of entitlements means a Member duly accredited as such in a schedule provided to the Speaker by the Leader of the Opposition;

'travel expense reimbursement' is an amount payable to a Member or Office Holder to defray reasonable costs incurred by him or her during travel at Government expense that includes at least one overnight stay, for one or more of the following:

- (a) accommodation;
- (b) meals;
- (c) incidental expenses;
- (d) hire cars, taxis and ferries;
- (e) use of his or her own car;

'Travelling Allowance' means an amount payable to a Member or Office Holder to offset personal costs he or she, or any person authorised to travel as an accompanying person, may incur during travel at Government expense;

'Tribunal' means Remuneration Tribunal established by section 17(1) of the *Assembly Members and Statutory officers (Remuneration and Other Entitlements) Act*.

2. BASIC SALARY OF MEMBER

- 2.1 The basic salary of a Member is \$156,378 per annum effective from 1 January 2017.

3. ADDITIONAL SALARY OF OFFICE

- 3.1 The additional salary of office and the prescribed office for which additional salary of office is paid is set out in Schedule 1 as a percentage of basic salary.
- 3.2 If, during any period, an Assembly member holds or occupies 2 or more prescribed offices:
- (a) the Assembly member is only entitled to an additional salary of office for holding or occupying a single prescribed office; and
 - (b) the entitlement is for the prescribed office that yields the greater or greatest amount payable to the Assembly member for the period.

4. ELECTORATE ALLOWANCE

- 4.1 A Member is entitled to an electorate allowance, at the annual rate specified in Schedule 2, to cover the expenses he or she incurs, including but not limited to the matters set out below, at their sole discretion in servicing their electorate:
- (a) Stationery, printing and postage costs
 - (b) Travel costs within the Electorate
 - (c) Communications
 - (d) Donations
 - (e) Support for constituents
 - (f) Hosting costs
 - (g) Gifts
 - (h) Sponsorships
 - (i) Membership fees
 - (j) Support for organisations
 - (k) Patron expenses
 - (l) Advertising
 - (m) Other.

- 4.2 The annual rate of electorate allowance is reduced by \$3,080 if the Member's electorate office is cleaned at Government expense.

5. MEMBER ENTITLEMENT TO TRAVEL

- 5.1 Subject to this clause, a Member is entitled to travel outside of his or her electorate at Government expense where the primary purpose of such travel is for:
- (a) attendance at meetings of the Assembly; or

- (b) attendance at meetings of an Assembly committee even if the Member is not a Member of the committee, and/or engaging in business approved by a committee provided that for travel outside the Northern Territory the approval of the Speaker has been obtained; or
 - (c) attendance at a meeting in the Northern Territory of his or her political party, conditional upon prior written notice of the meeting being provided to the Speaker, by the Leader or the Whip of that party; or
 - (d)
 - (i) representing the Government; or
 - (ii) representing an Office Holder; or
 - (iii) with the approval of the Speaker, representing the Assembly; or
 - (iv) with the approval of the Speaker, conducting Commonwealth Parliamentary Association business or other official parliamentary function of another legislature; or
 - (e)
 - (i) attendance at official Government functions; or
 - (ii) attendance at Vice-regal functions; or
 - (iii) with the approval of the Speaker, attendance at Assembly functions; or
 - (f) representing his or her Assembly political party or as an Independent Member in proceedings before the Remuneration Tribunal in the Northern Territory.
- 5.2 Travel by Ministers and the Leader of the Opposition and their partners, nominees or children in addition to the travel entitlements established by this Determination is a matter for the Chief Minister.
- 5.3 The Deputy Leader of the Opposition and Shadow Ministers are entitled to a combined total of 30 trips within the Northern Territory during 2016 and each subsequent year. The total number of nights for which travelling allowance is payable may not exceed 130. Travel must be approved by the Leader of the Opposition.
- 5.4 A Member when attending a meeting of the Assembly is entitled to travel expense reimbursement or Travelling Allowance to enable the Member to have one clear day before and one clear day after the sittings period of the Assembly, or to have two clear days on one side of the sitting period of the Assembly under the conditions as set out in Clause 7.12 of this Determination.
- 5.5 In addition to the payment of Travelling Allowance, Members are entitled to be provided with a hire car.
- 5.6 Upon application, and where the Speaker is satisfied that an allowance may be payable for travel over the course of one day but does not involve an overnight stay, the Speaker may authorise the payment of the sum of \$45.

Mode of Travel

- 5.7 Travel within the entitlements in clauses 5.1 and 5.3 must be undertaken either:
- (a) on scheduled commercial, commuter services operating as regular carriers or by other transport within the Northern Territory as approved by the Speaker; or
 - (b) by charter transport at the discretion of the Speaker, where regular services within the Northern Territory are not available or are impracticable, or by hired aircraft if the Member is appropriately qualified to pilot the aircraft and indemnifies the Government. Reimbursement of reasonable costs under this subclause will be made

where the transport cost is directly associated with the official business of such travel;
or

- (c) in the Government vehicle provided under clause 9.1 or in the event that the Government supplied vehicle is unserviceable then, subject to the Speaker's approval, a private or hire car. A Member who has elected under clause 9.9 to receive an amount in lieu of a motor vehicle may use his or her own vehicle but is not entitled to be reimbursed at the Government rate per kilometre.

- 5.8 In the case of use of a private vehicle within the Northern Territory (except a Member in receipt of an additional amount under clause 9.9), the Member shall be paid a vehicle allowance at rate determined under section 14(2) of the *Public Sector Employment and Management Act* to a maximum of the cost of the scheduled service otherwise available. Where more than one Member shares the private vehicle, only one Member may be paid the vehicle allowance.
- 5.9 A Member may, when attending an event associated with his or her duties as Member, on no more than 100 occasions in any calendar year, travel to and from the event in a taxi and charge the cost to the Government account with Cabcharge or pay cash and seek reimbursement if a Cabcharge facility is not available. The Member should retain a receipt showing the origin and destination of the journey, date and cost and keep a separate record of the event attended so the authenticity of the Cabcharge expense can be verified.

Conditions of Domestic and International Travel

- 5.10 A Member may travel business class at Government expense.
- 5.11 A Member is entitled to membership of one airline club lounge at Government expense.
- 5.12 A Member when travelling by air to and from Darwin on Assembly business or on official business as an Office Holder or Shadow Minister is entitled at Government expense to carry one additional piece of luggage within the airline size limits.
- 5.13 Travel Allowance may be payable during periods of transit as determined to be reasonable by the Speaker.

Entitlement to Travel by Others

- 5.14 A Member's partner or nominee may, pursuant to specific approval by the Speaker or in the event of the Member being the Speaker, after consultation with the Chief Minister, accompany the Member who is a participant in an official delegation or as a formal representative of the Assembly to and from official Government, Assembly or Vice-regal functions at Government expense.
- 5.15 An approval given under clause 5.14 shall specify the class of travel on the services to be used.
- 5.16 Where a Member is travelling pursuant to this Determination and other than as a participant in an official delegation or as a formal representative of the Assembly pursuant to clause 5.14, a Member may convert their business class airfare to two economy class tickets for an accompanying partner or nominee to travel on the same flights.

5.17 There is an entitlement for transport for a Member, partner, nominee or dependent child travelling and returning by air under entitlements provided by this Determination:

- (a) between the home base and departure airport; and
- (b) between the terminating airport and destination.

5.18 A Member whose nominated home base is located outside Darwin shall be entitled to have his or her partner or nominee and each dependent child travel at Government expense from the Member's nominated home base to Darwin and return up to twice a year and if accompanied by the Member then at the same class as the Member or if not accompanying the Member then in economy class.

6. BASIC ALLOWANCE TRAVEL ENTITLEMENT AND PROFESSIONAL DEVELOPMENT

6.1 In addition to other travel provided by this Determination, every Member is entitled to expend up to \$15,000 for the 2017 calendar year and each subsequent year on travel outside of their electorate for the purposes of undertaking studies and investigations of matters of interest, attending conferences, meetings, community events or other events related to his or her duties and responsibilities as a Member, or for the professional development of the Member (this entitlement is entitled 'Basic Allowance').

6.2 A Member is entitled to submit an application to the Speaker to use the Basic Allowance for professional development either from within or outside of his or her electorate. Professional development may include travel for enrolment and attendance in a course with a university or a registered training organisation but may also include any other approved course of study without travel. In submitting the application, the Member should include a course outline and statement of objectives for the proposed study.

6.3 For the purposes of the Basic Allowance entitlement, a Member may be accompanied by one other person who may be their electorate staff, ministerial staff, partner or nominee. Travel expenses incurred by a partner or nominee when accompanying a Member travelling as provided by clause 6.1 of this Determination may be charged to the Basic Allowance.

6.4 (a) The Basic Allowance shall not exceed \$60,000 in any four year term of the Assembly and any Basic Allowance not expended at the time of the proroguing of Parliament cannot be carried forward by any Member if re-elected.

(b) Any balance of Basic Allowance not expended in a given year may be carried forward to the next succeeding year but any part of the Basic Allowance which is not spent by 1 January on the third accrual shall be forfeited.

(c) Where a Member is elected at a by-election or an extraordinary general election for the first time between 1 January and 30 June of any year, he or she shall be entitled to the full Basic Allowance for the year. If a Member is elected at a by-election or an extraordinary general election between 1 July and 31 December in any year, he or she shall be entitled to 50% of the Basic Allowance for that year.

6.5 (a) A Member may at any time obtain funding in advance against the prospective entitlement of the Member for the next year.

(b) Expenditure against a Member's entitlement shall be charged firstly against the oldest balance of the entitlement.

- 6.6 Subject to these rules, the Basic Allowance may be expended on scheduled domestic travel or overseas travel services of any kind including hire cars, taxis and chartered services. The Basic Allowance may also be expended on conference, seminar or professional development fees when associated with a claim under these rules.
- 6.7 All proposed travel and professional development pursuant to this clause shall be submitted in writing to the Speaker for approval. Any application for travel under this clause must contain the following information:
- (a) a proposed itinerary which clearly indicates the number of days to be spent on Parliamentary business;
 - (b) a statement of objectives for the proposed travel; and
 - (c) the names of any accompanying persons travelling with the Member.
- 6.8 Once the Speaker has approved the travel or study, Members are not required to seek approval of variations in the proposed itinerary or enrolment other than those which are of significance.
- 6.9 If a staff member accompanies a Member, the staff member is entitled to the Northern Territory Public Sector rate of Travelling Allowance paid from the Basic Allowance.
- 6.10 Where a Member travels overseas, the Member shall be entitled to claim Travelling Allowance against the Basic Allowance, provided that no such allowance shall be claimed in respect of any other person accompanying the Member, other than a staff member who is not the Member's partner or nominee.
- 6.11 (a) Where a Member has travelled overseas under this Determination, he or she must execute and lodge with the Clerk of the Assembly a travel acquittal declaration in the form approved by the Speaker.
- (b) In the event of a declaration being subsequently disallowed by the Australian Taxation Office, or if a Member has not lodged a declaration within 60 days of his or her return to Australia, the Member shall be required to repay in full the expenditure to which the declaration relates before any further entitlement may be expended.
- 6.12 Where a Member claims an allowance for themselves for domestic or overseas travel, the Member shall prepare and deliver a report to the Speaker within 60 days of completion of the travel for which the report relates, including:
- (a) a statement of the objectives of the Member's travel;
 - (b) the names of organisations or Parliaments visited;
 - (c) reference to any documents or publications obtained or considered to be of interest as a Member of Parliament;
 - (d) brief summaries of the study areas pursued in the places visited;
 - (e) a summary of the results achieved; and
 - (f) any recommendations arising from the travel.
- 6.13 Where a Member claims an allowance for study the Member shall prepare and deliver a report to the Speaker within 60 days of completion of study for which the report relates, including:
- (a) a statement of the objectives of the Member's study;
 - (b) the names of the institution at which the Member has been enrolled; and
 - (c) any recommendations arising from the study.

- 6.14 If the report is not delivered to the Speaker within 60 days, or if the Speaker is not satisfied that the requirements under this clause including clause 6.12 and/or 6.13 have been met, no further travel or study entitlements may be utilised under this Determination until a satisfactory report is delivered. The Speaker may require a Member to provide a statutory declaration on the matters in respect of which the Speaker remains to be satisfied.
- 6.15 As soon as possible after 1 January in any year, the Clerk of the Assembly shall inform each Member of the Basic Allowance entitlements available to the Member pursuant to this Determination.

7. TRAVEL EXPENSES APPLICABLE TO ALL TRAVEL UNDER THIS DETERMINATION

- 7.1 If a Member or Office Holder travels within Australia and the Government does not pay all of his or her accommodation, meal costs and incidental expenses, the Member is entitled to either:
- (a) a travel expense reimbursement; or
 - (b) Travelling Allowance.
- 7.2 If a Member or Office Holder incurs costs for travel he or she is entitled to a travel expense reimbursement. For establishing the level of the travel expense reimbursement, the Member or Office Holder shall provide to the Clerk or the relevant Accountable Officer, as the case may be depending on the capacity in which he or she undertook the travel, within 60 days of the conclusion of the travel, tax invoices for any accommodation, meals or transport costs claimed, and substantiation for the cost of any car use claimed. Incidental costs do not have to be substantiated and will be paid at the rate set out in Schedule 3C.
- 7.3 In assessing, and if necessary adjusting for, the reasonableness of costs claimed, the Clerk or the relevant Accountable Officer, as the case may be, shall have regard to:
- (a) the meal allowances specified in Part C of Schedule 3;
 - (b) the vehicle allowance as determined under section 14(2) of the *Public Sector Employment and Management Act*;
 - (c) the comparative cost of other available forms of transport; and
 - (d) any form of contribution, regardless of source, received by the Member or paid in respect of the travel.
- 7.4 A Member or Office Holder may, before the travel, elect to receive Travelling Allowance. Where a Member receives Travelling Allowance, he or she must repay the entire amount if the Government pays or reimburses the travel costs with the exception of payment for incidental expenses.
- 7.5 Where the Member or Office Holder makes an election under clause 7.4, Travelling Allowance for each overnight stay, at the applicable rate specified in Schedule 3, is payable to a Member or Office Holder travelling at Government expense. Where such travel is by regular public transport, an overnight stay includes any overnight stay required at the place of departure or en route.
- 7.6 The Member for the Electorate of Namatjira is entitled to the payment of Travelling Allowance for each overnight stay at Yulara at the applicable rate specified in Part A of Schedule 3. The number of overnight stays for which Travelling Allowance is paid under this clause is limited to five overnight stays per calendar year.
- 7.7 Except as provided in clause 7.6, Travelling Allowance is not payable to a Member for an overnight stay within the Member's own electorate or within the electorate in which the

Member's home base is located, and the border towns of Marla in South Australia, Camooweal in Queensland and Kununurra in Western Australia and the highway into those towns from the Northern Territory are considered part of the electorate from where the highway leaves the Northern Territory.

7.8 Where a Member other than an Office Holder is travelling at Government expense:

- (a) for and on behalf of an Office Holder; or
- (b) with an Office Holder on official business,

any Travelling Allowance payable to the Member is at the Office Holder rate specified in Part A of Schedule 3.

7.9 Members and Office Holders are not entitled to receive travel expense reimbursement or Travelling Allowance if the costs are met or provided for by any other entity and are obliged to disclose to the Clerk or the relevant Accountable Officer if any element of travelling expenses is so provided.

Note: For example, if as part of an official visit, lunch is provided by the host, when confirming the application of travel expenses under clause 8.2, the Member should advise the Department of the Legislative Assembly that the allowance for the lunch is not payable.

7.10 The accompanying person rate in Schedule 3A should be paid if the Office Holder or Member receives travel expense reimbursement or Travelling Allowance and is not entitled to payment if the Office Holder or Member receives Travelling Allowance under Schedule 3B(i).

7.11 Entitlement to the Travelling Allowance where commercial accommodation is used at a place specified in Part A of Schedule 3 must be established by production of a tax invoice or receipt from the accommodation provider by the Member. Members opting to use Schedule 3B accommodation in Darwin or other locations are not required to produce receipts.

7.12 The Darwin rate specified in Part A of Schedule 3 is payable to a Member whose home base, by the nearest practicable route, is further than 50 kilometres from the precincts of the Assembly, or alternatively the Member may have the Clerk or relevant Accountable Officer arrange and pay for accommodation in Darwin for travel undertaken in accordance with Clauses 5.1(a), (b) and/or (c) and the Member would then be only entitled to payment of the rates in Part C of Schedule 3.

7.13 The Darwin rate specified in Part A of Schedule 3 is payable to the Member for Nelson and the Member for Goyder if they elect to stay overnight in Darwin for travel undertaken in accordance with Clauses 5.1(a), (b) and/or (c) and provided the business undertaken pursuant to Clauses 5.1(a), (b) and/or (c) is not adjourned before 6.00pm.

7.14 For authorised travel outside the Member's electorate, a Member may request the Clerk or relevant Accountable Officer arrange and pay for the accommodation component of the travel. The Member is then only entitled to payment of the rates in Part C of Schedule 3.

7.15 Subject to the same overnight stays limitation for the Member's own travel, if any, a Member is entitled to be paid the accompanying person rate specified in Part A of Schedule 3 for any overnight stay where he or she is with a person who is included in his or her Government travel authorisation as an accompanying person.

8. ACCOUNTABILITY FOR TRAVEL APPLICABLE TO ALL TRAVEL UNDER THIS DETERMINATION

- 8.1 Government expense for Member travel, and for associated Travelling Allowance or expenses reimbursement, may not be incurred unless accountability requirements and procedures established by the relevant Accountable Officer, including certification that conditions set out in this Determination are met, are followed.
- 8.2 Where Government expense has been incurred for Member travel as well as for Travelling Allowance or expenses reimbursement, the Member must confirm the application of such expense under procedures established by the Clerk or relevant Accountable Officer. Where a Member is paid the Travelling Allowance rate in Schedule 3, the Member must specifically confirm that the relevant overnight stays were in the location concerned.
- 8.3 The Speaker must table an "Annual Schedule of Member Travel or study at Government Expense" by, or during, the second Sittings of the Assembly each calendar year. For each occasion of Member travel taken as an entitlement under clause 6, this Schedule is to contain the following particulars:
- (a) the name and home base of the respective Member;
 - (b) the primary purpose of the travel or study;
 - (c) an itinerary;
 - (d) the category of accompanying person (if any);
 - (e) the number of overnight stays for which Travelling Allowance or expenses reimbursement was paid;
 - (f) Government expense incurred; and
 - (g) stating the name of the institution for study and subjects enrolled in.

9. PROVISION OF MOTOR VEHICLE

- 9.1 A Member shall, at his or her request, be provided with a Government supplied private plated motor vehicle for:
- (a) parliamentary business use;
 - (b) electorate business use; and
 - (c) private use
- and the vehicle may be fitted with accessories detailed in Schedule 5 or any other accessory that the Clerk may decide is reasonable for health and safety reasons.
- 9.2 Subject to clause 9.3, the standard of motor vehicles provided to Members shall be of those set out in Schedule 4 and all running and maintenance costs, excluding vehicle cleaning costs, for that vehicle will be met by the Government.
- 9.3 A Member may be provided with a motor vehicle which is at greater cost to the Northern Territory than that provided for in clause 9.2, provided that the Member pays the difference between the actual cost to the Department of the Legislative Assembly of the highest cost of the vehicle in Schedule 4 Part A and the actual cost to the Department of the Legislative Assembly of the selected vehicle.
- 9.4 The Members for Arafura, Arnhem, Barkly, Daly, Namatjira, Nhulunbuy and Stuart may be provided with four wheel drive vehicles from Schedule 4 Part B with accessories as provided for in Schedule 5.

- 9.5 Members will be entitled to be reimbursed for the cost of short term and long term parking at airports when on either parliamentary or electoral business or meetings of their Parliamentary Party.
- 9.6 The Speaker may withdraw the vehicle or fuel card(s) and suspend the entitlement in clause 9.1 if the Speaker has cause to believe the vehicle or fuel card(s) is being improperly used.
- 9.7 The vehicle provided under clause 9.1 is to be driven only by a licensed driver, being the Member or a person nominated by the Member.
- 9.8 When a vehicle provided under clause 9.1 is used for travel to which the Member (or partner or nominee) is otherwise entitled by the provisions of this Determination (such as travel at Government expense) the other vehicle entitlements are voided. Likewise, no private vehicle allowance is payable for travel for a Government supplied private plated motor vehicle.
- 9.9 (a) Subject to subclauses 9.9(b) and (c), where a Member elects not to seek the issue of a Government supplied motor vehicle pursuant to clause 9.1 and where the Member does not have a vehicle supplied or made available at Government expense under some other entitlement, that Member shall receive an amount of \$25,000 per annum as an additional electorate allowance.
- (b) Where the Member for Katherine, Goyder or Nelson elects not to seek the issue of a Government supplied motor vehicle and where the Member does not have a vehicle supplied or made available at Government expense under some other entitlement, that Member shall receive an amount of \$33,000 per annum as an additional electorate allowance.
- (c) Where the Member for Arnhem, Daly, Barkly, Stuart, Nhulunbuy, Namatjira or Arafura elects not to seek the issue of a Government supplied motor vehicle and where the Member does not have a vehicle supplied or made available at Government expense under some other entitlement, that Member shall receive an amount of \$40,000 per annum as an additional electorate allowance.
- (d) Members receiving an allowance in lieu of a Government supplied vehicle shall not be entitled to claim mileage allowance or to claim for any other vehicle operational expenses associated with the use of a motor vehicle under this provision. A Member who has a motor vehicle already supplied by the Government may only elect to receive this allowance in lieu of the motor vehicle when the lease of the motor vehicle supplied has 12 months or less of the lease to expire.
- 9.10 Where a Member can demonstrate to the Clerk a need for a four wheel drive vehicle for a specific purpose related to his or her work as a Member, then the Clerk can approve the hiring of a four wheel drive vehicle for that specific purpose.

10. COMMUNICATIONS, TELEPHONES AND INFORMATION TECHNOLOGY

- 10.1 The cost of the installation and rental of a telephone service not exceeding five lines in the electorate office, including one for a Broadband connection directly or via the Internet to the Government Wide Area Network where reasonably available, shall be at Government expense.

- 10.2 The cost of calls made on lines connected to the electorate office, including the service provider charges and modem cost for the Broadband or Internet/Broadband connection, within any capacity limits set by the Speaker, shall be at Government expense.
- 10.3 A Member who is eligible for Travelling Allowance through application of Schedule 3 Part B(i) and who routinely uses the accommodation qualifying him or her to such rate, shall meet the cost of any installation and rental of a telephone service in that accommodation. The Government shall reimburse the cost of all calls within Australia charged to this service if that accommodation is routinely occupied by the Member during his/her travel to Darwin.
- 10.4 Members for the electorates of Arafura, Arnhem, Barkly, Daly, Namatjira, Nhulunbuy and Stuart are entitled to a satellite telephone supplied, installed and maintained at Government expense in the Member's vehicle together with all network charges generated by the ongoing connection and use of the satellite telephone.
- 10.5 An annual Schedule containing the respective totals of Government payments on behalf of each Member for satellite telephones is to be tabled by the Speaker during the second Sittings of the Assembly in each year.
- 10.6 No originating commercial use of telephone calls, including charge back to a telephone, may be made at Government expense.

11. POSTAGE

- 11.1 Ministers, the Leader of the Opposition and the Speaker shall each be provided with unlimited postage for official business as an Office Holder.

12. OFFICE SPACE AND EQUIPMENT

- 12.1 A secure office will be made available to each Member in the Parliament House Darwin with convenient access to a photocopier during Sittings of the Assembly, and a basic printer unless provided under some other Government entitlement.
- 12.2 The Government will provide and maintain a multi-function device in each Electorate Office and in the Stuart Liaison Office.
- 12.3 The Government will provide, maintain and pay utility services costs for a conveniently accessible and identified electorate office with parking, for each Member, within uniform guidelines set by the Speaker, to support his or her services as a Member. The tenancy fit-out must as far as possible comply with any building codes or Australian standards. The ongoing cleaning costs for the Electorate Office are to be met by the Member unless he or she elects that these be met by the Government (clause 4.2 refers). The Member must ensure that the office is not used for commercial or electioneering purposes.
- 12.4 The Government will provide an office of up to 70 square metres or as close to this requirement as is available at the time for the liaison officer of the Member for Stuart in Katherine and the Member for Arafura in the Tiwi Islands. The Stuart Liaison Office will include two telephone lines and one internet connection. The Arafura Liaison Office will include one telephone line and one internet connection. Other furniture and equipment will be at the discretion of the Speaker.
- 12.5 The Speaker shall from time to time determine a standard list of items of furniture, equipment and software to be available for every Electorate Office. Each Member is

entitled to have these items supplied up on demand. These items remain the property of the Government or its contractors. Two office computers supplied under this entitlement shall be connected to the Government Wide Area Network.

- 12.6 Members are entitled to a payment of up to \$1,536 each year towards the cost of them accessing or maintaining an electoral database under their own arrangements.

13. STAFF

- 13.1 Except during a reasonable handover period where there is a changeover of employees, during which time a Member may have two electorate officers or two liaison officers as the case may be, a Member shall be entitled to the services of one full-time staff member as an electorate officer.

- 13.2 Members are entitled to part time electorate officer assistance for a total of 104 hours per quarter and expiring at the end of each quarter.

- 13.3 Additional part-time liaison officers are provided as follows:

- a) the Member for Stuart is entitled to an additional part time liaison officer for up to 30 hours per week located in Katherine;
- b) the Member for Arafura is entitled to an additional part-time liaison officer for up to 15 hours per week located in Maningrida;
- c) the Member for Daly is entitled to an additional part time liaison officer for up to 15 hours per week for the Thamarrurr Region;
- d) the Member for Barkly is entitled to an additional part-time liaison officer for up to 15 hours per week located in Borroloola;
- e) the Member for Arnhem is entitled to an additional part-time liaison officer for up to 15 hours in Groote Eylandt; and

such officers are to be employed by the Northern Territory Government.

- 13.4 Members with Electorate Offices located outside Darwin may use their respective staff entitlements, excluding liaison officers, in their Electorate Office or in Darwin. Electorate Office staff entitlements may not be pooled or applied for the benefit of another Member.

- 13.5 Any allocation of personnel for the purpose of relief staffing arrangements shall be as determined from time to time by the Speaker.

- 13.6 The salary and allowances and other terms and conditions of employment of ongoing part-time and casual staff of a Member shall be as determined from time to time by the Speaker as Commissioner for Public Employment pursuant to section 3(1) of the *Public Sector Employment and Management Act*. In making determinations, the Speaker shall consult with the Northern Territory Public Sector Commissioner for Public Employment.

- 13.7 An electorate officer located outside Darwin shall be entitled to travel at Government expense to Darwin to attend an approved training activity once per annum. The stay shall not exceed two days prior to the commencement of the Sittings and two days after the completion of the Sittings.

- 13.8 An electorate officer located outside Alice Springs shall be entitled to travel at Government expense to Alice Springs to attend a period of a Sitting of the Assembly in Alice Springs once per annum. The stay shall not exceed two days prior to the Sittings and two days after the completion of the Sittings.
- 13.9 Use of an electorate officer's private vehicle shall be by arrangement between the Member and the electorate officer. Reimbursement for use of the vehicle shall be at Northern Territory Public Service rates or by mutual agreement between the Member and the electorate officer, and the reimbursement shall be met from the Member's own funds.
- 13.10 Any travel costs within the electorate by the electorate officer or liaison officer shall be met from the Member's own funds.

14. CHILD CARE

- 14.1 A Member is entitled to claim reimbursement for child care services outside the hours of 7am to 6pm, Monday to Friday, or at other times if the period is a weekend or recognised public holiday, in the following circumstances:
- (a) where the Assembly is sitting; or
 - (b) where a Member is working or attending an event associated with his or her duties.
- 14.2 Reimbursement will be made upon the Member submitting a claim for reimbursement which sets out the nature of the work activity or event and duration, together with actual start and finish times, amount paid and to whom. The total amount to be claimed must not exceed \$5,000 in any one year.

15. RESETTLEMENT ALLOWANCE

- 15.1 A Member has an entitlement, on ceasing to be a Member in the circumstances mentioned in section 4AA of the Act (subject to section 4AB of the Act), of the equivalent of one month's basic salary for each year served in the Assembly subject to:
- (a) the minimum entitlement being the equivalent of 4 months' basic salary; and
 - (b) the maximum entitlement being the equivalent of 12 months' basic salary.


16. GENERAL

- 16.1 Where a person becomes a Member or Office Holder, or ceases to be a Member or Office Holder during the year, annual entitlements unless otherwise provided under this Determination, shall be proportionate to the time the person is a Member or Office Holder during that year.
- 16.2 For the purposes of establishing entitlements under this Determination, 'year' generally means the twelve month period from 1 January to 31 December. Where a person becomes an Assembly Member or Office Holder during the calendar year, annual entitlements under this Determination unless otherwise provided for by this Determination shall be applied on a pro-rata basis for the portion of the year remaining. Guidelines for the calculation of these pro-rata entitlements will be established by the Clerk of the Assembly. For the purposes of the Resettlement Allowance entitlement, where the timing of a Northern Territory general election results in a Member serving marginally less than 365 days in the 12 month period leading up to the election, this period shall be treated as a full year of service.

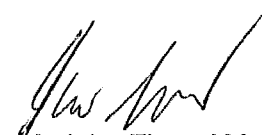
- 16.3 A Member may elect to salary package subject to the "Salary Package Guidelines – General Staff" as applies to all Northern Territory Public Sector general employees who are not hospital based.
- 16.4 The Speaker may make procedural rules to give full effect to all entitlements specified in this Determination with the exception of travel undertaken by Ministers and the Leader of the Opposition under clause 5.2.
- 16.5 The Tribunal may give an interpretation of the provisions of this Determination at the request of the Speaker.
- 16.6 This Determination applies to offices held or occupied, activities undertaken, or expenses incurred on or after 1 January 2017.

Note: For example, if a Member undertakes travel relevant to this Determination and commences that travel on Boxing Day 2016 and returns on 5 January 2017, the person's entitlements from 26 December to 31 December are covered by the Tribunal's 2015 Determination (being Determination No. 1 of 2015 in respect of Members of the Legislative Assembly) and the person's entitlements from 1 January to 5 January 2017 are covered by this Determination.

Dated 29 July 2016



Mr Michael Martin OAM
Chairperson
Remuneration Tribunal



Mr John Flynn AM
Member

SCHEDULE 1

Percentages of base remuneration of additional salary of office paid to Office Holders

Chief Minister	100
Deputy Chief Minister	80
Leader of Government Business	65
Other Ministers	65

PARLIAMENTARY POSITIONS

Speaker	65
Leader of the Opposition	65
Deputy Leader of the Opposition	30
Deputy Speaker	20
Chairperson of a Scrutiny Committee	20
Government Whip	15
Opposition Whip	15
Member of a Scrutiny Committee	10

SCHEDULE 2

Annual Rate of Electorate Allowance

Electorates	Rate
Araluen	\$ 50,500
Blain	
Braitling	
Brennan	
Casuarina	
Drysdale	
Fannie Bay	
Johnston	
Karama	
Fong Lim	
Nightcliff	
Port Darwin	
Sanderson	
Spillett	
Wanguri	
Katherine	\$ 61,350
Nelson	
Goyder	
Daly	\$ 71,700
Arnhem	\$ 72,550
Nhulunbuy	\$ 73,350
Arafura	\$100,500 ¹
Namatjira	\$ 78,900
Barkly	\$ 83,350
Stuart	\$106,000

¹ Amended to read "100,500" as per Corrigendum dated 29 September 2016

SCHEDULE 3

A. Rates of Travelling Allowance where Commercial Accommodation is used

Location	Office Holder	Member	Accompanying Person
<u>Northern Territory</u>			
Darwin	\$460	\$437	\$110
Alice Springs	\$368	\$300	\$110
Jabiru	\$368	\$342	\$110
Katherine	\$368	\$309	\$110
Yulara	\$453	\$430	\$110
<u>Elsewhere in the NT</u>			
All places	\$368	\$257	\$110
<u>Capital Cities other Jurisdictions</u>			
Brisbane	\$430	\$407	\$110
Perth	\$472	\$410	\$110
Canberra	\$419	\$373	\$110
Hobart	\$368	\$326	\$110
Adelaide	\$382	\$358	\$110
Melbourne	\$438	\$378	\$110
Sydney	\$438	\$396	\$110
<u>Elsewhere in Australia</u>			
All places other than above centres	\$368	\$282	\$110

B. Rates of Travelling Allowance where other accommodation is used

Darwin

- (i) Where the Office Holder or Member stays in accommodation that he or she owns, or holds under a rental arrangement or permanent reservation, he or she shall be paid at the rate of \$350 per day.

Darwin and other locations

Where the Office Holder or Member does not stay in commercial accommodation or accommodation covered by B(i), he or she shall be paid:

- (ii) one third of the applicable rates in A above; and
(iii) for a single qualifying accompanying person, the rate of \$74.

C. Rates for payment of meals and incidentals where the accommodation component is paid for by the Government

Domestic

	Office Holder	Assembly Member
Breakfast	\$33	\$28
Lunch	\$47	\$40
Dinner	\$66	\$56
Incidentals	\$27	\$27

Overseas

Rates to be paid in accordance with *Taxation Determination TD 2015/14* or any subsequent taxation determination made in substitution of that Determination.

SCHEDULE 4

PART A - Approved Motor Vehicles

Make/Model

- Ford Territory Titanium AWD Station Wagon DIESEL AUTO
- Toyota Kluger GX 7 seat 4x2 Wagon Petrol Auto
- Ford Falcon G6 MKII Ecoboost Sedan
- Hyundai Santa Fe Active 2WD 7 Seat Station Wagon
- Kia Sportage Platinum AWD Station Wagon
- Mazda 6 Sports Hatch
- Mazda CX5A Grand Touring AWD Station Wagon
- Mitsubishi ASX Aspire AWD Station Wagon
- Subaru Forester Premium Station Wagon
- Subaru Outback AWD Station Wagon
- Toyota Prius Sat Nav & IPA Hybrid Hatch
- Holden Colorado 7 4WD LTZ AUTO 2.8L TD

PART B - Approved Four Wheel Drive Motor Vehicles

Make/Model

- Mitsubishi Pajero GLX 4WD Station Wagon DIESEL AUTO
- Isuzu MU-X LSU 4x4 Station Wagon DIESEL AUTO
- Nissan Pathfinder ST-L 4WD Station Wagon Petrol AUTO
- Toyota Landcruiser 79 Workmate Dual Cab Utility DIESEL Manual
- Toyota Prado GXL Station Wagon DIESEL AUTO
- LandCruiser 200 GX 4D Wagon - Turbo Diesel 6 auto

SCHEDULE 5

Approved Motor Vehicle Accessories

For four wheel drive vehicles, where supplied to the Members for the electorates of Arafura, Arnhem, Barkly, Daly, Namatjira, Nhulunbuy and Stuart, the approved accessories are as follows:

- long range fuel tanks;
- additional spare wheel;
- up to two spotlights capped at \$750 for both;
- bullbar;
- towbar;
- air cleaner snorkel;
- dual battery system;
- electric winch;
- roof rack with or without ladder;
- tonneau cover (4x4 utility vehicle);
- heavy duty jumper leads;
- cargo barrier;
- mobile telephone hands free facility; and
- St John Ambulance First Aid Kit – suitable for outdoors. *

**Initial kit to be provided to Members, with future replenishments to be undertaken at the Member's expense.*

All other vehicles:

- towbar;
- mobile telephone hands free facility;
- roof rack;
- tonneau cover (4x4 utility vehicle);
- cargo barrier (station wagons only); and
- St John Ambulance First Aid Kit or equivalent. *

**Initial kit to be provided to Members, with future replenishments to be undertaken at the Member's expense.*

