



**NORTHERN TERRITORY OF AUSTRALIA
REMUNERATION TRIBUNAL**

REPORT AND DETERMINATION

No. 1 of 2017

ENTITLEMENTS OF ASSEMBLY MEMBERS

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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 Remuneration 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 10 sitting days of tabling.

Powers of the Remuneration Tribunal

3. The powers of the Remuneration 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. In February 2017, advertisements were placed in the main newspapers circulating in the Northern Territory to draw attention to the Inquiry and to invite submissions. Individual letters were also sent to all Assembly members and to the Clerk of the Legislative Assembly, the Under Treasurer, the Auditor-General and the Commissioner for Public Employment.
5. The Tribunal received 11 submissions. The Tribunal also met with the Auditor-General, the Under Treasurer, the Chief Executive of the Department of the Chief Minister, the Commissioner for Public Employment and the Director of NT Fleet.
6. The Tribunal has carefully considered all representations and advice it has received. The Tribunal met with most Assembly Members, including the Chief Minister, the Leader of Government Business, the Leader of the Opposition and all Independent Members. The Tribunal also met with the Speaker and the Clerk of the Legislative Assembly.
7. The Tribunal was impressed by the quality of submissions and the time provided by the Members.
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 and Office Holders. 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 2018.

Basic Salary for Assembly Member

10. The Tribunal has determined that the basic salary for Assembly Members should be increased by 2% to \$159 506 effective from 1 January 2018. This increase was determined after taking into account general movements in salary and wages, CPI increases and productivity gains. This increase is consistent with an increase for Federal Parliamentarians of 2% effective from 1 July 2017.

Member Entitlements to Travel

11. The issue of the Basic Allowance for professional development was considered. The Tribunal formed the view that this Allowance is not consistent with community expectations and that in some instances the travel may not, in part, have met the purposes for which it was intended. The entitlement allowed a Member to spend \$15 000 per year on travel for the Member and his or her nominee, either interstate or overseas. While the intent of the travel was to assist in the development of the Member, all costs were not confined to the Member.

It is acknowledged that there is a legitimate reason for Members to improve and grow their development through some level of travel and professional development. The Tribunal is abolishing the Basic Allowance, but has increased Members' Electorate Allowance to allow Members to undertake travel and professional development, at their discretion.

Electorate Allowance

12. The Tribunal has determined that part of the savings achieved by abolishing clause 6 Travelling Allowance and Professional Development entitlements, will be transferred to the Electorate Allowance. The Tribunal recognises that most Members spend their entire allowances in servicing their electorates. The Tribunal has determined that Electorate Allowance be increased by \$10 000, with the abolition of the Basic Travelling Allowance. This is a reduction in the total liability of the Territory for Members' entitlements.

The Electorate Allowance will now also cover the cost of airport parking and membership of airline lounges. The Tribunal also considered requests to increase Electorate Allowances to cover other costs, including WIFI in community meeting rooms and interpreter services, but considers these can be accommodated within the additional \$10 000.

13. The Electorate Allowance for Arafura has been decreased by \$5000 while the Electorate Allowance for Nhulunbuy has been increased by \$5000. This recognises the redistribution of Milngimbi from Arafura to Nhulunbuy in the last redrawing of the electoral boundaries.

Intra-state Travel by Independent Members

14. The current Parliament is unique in its membership as it consists of 18 Government Members, two Opposition Members and five Independent Members. Submissions received from the Independent Members sought assistance with intra-state travel.

The current allowance of 30 intra-state trips for Shadow Ministers will not be utilised during each year of this Parliament. The Shadow Ministers' entitlement has been reduced to 20 trips a year. The remaining ten trips will be allocated to the five Independent Members who will receive two intra-state trips per year and can access six days of travel expenses each year. This additional travel entitlement for Independent Members' is only available until the proroguing of the current Parliament.

Travelling Allowance

15. The rates of Travelling Allowance for Office Holders and Assembly Members are set on the basis of rates determined by the Australian Taxation Office to be reasonable, with the exception of rates for Office Holders and Members who:

- (a) stay in accommodation they own, or in accommodation for which they have a long-term rental arrangement or permanent reservation; and
- (b) stay in private accommodation.

The latter two rates of Travelling Allowance have been reviewed.

- (a) The rate of \$350 per day was set in 2013 for those who stay in accommodation they own or hold under a rental arrangement or permanent reservation. This rate was calculated in part on the extremely high rentals being paid in Darwin. Rentals have reduced significantly; therefore that rate is now set at \$300 per day.
- (b) The rate for those who stay in private accommodation has been increased from one third of the daily rate, to 40% of the daily rate, as the former amount was less than the amount for meals and incidentals.

It should be noted that the liability of the Government for travel expenses is significantly less for those Members that stay in accommodation they own or rent, or who elect to stay in non-commercial accommodation. The provision relating to ownership and renting has been tightened to ensure accountability and transparency.

Assembly Members who are Mothers of a Dependent Child up to 12 Months of Age

16. The Tribunal acknowledges that the gender mix of Members has changed and the average age of Members has reduced during the last and current Parliament. Some Members may become mothers during their Parliamentary career and provision needs to be made to assist them during the child's first year, especially when they are required to travel.

Members are entitled to child care when performing their parliamentary duties outside standard business hours. Members may be required to travel at these times as part of their duty as a Member or Office Holder. This may present issues with young infants, especially if the child is being breast fed.

There is currently no provision for maternity leave or related employment benefits for Members. The Tribunal acknowledges the community expectation that Members continue to serve their constituencies at all times.

This issue has been addressed by the Commonwealth Remuneration Tribunal, which extends eligible travel to a spouse, nominee or designated person to accompany a Member who is the mother of a dependent child up to 12 months of age. The Commonwealth Tribunal has introduced a similar provision for Members who are parents of a child up to 12 months of age and are travelling on parliamentary business.

Staffing of Electorates

17. Consideration has been given to the adequacy of staffing levels in non-urban electorates, some of which are the largest in Australia. Three are bordered by both the mainland and islands, and all have seasonal access problems.

The Electorates of Arafura, Arnhem, Barkly and Daly are currently entitled to a Liaison Officer for 15 hours per week away from the electorate office. This has allowed those Members to have assistance in more remote areas to improve the Member's ability to service their electorate. There is often difficulty attracting staff for a minimal period each week.

In addition to the existing entitlements, the Members of Arafura, Arnhem, Barkly and Daly are entitled to electorate office assistance for a total of 104 hours per quarter. It has been determined that the Liaison Officer position for all these electorates will be increased to full-time, with no allowance for the 104 hours per quarter assistance and no allocation of personnel for relief purposes.


The Electorate of Stuart is entitled to a Liaison Officer for 30 hours per week away from the electorate office. This has been increased to a full-time position. Whilst the electorate office assistance of 104 hours per quarter has been removed, the Member is still entitled to staffing relief arrangements because of the vast distance between the Electorate Office and the Liaison Officer's Office.

The rural Electorates of Namatjira and Nhulunbuy currently have no Liaison Officer staffing arrangements. The Determination will provide a Liaison Officer for 15 hours per week for both electorates, and will also retain the 104 hours assistance per quarter and allocation of personnel for relief purposes.

Cleaning

18. Where an electorate office is cleaned at Government expense, the Electorate Allowance is reduced by a determined amount so that it becomes cost neutral. Due to the rise in cleaning costs, this amount has been increased to \$5000.
19. 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 Remuneration Tribunal's authority.

Dated this 25th day of July 2017


Mr Michael Martin OAM
Chairperson
Remuneration Tribunal


Mr John Flynn AM
Member



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 Remuneration 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 Assembly member for the purpose of the visit, and that person need not necessarily travel with the Assembly member

'Accountable Officer' means the Accountable Officer for the Agency incurring expense under this Determination

'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

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

'basic salary' means salary paid to an Assembly member for their role as 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 an Assembly 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 and at the request of a Member, approve the nominee of that Member to be a person other than the partner or a close relative of the Member

‘Office Holder’ means:

- (a) Speaker of the Assembly
- (b) Leader of the Opposition
- (c) any other Office in the Assembly
- (d) a Minister
- (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 the Remuneration Tribunal established by section 17(1) of the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act*

2. BASIC SALARY OF ASSEMBLY MEMBER

- 2.1 The basic salary of an Assembly Member is \$159 906 per annum effective from 1 January 2018.

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 two 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 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:
- stationery, printing and postage costs
 - travel costs, including parking fees and airline lounge membership
 - communications, including WIFI in public access areas
 - donations
 - support for constituents
 - hosting costs
 - gifts
 - sponsorships
 - membership fees
 - support for organisations
 - patron expenses
 - advertising
 - professional development
 - interpreter services
 - other
- 4.2 The annual rate of Electorate Allowance is reduced by \$5000 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
 - (iv) attendance at official Government functions; or
 - (v) attendance at Vice-regal functions; or
 - (vi) with the approval of the Speaker, attendance at Assembly functions; or
 - (vii) representing his or her 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 20 trips within the Northern Territory during 2017 and each subsequent year. The total number of nights for which travelling allowance is payable may not exceed 100. Travel must be approved by the Leader of the Opposition.
- 5.4 Independent Members are entitled to two trips within the Territory each year during the life of the current Parliament. The total number of nights' travelling allowance paid will not exceed six nights in a year.
- 5.5 A Member 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 set out in Clause 6.12 of this Determination.
- 5.6 In addition to the payment of Travelling Allowance, Members are entitled to be provided with a hire car.

- 5.7 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

- 5.8 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 8.1, or in the event that the Government supplied vehicle is unserviceable, a private hire car subject to the Speaker's approval. A Member who has elected under clause 8.9 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.
- 5.9 In the case of use of a private vehicle within the Northern Territory, 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, unless the Member is in receipt of an additional amount under clause 8.9. Where more than one Member shares the private vehicle, only one Member may be paid the vehicle allowance.
- 5.10 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

- 5.11 A Member may travel business class 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 Travelling Allowance determined reasonable by the Speaker, may be payable during periods of transit.

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.
- 5.19 A Member who is a mother with a child up to 12 months old and is travelling pursuant to this Determination with this child, may be accompanied by a spouse, nominee or designated person during that travel and the accompanying person's travel costs will be paid in accordance with this Determination, at the same class as the Member.

6. TRAVEL EXPENSES

- 6.1 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
- 6.2 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 relevant Accountable Officer within 60 days of the conclusion of the travel:
- tax invoices for any accommodation
 - tax invoices for meals
 - tax invoices for 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 Part C of Schedule 3.

- 6.3 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.
- 6.4 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.
- 6.5 Where the Member or Office Holder elects to receive Travelling Allowance under clause 6.4, Travelling Allowance for each overnight stay is payable at the applicable rate specified in Schedule 3 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.
- 6.6 The Member for the Electorate of Namatjira is entitled to 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 ten overnight stays per calendar year.
- 6.7 Except as provided in clause 6.6, 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. The border towns of Marla in South Australia, Camooweal in Queensland and Kununurra in Western Australia, and the highways into those towns from the Northern Territory, are considered part of the electorate from where the highway leaves the Northern Territory.
- 6.8 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.
- 6.9 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 6.2, the Member should advise the Department of the Legislative Assembly that the allowance for the lunch is not payable.*
- 6.10 The accompanying person rate in Part A of Schedule 3 should be paid if the Office Holder or Member receives travel expense reimbursement or Travelling Allowance. The Member is not entitled to payment if he or she receives Travelling Allowance under Part B(i) of Schedule 3.

- 6.11 (a) The entitlements to Travelling Allowance where commercial accommodation is used at a place specified in Part A of Schedule 3, must be established by the Member through the submission of ownership documentation, a tax invoice, or receipt from the accommodation provider.
- (b) Members opting to stay in leased or rental accommodation in Darwin as outlined in Part B(i) of Schedule 3 are required to provide receipts.
- (c) Members not staying in commercial accommodation or staying in private accommodation and claiming Travelling Allowance under Part B(ii) of Schedule 3 are not required to provide receipts.
- 6.12 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. 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). The Member would then be only entitled to payment of the rates in Part C of Schedule 3.
- 6.13 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.
- 6.14 For authorised travel outside the Member's electorate, a Member may request that 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.
- 6.15 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.

7. ACCOUNTABILITY FOR TRAVEL

- 7.1 Reimbursement for travel and for associated Travelling Allowance or expenses may not be paid unless accountability requirements and procedures established by the relevant Accountable Officer, including certification that conditions set out in this Determination are met, are followed.
- 7.2 When expenses have been incurred for travel, Travelling Allowance, or expenses reimbursement, the Member must confirm the application of such expenses with the Clerk or relevant Accountable Officer.

8. MOTOR VEHICLE PROVISION

8.1 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.

8.2 Subject to clause 8.3, motor vehicles provided to Members shall be those set out in Schedule 4, and all running and maintenance costs, excluding cleaning costs for that vehicle, will be met by the Government.

8.3 A Member may be provided with a motor vehicle which is at greater cost to the Northern Territory than that provided for in clause 8.2, provided that the Member pays the difference between the actual cost to the Department of the Legislative Assembly of the highest cost of a vehicle in Part A of Schedule 4, and the actual cost to the Department of the Legislative Assembly of the selected vehicle.

8.4 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.

8.5 The Speaker may withdraw the vehicle or fuel card(s) and suspend the entitlement in clause 8.1 if the Speaker has cause to believe the vehicle or fuel card(s) are being improperly used.

8.6 The vehicle provided under clause 8.1 is to be driven only by a licensed driver, being the Member or a person nominated by the Member.

8.7 When a vehicle provided under clause 8.1 is used for travel for 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 in a Government supplied private plated motor vehicle.

8.8 (a) Where a Member for an electorate, other than those listed in clauses 8.8(b) and 8.8(c), elects not to receive a Government supplied motor vehicle pursuant to clause 8.1, 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 Members for Katherine, Goyder or Nelson elect 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 Members for Arnhem, Daly, Barkly, Stuart, Nhulunbuy, Namatjira or Arafura elect 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 kilometre allowance or 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 there is 12 months or less remaining on the lease.
- 8.9 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.

9. COMMUNICATIONS, TELEPHONES AND INFORMATION TECHNOLOGY

- 9.1 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.
- 9.2 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.
- 9.3 A Member who is eligible for Travelling Allowance through application of Part B(i) of Schedule 3 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.
- 9.4 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. All network charges generated by the ongoing connection and use of the satellite telephone will also be at Government expense.
- 9.5 An annual Schedule containing the totals of Government payments on behalf of each Member for satellite telephones is to be tabled by the Speaker during the second Meeting of the Assembly in each year.
- 9.6 No commercial use of telephone calls, including charge back to a telephone, may be made at Government expense.

10. POSTAGE

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

11. OFFICE SPACE AND EQUIPMENT

- 11.1 A secure office will be made available to each Member in Parliament House in Darwin with convenient access to a photocopier during Meetings of the Assembly, and a basic printer unless provided under some other Government entitlement.
- 11.2 The Government will provide and maintain a multi-function device in each Electorate Office and in the Stuart Liaison Office.
- 11.3 The Government will provide, maintain and pay utility services costs for a conveniently accessible and identified electorate office for each Member, with parking. 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.
- 11.4 The Government will provide an office of up to 70 square metres, or as close to this requirement as is available at the time in Katherine, for the Liaison Officer of the Member for Stuart, and on the Tiwi Islands, for the Liaison Officer of the Member for Arafura. 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.
- 11.5 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 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.
- 11.6 Members are entitled to a payment of up to \$1536 each year towards the cost of them accessing or maintaining an electoral database under their own arrangements.

12. STAFF

- 12.1 Every Member shall be entitled to the services of one full-time staff member as an Electorate Officer.
- 12.2 The Members for Arafura, Arnhem, Barkly, Daly, and Stuart are entitled to the services of one full-time Liaison Officer.
- 12.3 The Members for Namatjira and Nhulunbuy are entitled to a part-time Liaison Officer up to 15 hours per week.
- 12.4 All Liaison Officers are employed by the Northern Territory Government and are employed outside the main electorate office unless they are relieving the Electorate Officer.
- 12.5 All Members, other than the Members for Arafura, Arnhem, Barkly, Daly and Stuart, are entitled to part-time electorate office assistance for a total of 104 hours per quarter, expiring at the end of each quarter.
- 12.6 Staff entitlements may not be pooled or applied for the benefit of another Member.

- 12.7 All Members, other than the Members for Arafura, Arnhem, Barkly and Daly, are entitled to relief arrangements for their Electorate Officer as determined from time to time by the Speaker.
- 12.8 The salary and allowances and other terms and conditions of employment of all staff of a Member shall be as determined from time to time by the Speaker in her role as a Commissioner as defined under section 3(1) of the *Public Sector Employment and Management Act*. In making determinations, the Speaker shall consult with the Northern Territory Commissioner for Public Employment.
- 12.9 An Electorate Officer located outside Darwin shall be entitled to travel at Government expense to Darwin to attend an approved training activity once a year. The stay shall not exceed two days prior to the commencement of the Meeting and two days after completion of the Meeting.
- 12.10 An Electorate Officer located outside Alice Springs shall be entitled to travel at Government expense to Alice Springs to attend a period of Meetings of the Assembly in Alice Springs once a year. The stay shall not exceed two days prior to the Meetings and two days after completion of the Meetings.
- 12.11 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.
- 12.12 Any travel costs within the Electorate incurred by the Electorate Officer or Liaison Officer shall be met from the Member's own funds.

13. CHILD CARE

- 13.1 A Member is entitled to claim reimbursement for child care services outside the hours of 7:00am to 6:00pm 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 meeting; or
 - (b) where a Member is working or attending an event associated with his or her duties.
- 13.2 Reimbursement will be made upon the Member submitting a claim for reimbursement which sets out the nature of the work activity or event and the duration, together with actual start and finish times, amount paid, and to whom. The total amount to be claimed must not exceed \$5000 in any one year.

14. RESETTLEMENT ALLOWANCE

- 14.1 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 four months' basic salary; and
 - (b) the maximum entitlement being the equivalent of 12 months' basic salary.

15. GENERAL

- 15.1 Where a person becomes a Member or Office Holder, or ceases to be a Member or Office Holder, 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.
- 15.2 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 Legislative 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.
- 15.3 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 employed by a Territory Health Service or a Public Benevolent Institution.
- 15.4 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.
- 15.5 The Tribunal may give an interpretation of the provisions of this Determination at the request of the Speaker.
- 15.6 This Determination applies to Offices held or occupied, activities undertaken, or expenses incurred on or after 1 January 2018.

Note: For example, if a Member undertakes travel relevant to this Determination and commences that travel on Boxing Day 2017 and returns on 5 January 2018, the person's entitlements from 26 December to 31 December are covered by the Tribunal's 2016 Determination (being Determination No. 2 of 2016 in respect of Members of the Legislative Assembly) and the person's entitlements from 1 January to 5 January 2018 are covered by this Determination.

Dated this 25 day of July 2017


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	\$ 60 500
Blain	
Braitling	
Brennan	
Casuarina	
Drysdale	
Fannie Bay	
Johnston	
Karama	
Fong Lim	
Nightcliff	
Port Darwin	
Sanderson	
Spillett	
Wanguri	
Katherine	\$ 71 350
Nelson	
Goyder	
Daly	\$ 81 700
Arnhem	\$ 82 550
Nhulunbuy	\$ 88 350
Arafura	\$105 500
Namatjira	\$ 88 900
Barkly	\$ 93 350
Stuart	\$116 000

SCHEDULE 3

PART A. RATES OF TRAVELLING ALLOWANCE WHERE COMMERCIAL ACCOMMODATION IS USED

Location	Office Holder \$	Member \$	Accompanying Person \$
<u>Northern Territory</u>			
Darwin	464	441	110
Alice Springs	327	304	110
Jabiru	377	354	110
Katherine	311	288	110
Yulara	476	433	110
<u>Elsewhere in the NT</u>			
All places	372	267	110
<u>Capital Cities other Jurisdictions</u>			
Brisbane	434	411	110
Perth	442	399	110
Canberra	423	377	110
Hobart	372	330	110
Adelaide	386	362	110
Melbourne	442	382	110
Sydney	442	400	110
<u>Elsewhere in Australia</u>			
All places other than above centres	372	285	110

PART 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 \$300 per day. The Member must provide evidence of ownership at least every six months or must provide a commercial lease or commercial rental arrangement every three months as well as receipts from the accommodation provider. Members who hold lease or rental agreements with partners or relatives are excluded from claiming this allowance.

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) 40 per cent of the applicable rates in A above; and
(iii) for a single qualifying accompanying person, the rate of \$ 74.

PART C. RATES FOR PAYMENT OF MEALS AND INCIDENTALS WHERE THE ACCOMMODATION COMPONENT IS PAID FOR BY THE GOVERNMENT WITHIN AUSTRALIA

Domestic

	Office Holder	Assembly Member
Breakfast	\$ 34	\$ 29
Lunch	\$ 48	\$ 41
Dinner	\$ 67	\$ 57
Incidentals	\$ 27	\$ 27

PART D. RATES FOR PAYMENT OF MEALS AND INCIDENTALS WHERE THE ACCOMMODATION COMPONENT IS PAID FOR BY THE GOVERNMENT OUTSIDE AUSTRALIA

Overseas

Rates to be paid in accordance with *Taxation Determination TD 2016/13* 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 and IPA Hybrid Hatch
- Toyota Hilux single cab SR-S Auto or Manual

PART B - Approved Four Wheel Drive Motor Vehicles

Make/Model

- Mitsubishi Pajero GLX 4WD Station Wagon Diesel Auto
- Nissan Navara 4WD Station Wagon Petrol Auto
- Toyota Landcruiser 79 Workmate Dual Cab Utility Diesel Manual
- Toyota Prado GXL Station Wagon Diesel Auto
- Toyota Landcruiser 200 GX 4D Wagon - Turbo Diesel 6 Auto

SCHEDULE 5

Approved Motor Vehicle Accessories

For four wheel drive vehicles 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) or rigid cover
- heavy duty jumper leads
- cargo barrier
- mobile telephone hands free facility
- 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
- bulbar, where appropriate
- mobile telephone hands free facility
- roof rack
- tonneau cover (4WD utility vehicle) or rigid cover
- cargo barrier (station wagons only)
- 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.*