



**NORTHERN TERRITORY OF AUSTRALIA
REMUNERATION TRIBUNAL**

**REPORT ON THE ENTITLEMENTS OF
ASSEMBLY MEMBERS**

AND

DETERMINATION No. 1 of 2011

REMUNERATION TRIBUNAL REPORT ON THE ENTITLEMENTS OF ASSEMBLY MEMBERS AND DETERMINATION NO. 1 OF 2011

Introduction

1. On 6 September 2006, the Administrator issued a request under section 4(1) of the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act* (the Act) requiring the Tribunal to, on or before 31 October each year, inquire into and determine the entitlements (other than basic salary) of Members.
2. The resultant 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 Tribunal

3. The powers of the Tribunal are set out in sections 4(1A) and 4(1B) of the Act which read:

(1A) In addition, the Tribunal must, on the Administrator's request, inquire into, or inquire into and determine, an entitlement for a former member who retires involuntarily as prescribed by regulation.

(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.*

4. In March 2011, the Act was amended to remove the Tribunal's power to determine additional salary of office and to link increases in Assembly Members of Office to increases in NTPS salary movements.

Conduct of this Inquiry

5. Advertisements were placed in the main Northern Territory newspapers to draw attention to the Inquiry and to invite submissions. Individual letters were sent to all Members of the Assembly and to the Department of the Legislative Assembly.
6. The Tribunal received five written submissions.
7. The Tribunal had meetings in Darwin during August, September and October 2011 with the Chief Minister, the Speaker, Ministers, Members and a number of departmental representatives.
8. The Tribunal has carefully considered all representations and advice it has received.

Electorate Allowance

9. An electorate allowance has previously been determined as payable to each Member following assessment of the costs of servicing their constituents. It has been defined as follows:

'Electorate Allowance' means the allowance payable to a member to cover the cost of goods and services required to effectively represent the Parliament to his/her constituents and to represent those constituents to the Government and in the Parliament, including the cost of scheduled and charter transport additional to travel entitlements in this Determination.

This allowance has been increased by 3%.

Laptops and iPads

9. The Determination provides that each member shall be entitled to an iPad. The costs associated with the iPad is to be met by the Member out of his or her electorate allowance. The Tribunal was requested to provide for a second laptop computer for use by each electorate officer. Given the provision of the iPad, the extra laptop was not considered necessary.

Travel within the Northern Territory

10. A global number of 16 days entitlement to travelling allowance is not now confined to intra Territory trips taken under clause 3.2(a)(i).

Electorate of Stuart

11. Previous Determinations have provided for a part-time 'liaison' officer based in Katherine for the electorate of Stuart. This person has worked from home. This electorate is large and stretches from the north of Katherine to Aileron. Communities such as Barunga, Beswick, Mataranka, Timber Creek, Kalkaringi, Daguragu and Lajamanu are within the electorate and people in those communities would see Katherine as the primary regional centre to which they would normally travel. Provision has now been made for a modest office in Katherine and the hours for the 'liaison' officer have been increased to 30 so that the electorate can be properly served.

Provision of Motor Vehicles

12. The amount a Member may receive in lieu of a motor vehicle has been increased to \$19 500 per annum and has been denoted as an additional electoral allowance. This is in line with the amount payable to Federal and some State Parliamentarians.

At the next Inquiry the Tribunal will consider entitlements to four wheel drive vehicles based on the terrain of the electorates.

The Tribunal has been urged to be definitive about those persons apart from the Member who can or are entitled to drive the Member's vehicle. It is understood that the Government is currently considering rules in respect of private plated government owned vehicles and the Tribunal will take into account any such rules in its next Determination.

Travel Allowance

13. Rates have been adjusted on the basis of the amount considered reasonable by the Australian Taxation Office.

Overseas Travel


14. The Tribunal was requested to amend the overseas travel entitlement provision to provide an alternative of multiple trips to Asia on the basis that the cost will be no greater than the present entitlement. It was argued that Asian countries are our close neighbour and trade/commercial and cultural relationships could be enhanced by such visits.

Whilst the Tribunal is sympathetic to this request, it does not consider it an appropriate time to make such a change as the present provision is a 'once in a term' entitlement and to make such a change at this time would mean pro rating the entitlement and perhaps disadvantage the Members who have already accessed the entitlement.

General

15. A number of other matters were raised, for example, increased colour printing entitlement and folding machines which currently come within the discretion of the Speaker. Access to the Integrated Land Information System is a matter for the Government and in this respect the Tribunal has no jurisdiction. There have been a number of minor amendments to the Determination to improve its format and presentation.

Dated: 13 October 2011



John Flynn
Member
Remuneration Tribunal



NORTHERN TERRITORY OF AUSTRALIA REMUNERATION TRIBUNAL

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

DETERMINATION OF ENTITLEMENTS OF ASSEMBLY MEMBERS

Under 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:

'Assembly' means the Legislative Assembly;

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

'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 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 as determined from time to time by the Commissioner for Public Employment;

'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;

'Government' means the Chief Minister or his or her delegate;

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

'nominee' means one de facto partner or close relative (parent, son, daughter or dependent child, brother or sister) nominated to the Speaker to receive travel privileges available to the spouse 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 de facto partner or close relative of the Member;

'office holder' means a Minister, the Speaker of the Assembly, the Leader of the Opposition or the Deputy Leader of the Opposition;

'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. Where the number of Members, including the Leader and the Deputy Leader of the Opposition, in the schedule exceeds the number of Ministers, only those Members counted down the schedule to the same number as Ministers are to be regarded as Shadow Ministers for whom entitlements are granted;

the expression 'services as a Member' and 'official business' shall be interpreted liberally to cover all matters of relevance or interest to Northern Territory electors;

'travel cost allowance' is an amount payable to a Member 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 an office holder or Member to offset personal costs he or she, or any person authorised to travel as an accompanying person, may incur during travel at Government expense.

2. ELECTORATE ALLOWANCE

- 2.1. A Member is entitled to an electorate allowance, at the annual rate specified in Schedule 1, to cover the expenses he or she incurs, at their sole discretion, in servicing their electorate.
- 2.2. The annual rate of electorate allowance is reduced by \$3080 where the Member's electorate office is cleaned at Government expense.

3. TRAVEL WITHIN AUSTRALIA

MEMBER ENTITLEMENT

- 3.1. Subject to this clause, a Member is entitled to travel outside of his/her electorate but within Australia 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, and engaging in the business of such Committee, of which he/she is a Member, provided that for travel outside the Northern Territory the approval of the Speaker is required; or
 - (c) performance of official business for and on behalf of an office holder drawing upon an entitlement under clauses 3.2(b) or (c); or
 - (d) attendance at a meeting in the Northern Territory of his/her Assembly political party, including a meeting of its executive or one of its committees, provided that such meeting is properly constituted and that his/her attendance has been requested by the Leader of that party; or
 - (e)
 - (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

- (f) (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
- (g) representing his or her Assembly political party in proceedings before the Remuneration Tribunal in the Northern Territory;

and provided that such travel is by the shortest practicable route.

ADDITIONAL TRAVEL BY MEMBERS

3.2. In addition to the entitlement in clause 3.1, a Member is entitled to make the following additional trips outside of his/her electorate each year at Government expense:

- (a) for each Member in performing services as a Member;
 - (i) up to four trips within the Northern Territory; and
 - (ii) subject to clause 3.14 provided that the Member has not received assistance in that year for overseas travel under clause 4.1, one trip by air, or by a car hired from a major firm close to the Member's home base as approved by the Speaker, outside of the Northern Territory but within Australia and subject to there being no outstanding reports required by clause 3.14;
- (b) for Ministers, the Speaker and the Leader of the Opposition:
 - (i) such trips as are necessary within the Northern Territory in the discharge of their official business; and
 - (ii) any additional trips specifically approved by the Government;
- (c) for the Deputy Leader of the Opposition and other Shadow Ministers; trips additional to all other trip entitlements within the Northern Territory depending on the number of Members in the Opposition, according to the following table:

TABLE 1

(1) Number of Opposition Members	(2) Deputy Leader	(3) Each Shadow Minister
	<i>Trips</i>	<i>Trips</i>
9 or more	4	3
8	4	3
7	5	4
6	6	5
5	7	6
4 or less	8	7

3.3. The Opposition may "pool" the number of trips for Shadow Ministers in column (3) of Table 1 into a block of trips per annum to be allocated to Shadow Ministers, including the Deputy Leader, at the discretion of the Leader of the Opposition.

MODE OF TRAVEL

3.4. Travel within the entitlements in clauses 3.1 and 3.2 must be undertaken either:

- (a) on scheduled commercial/commuter services or other vehicles operating as regular carriers unless the hire car option under clause 3.2(a)(ii) is used; or
- (b) at the discretion of the Speaker, where regular services within the Northern Territory are not available or are impracticable, by charter transport, or by hired aircraft if the Member is appropriately qualified to pilot the aircraft and indemnifies the Government; or
- (c) by 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 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 vehicle but is not entitled to be reimbursed at the Government rate per kilometre; or
- (d) by other transport within the Northern Territory as approved by the Speaker; or
- (e) by bus, light rail, taxi or hire-car at the discretion of the Speaker when Travelling Allowance is payable during stay/s in a particular location and no Government arranged transport is available. Reimbursement of reasonable costs under this subclause will be made where the transport cost is directly associated with the official business of such travel.

- 3.5. For the purposes of clause 3.4(c) 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 border, are part of the Northern Territory and for the purposes of clause 6.6, each is part of the electorate from where the respective highway leaves the Northern Territory.
- 3.6. In the case of use of a private vehicle within the Northern Territory, the Member shall be paid vehicle allowance, at current Northern Territory Government rates, 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.

CONDITIONS OF TRAVEL

- 3.7. Travel at Government expense shall be the premium cabin class available on the service used.
- 3.8. A Member may only convert his or her own premium cabin class air travel within the Northern Territory to economy class travel so as to utilise the savings towards the travel cost of the Member's accompanying spouse or nominee/s and/or dependent child or children. A Member may only convert his or her own premium cabin class air travel outside the Northern Territory but within Australia to economy class travel so as to utilise the savings towards the travel cost of the Member's accompanying spouse or nominee/s and/or dependent child or children.
- 3.9. If a Member chooses to travel economy class, provision may be made for the Member to have access to the airline club facilities.
- 3.10. The Government may provide, at its expense, transport for a Member, spouse, 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.

A Member when travelling by air to and from Darwin on Assembly business or on official business as an office holder or Shadow Minister shall be entitled at Government expense to carry one additional piece of luggage within the airline size limits.

- 3.11. Air travel under clause 3.2(a)(ii) shall be to an interstate capital city, or another interstate city, town or place on business associated with his/her services as a Member and subject to the following conditions:
 - (a) under special circumstances the Speaker may approve the inclusion of additional capital city destinations in other States or the Australian Capital Territory subject to a detailed proposed itinerary;

- (b) Government arranged transport may be provided at Government expense at the destination.

3.12. In respect of any year during which a Member has an interstate travel entitlement under clause 3.2(a)(ii), that Member may, having made advance nomination to the Speaker, make more than one interstate visit. In such instance the following conditions shall apply:

- (a) the total cost of airfares, including any airfare under clause 3.20, and hire car costs including reimbursement of receipted direct running costs where the commercial hire car option under clause 3.2(a)(ii) is used, to be met by the Government, shall not exceed the cost of two return premium cabin domestic airline fares from Darwin to Melbourne as determined by the Speaker;
- (b) any balance of unused airfare value will transfer to the next year;
- (c) there is no entitlement to both interstate travel and overseas travel at Government expense in the same year under clauses 3.2(a)(ii) and 4.1.

3.13. Trips taken by a Member in a vehicle provided by clause 9 and which are outside the Member's electorate and for which no travel cost has been claimed is not a trip for the purposes of clause 3.2(a)(i) or clause 3.2(a)(ii) provided that if it is an interstate trip the Member pays for fuel purchased outside of the Northern Territory and does not claim reimbursement.

3.14. The Member shall within 30 days of completing travel within Australia, the trip being taken as a clause 3.2(a)(ii) entitlement, present to the Speaker a report generally describing the business undertaken by the Member, including any changes to the endorsed itinerary, for tabling in the Assembly.

LOCAL TRAVEL

3.15. The Government may provide, at its expense, transport for Members to and from their electorate, place of residence or accommodation to attend and return from:

- (a) sittings of the Assembly;
- (b) Committee meetings at the Assembly;
- (c) meetings at the Assembly directly related with business as a Shadow Minister; and
- (d) official business.

ENTITLEMENT TO TRAVEL BY OTHERS

3.16. A Member shall be entitled to have his or her spouse, nominee or dependent child, at the same class as the Member where a scheduled carrier is used:

(a) travel at Government expense to and return from official Government, Assembly or Vice-regal functions, provided that the spouse, nominee or dependent child has also been invited and a copy of that invitation is provided to the Speaker in advance; and

(b) accompany him/her at Government expense on return travel up to four times each year when the Member is travelling within the Northern Territory on business associated with his/her services as a Member,

provided that where the spouse, nominee or dependent child drives a private vehicle for this purpose, and the Member travels by air, the Government will meet the expense for using such vehicle, at current Northern Territory Government rates, to a maximum of the cost of the entitlement to travel by air.

3.17. For the purpose of this entitlement, 'accompany' means where the spouse/nominee/dependent child joins the Member for the purpose of the visit whether he/she travels with or does not travel with the Member.

3.18. A Member whose nominated home base is located outside Darwin shall be entitled to have each dependent child travel at Government expense from the Member's nominated home base to Darwin and return up to twice a year.

3.19. A Member shall be entitled to have his/her spouse or nominee accompany him/her on return interstate travel once each year at Government expense. For air travel, the spouse or nominee shall be entitled to the same class of travel as the Member. For clarification purposes, where on this single occasion a Member and his/her accompanying person undertakes air or hire car travel following a nomination under clause 3.8, the downgrading of the premium cabin class air travel entitlement by that accompanying person does not diminish the cost limit established by clause 3.12(a).

3.20. The terms of approval for additional travel under clause 3.2(b)(ii) may include approval for that office holder to be accompanied by his or her spouse or nominee.

4. TRAVEL OVERSEAS

CONDITIONS OF TRAVEL

4.1. A Member is entitled to financial assistance from the Government towards the cost of overseas travel once in the four year life of an Assembly on the following conditions:

- (a) 'cost of overseas travel' includes only:
 - (i) fares, inoculations, travel insurance, and hire transport charges for the Member;
 - (ii) fares of a spouse or de facto partner accompanying the Member;
 - (iii) accommodation and subsistence costs for the Member and spouse or de facto partner;
 - (iv) cost of travel by sea but not the cost of ship cruises;
- (b) at the date of travel the Member has at least two years of parliamentary service;
- (c) that no interstate travel under clause 3.2(a)(ii), in respect of which Government travel assistance has been provided, has been undertaken so far in the year in which overseas travel is undertaken by the Member during the term of an Assembly;
- (d) the purpose of such travel is to undertake studies and investigations related to his/her services as a Member;
- (e) the Member has obtained the Speaker's written endorsement of the purpose of the travel, the assistance claimed, and the itinerary;
- (f) there are no outstanding reports required under clause 4.2;
- (g) the Government contribution towards the cost of overseas travel shall not exceed the cost of one direct Qantas business class return fare from Darwin to London or two such fares if the Member is accompanied by his or her spouse or de facto partner;
- (h) travelling allowance is payable at the rate provided in Schedule 2 including, where applicable, the accompanying person rate, for a maximum of 21 days;
- (i) no part of this entitlement may be used for any other purpose.

4.2. The Member shall, within 30 days of completing overseas travel, present the Speaker with a report of the key meetings, outcomes, findings and conclusions, as well as of any changes to the endorsed itinerary and verification of use of Commercial Accommodation, for tabling in the Assembly.

- 4.3. In addition to the entitlement under clause 4.1, a Member, or a Member and his/her spouse or de facto partner may, pursuant to specific approval by the Speaker or in the event of the Member being the Speaker, pursuant to specific approval by the Government, travel overseas as a participant in an official delegation or as a formal representative of the Assembly.
- 4.4. An approval given under clause 4.3 shall specify the class of travel on the services to be used.

5. TRAVELLING LIMITS WITHIN AUSTRALIA

OVERNIGHT STAYS

- 5.1. The following limitations on the number of overnight stays in any year, for which payments under clauses 6.1 and 6.5 are made, shall apply:
- (a) for travel in the Northern Territory taken under the clause 3.2(a)(i) entitlement or travel taken at the Member's own volition shall be 16 days;
 - (b) for travel under the entitlement granted for interstate travel by clause 3.2(a)(ii), including interstate travel by Government vehicle under clause 3.4(c), shall be 14 days;
 - (c) for travel under the entitlement granted for travel in the Northern Territory by the Deputy Leader of the Opposition and Shadow Ministers by clause 3.2(c), cumulative with the stays in paragraph (a) above – the number according to the following table depending on the number of Opposition Members.

TABLE 2

(1) Number of Opposition Members	(2) Deputy Leader	(3) Each Shadow Minister
	<i>Nights</i>	<i>Nights</i>
9 or more	20	15
8	21	15
7	23	20
6	26	24
5	29	26
4 or less	32	28

- 5.2. For the purposes of clause 5.1(b) a Member may nominate the 14 overnight stays for which payment under clauses 6.1 and 6.5 may be made during any period of travel which, at the discretion of the Member at his or her own expense, may exceed 14 days in total.

- 5.3. The Opposition may "pool" the number of overnight stays for Shadow Ministers in column (3) of Table 2 into a block of nights in respect of which payment under clause 6.1 may be made per annum to be allocated to Shadow Ministers, including the Deputy Leader, at the discretion of the Leader of the Opposition.
- 5.4. Where a travel entitlement is taken under clause 3.4(c) or (d), payments under clause 6.1 may be made, for a maximum of two overnight stays en route, to a maximum amount of the cost of travel by the alternative scheduled air service over the same route.

6. TRAVEL EXPENSES WITHIN AUSTRALIA

- 6.1. If a Member 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) travel cost allowance; or
 - (b) Travelling Allowance.
- 6.2. If clause 6.1 does not apply, but a Member incurs costs for travel within Australia, the Member is entitled to travel cost allowance. For establishing the level of the travel cost allowance, the Member shall provide to the Clerk or the relevant Accountable Officer as the case may be depending on the capacity in which the Member 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.
- 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 meals and incidentals allowances specified in Part C of Schedule 2;
 - (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 Government contribution received by the Member.
- 6.4. A Member 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 or if any claim is made for travel cost allowance.

- 6.5. Where the Member makes an election under clause 6.4, Travelling Allowance for each overnight stay, at the applicable rate specified in Schedule 2, is payable to a Member travelling at Government expense. Where such travel is by regular public transport, overnight stay includes any overnight stay required at the place of departure or en route.
- 6.6. Except as provided in clause 6.7, 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.
- 6.7. The Member for the electorate of MacDonnell is entitled to the payment of Travelling Allowance for each overnight stay at Yulara at the applicable rate specified in Part A of Schedule 2. The number of overnight stays for which Travelling Allowance is paid under this subclause is subject to any limitation applied in the authorisation to travel at Government expense.
- 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 2.
- 6.9. Members are not entitled to receive travel cost allowance or Travelling Allowance if the costs are met or provided for by any other entity.
- 6.10. Entitlement to the Travelling Allowance where commercial accommodation is used at a place specified in Part A of Schedule 2 is established by production of a tax invoice or certification by the relevant Member that a tax invoice can be produced on demand.
- 6.11. The Darwin rate specified in Part A of Schedule 2 is payable to a Member whose home base is located outside Darwin during travel to Darwin at Government expense or alternatively the Member may have the Clerk or relevant Accountable Officer arrange and pay for accommodation in Darwin and the Member would then be only entitled to payment of the rates in Part C of Schedule 2.
- 6.12. For authorised travel outside the Member's electorate, a Member may have the Clerk or relevant Accountable Officer arrange and pay for the accommodation component of the travel. The Member would then be only entitled to payment of the rates in Part C of Schedule 2.
- 6.13. 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 2 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.

- 6.14 Where a Member has approval to travel using his or her own private vehicle, without being entitled to travel cost allowance, he or she is entitled to be paid vehicle allowance at the rate determined under section 14(2) of the *Public Sector Employment and Management Act*, subject to any conditions of the approval.

7. TRAVEL EXPENSES OVERSEAS

- 7.1. A Member travelling overseas at Government expense on the once per term overseas study trip is entitled to be paid Travelling Allowance for a maximum of 21 overnight stays at the applicable rate specified in Part A of Schedule 2, and also the rate for an accompanying person, where:
- (a) that person is included in the Member's authorisation to travel as an accompanying person; and
 - (b) that person does not have his or her travelling costs met by any other entity; and
 - (c) they are accommodated at the same premises for the overnight stays concerned.

8. ACCOUNTABILITY FOR TRAVEL

- 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 Travelling Allowance at a capital city rate in Schedule 2, the Member must specifically confirm that the relevant overnight stays were in the capital city concerned.
- 8.3. The Speaker shall table an "Annual Schedule of Member travel 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 3.2(a)(ii) or clause 7.1, this Schedule is to contain the following particulars:
- (a) the name and home base of the respective Member;
 - (b) the subclause of this Determination covering the entitlement to travel;
 - (c) the primary purpose of the travel;

- (d) a brief form itinerary;
- (e) the dates of the travel;
- (f) the category of accompanying person (if any);
- (g) the number of overnight stays Travelling Allowance or expenses reimbursement paid; and
- (h) Government expense incurred.

9. PROVISION OF MOTOR VEHICLE

ENTITLEMENT

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 3 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 through this provision shall not exceed the standard of vehicles available through the period contract of NT Fleet to Northern Territory Executive Contract Officers Level 4/5, and all running and maintenance 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 Northern Territory of the least cost of the vehicle in the Northern Territory Executive Contract Officers Level 4/5 range and the actual total cost to the Northern Territory of the selected vehicle.

9.4. The Members for Arafura, Arnhem, Barkly, Daly, Katherine, Goyder, MacDonnell, Nhulunbuy, Stuart and Nelson may be provided with four wheel drive vehicles and they can be provided with accessories as provided for in Schedule 3. The Member for Goyder's entitlement to a four wheel drive vehicle will expire on the proroguing of the present Assembly.

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 and suspend the entitlement in clause 9.1 if the Speaker has cause to believe the vehicle 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 spouse or nominee) is otherwise entitled by the provisions of this Determination (such as travel at Government expense) the other entitlements are voided. Likewise, no private vehicle allowance is payable for travel for a Government supplied private plated motor vehicle.
- 9.9. Where a Member elects not to seek the issue of a Government supplied motor vehicle pursuant to this clause and where that Member does not have a vehicle supplied or made available at Government expense under some other entitlement, that Member shall receive an amount of \$19 500 per annum as an additional electorate allowance. A member who has a motor vehicle already supplied by the Government under clause 9.1 may only elect to receive this allowance in lieu of the motor vehicle when the lease of the motor vehicle supplied has six months or less of the lease to expire.
- 9.10. A Member may, when attending an event associated with his or her duties as Member may, on no more than 50 occasions in any calendar year, travel to and from the event in a taxi and charge the cost to the Government account with Cabcharge. The Member should record on the Cabcharge voucher the origin and destination of the journey, date and value and keep a separate record of the event attended so the authenticity of the Cabcharge invoice can be verified.
- 9.11. 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. The cost of installation of standard telephone services in a Member's private residence shall be at the Member's own expense. The line and cost of all calls within Australia from one home telephone service and one separate facsimile service if installed shall be at Government expense.
- 10.4. The Government will meet the cost of Broadband connection to the Member's private residence where the service is reasonably available, or to the laptop computer provided (clause 12.4 refers) and meet related service provider charges, within any capacity limits set by the Speaker, but not both.
- 10.5. The cost of installation, maintenance and the rental of one standard telephone answering system in a Member's private residence shall be at Government expense.
- 10.6. A Member who is eligible for Travelling Allowance through application of Schedule 2 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.
- 10.7. Members for the electorates of Arafura, Arnhem, Barkly, Daly, Katherine, MacDonnell, Nhulunbuy and Stuart are entitled to a satellite telephone supplied, installed and maintained at Government expense in the vehicle supplied to them under clause 9.3.
- 10.8 (a) A Member not having a mobile telephone supplied for use under any other source of entitlement shall, upon application, be provided with a mobile telephone connected to the Government preferred carrier at a value of no greater than \$1 031. The cost of the standard voice calls and texting will be paid by the Government but the data call costs are capped at \$745 per annum and any excess usage of the data mode must be either paid direct to the carrier or the excess reimbursed to the Government. A Member may be provided with a mobile phone at a cost greater than \$1 031 provided the Member pays to the Government the difference between \$1 031 and the cost of the Member's phone.
- (b) The standard of the mobile telephone supplied to a Member who is an office holder may be superior to that provided to other Members, at the discretion of the Government.
- (c) The electorate officer of a Member, not having a mobile telephone supplied for use under any other source of entitlement, shall, on application, be provided with a standard mobile telephone. The Member for the electorate concerned will reimburse the Government with the monthly cost it incurs for the mobile telephone supplied to the electorate officer.

- 10.9 (a) All network charges generated by the ongoing connection and use of any satellite telephone provided under clause 10.7 will be paid by the Government.
- (b) An annual Schedule containing the respective totals of Government payments on behalf of each Member for satellite telephones and for mobile telephones is to be tabled by the Speaker during the second Sittings of the Assembly in each year.
- 10.10. No originating commercial use of a telephone, including charge back to a telephone may be made at Government expense.
- 10.11. A Government funded fixed line to the residence of the Member, or the Government funded fixed line to the Darwin residence for which Travelling Allowance is payable, may not be used as the hub of any commercial enterprise operated by the Member or any other person residing there.

11. POSTAGE

- 11.1. A Member shall meet the cost of all mail, including courier bags, from his or her own funds.
- 11.2. 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 Assembly building, with convenient access to a photocopier, at least during Sittings of the Assembly, and a basic ink-jet printer unless provided under some other Government entitlement.
- 12.2. 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. Stationery requisites will also be supplied subject to those guidelines. The ongoing cleaning costs for the electorate office are to be met by the Member unless he/she elects that these be met by the Government. The Member must ensure that the office is not used for commercial or electioneering purposes.
- 12.3 The Government will provide an office of not greater area than 40sq metres for the liaison officer of the Member for Stuart in Katherine together with two telephone lines and one broadband connection. Other furniture, equipment and stationery will be at the discretion of the Speaker.
- 12.4 Unless available under some other Government funded entitlement, each Member will be provided with a mid range laptop computer.

- 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 upon demand. These items remain the property of the Government or its contractors. Where a telephone line to the electorate office is sufficiently enabled, the office computer supplied under this entitlement shall be connected by broadband link directly to the Government Wide Area Network.
- 12.6 Unless available under some other Government entitlement, each Member will be provided with an iPad2 3G 64GB or equivalent model. The Member will be responsible for all costs associated with the iPad including maintenance and repair other than its purchase cost.
- 12.7 Members are entitled to either access to the Rolldata database of the Northern Territory Electoral Roll in their electorate office at Government expense or, with the approval of the Speaker, to a payment of up to \$1 500 each year towards the cost of an alternative electoral database.

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, and for the Member for Stuart an additional part-time liaison officer for up to 30 hours per week in Katherine, employed by the Northern Territory Government. Members with electorate offices located outside Darwin may use the respective electorate officer entitlement in their electorate office or in Darwin.
- 13.2. Any staff for such purposes as relief and part-time shall be as determined, from time to time, by the Speaker.
- 13.3. The salary and allowances and other terms and conditions of employment of permanent, permanent part-time and casual staff of a Member shall be as determined from time to time by the Speaker following endorsement by the Commissioner for Public Employment.
- 13.4. An electorate officer located outside Darwin shall be entitled to travel at Government expense to Darwin to attend a period of a Sitting of the Assembly 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.
- 13.5. 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.

- 13.6. 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.
- 13.7. 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. An office holder or a Member as the case may be shall be entitled to claim reimbursement for Child Care services outside the hours of 8am to 6pm, Monday to Friday, in the following circumstances:
- (a) where the Assembly is sitting outside these hours; or
 - (b) where an office holder is working or attending an event associated with his or her duties outside these hours; or
 - (c) when a Member is attending an event associated with his or her duties as a Member.
- 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.

15. RESETTLEMENT ALLOWANCE

- 15.1. A Member is, immediately before he or she is taken to retire involuntarily from the Assembly, entitled to a resettlement allowance equal to 12 weeks of basic salary.
- 15.2. A person who is a Member is taken to retire involuntarily from the Assembly the day before an election involving the electorate that the Member represents or may represent only if each of the following applies:
- (a) the person was elected at or since the general election in 2005;
 - (b) the person will not be able to access a pension or superannuation benefit related to service in the Assembly immediately after ceasing to be a Member;
 - (c) after the declaration of the poll for the election, the person is not a Member because he or she did not stand for re-election following loss of party endorsement (for reasons other than misconduct) or is not elected to be a Member.

15.3. The resettlement allowance is payable at the rate of basic salary current on the date the Member is taken to have retired involuntarily.

16. PROFESSIONAL DEVELOPMENT

16.1. A Member may, with the approval of the Speaker, may elect to attend an accredited professional development course of the type provided by, but not restricted to, Mt Eliza Executive Education and the Australian & New Zealand School of Government. The cost of the course will be met by the Member forgoing either the overseas trip provided by clause 4.1 or trips within Australia provided by clause 3.2(a)(ii). The total cost of the course including airfares and accommodation will be met by the Government provided the costs do not exceed the cost of the overseas trip calculated at \$32 700 or \$12 000 for a trip within Australia.

17. GENERAL

17.1. Where a person becomes a Member or office holder, or ceases to be a Member or office holder during the year, annual entitlements under this Determination shall be proportionate to the time the person is a Member or office holder during that year.

17.2. For the purposes of establishing entitlements under this Determination, 'year' 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 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.

17.3. A Member may elect to salary package subject to the "Salary Package Guidelines – General staff" as applies to all Northern Territory public servant general employees who are not hospital based.

17.4. The Speaker may make procedural rules to give full effect to all entitlements specified in this Determination.


17.5. The Tribunal may give an interpretation of the provisions of this Determination at the request of the Speaker.

17.6. This Determination applies to offices held or occupied, activities undertaken, or expenses incurred, on or after 1 January 2012.

Note: For example, if a Member undertakes travel relevant to this Determination and commences that travel on Boxing Day 2011 and returns on 5 January 2012, the person's entitlements from 26 December to 31 December are covered by the Tribunal's 2010 Determination (being Determination No. 1 of 2010 in respect of Members of the Legislative Assembly) and the person's entitlements from 1 January to 5 January 2012 are covered by this Determination.

17.7. The time for annual entitlements of travel both within Australia for single interstate trips and overseas will run from when the Member is elected, for example the first trip within Australia can be taken at any time within the first year of the Member being elected. The second entitlement would accrue from the first anniversary of his or her election.

Dated: 13 October 2011



John Flynn
Member
Remuneration Tribunal

Schedule 1

Annual Rate of Electorate Allowance

Electoralates	Rate
Araluen	\$31 409
Blain	
Braitling	
Brennan	
Casuarina	
Drysdale	
Fannie Bay	
Greatorex	
Johnston	
Karama	
Fong Lim	
Nightcliff	
Port Darwin	
Sanderson	
Wanguri	
Katherine	\$41 500
Nelson	
Goyder	
Daly	\$51 143
Arnhem	\$51 926
Nhulunbuy	\$52 658
Arafura	\$54 671
MacDonnell	\$57 830
Barkly	\$61 967
Stuart	\$83 027

Schedule 2

A. Rates of Travelling Allowance where Commercial Accommodation is used

Location	Office Holder	Member	Accompanying Person
<u>Northern Territory</u>			
Darwin	\$436	\$367	\$110
Alice Springs	\$348	\$264	\$110
Jabiru	\$356	\$336	\$110
Katherine	\$278	\$259	\$110
Yulara	\$498	\$478	\$110
<u>Elsewhere in the NT</u>			
All places	\$348	\$240	\$110
<u>Capital Cities other Jurisdictions</u>			
Brisbane	\$394	\$371	\$110
Perth	\$433	\$364	\$110
Canberra	\$388	\$346	\$110
Hobart	\$353	\$305	\$110
Adelaide	\$367	\$323	\$110
Melbourne	\$423	\$354	\$110
Sydney	\$423	\$363	\$110
<u>Elsewhere in Australia</u>			
All places other than above centres	\$348	\$240	\$110
<u>Overseas</u>			

Rates to be paid in accordance with *Taxation Determination TD 2011/17* or any subsequent taxation determination made in substitution of that Determination.

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 formal lease with at least one month of the term of the lease remaining, he or she shall be paid at the rate of \$195 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

	Office holder	Assembly Member
Breakfast	\$30	\$26
Lunch	\$43	\$36
Dinner	\$60	\$51
Incidentals	\$25	\$25

Schedule 3

Approved Motor Vehicle Accessories

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

- long range fuel tanks;
- additional spare wheel;
- up to two spotlights to a rating of 130 watts with protective covers;
- bullbar;
- towbar;
- air cleaner snorkel;
- dual battery system;
- electric winch;
- roof rack with or without ladder;
- tonneau cover (4x4 utility vehicle);
- 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/ski bars;
- 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.*