



**NORTHERN TERRITORY OF AUSTRALIA
REMUNERATION TRIBUNAL**

**REPORT ON THE ENTITLEMENTS OF
ASSEMBLY MEMBERS**

AND

DETERMINATION No. 1 of 2013

REMUNERATION TRIBUNAL REPORT ON THE ENTITLEMENTS OF ASSEMBLY MEMBERS AND DETERMINATION NO. 1 OF 2013

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 an Assembly Member for:
 - (a) performing the functions of an Assembly member; and
 - (b) performing a function for the Assembly; and
 - (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.
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. In March 2011, the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act* was amended to remove the Tribunal's power to determine additional salary of office and to link increases in this entitlement to increases in NT Public Sector wage movements.
4. The powers of the Tribunal in respect of setting entitlements for Assembly Members are set out in sections 4(1), 4(1A) and 4(1B) of the Act as follows:

4 Tribunal's power 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.*

(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.*

5. In March 2011, the Act was amended to remove the Tribunal's power to determine additional salary of office and to link increases in this entitlement to increases in NT Public Sector wage movements.

Conduct of this Inquiry

6. Advertisements were placed in the main Northern Territory newspapers in mid August 2013 to draw attention to the Inquiry and to invite submissions. Individual letters were sent to all Members of the Assembly in early August 2013 and to the Clerk of the Legislative Assembly and the Commissioner for Public Employment.
7. The Tribunal received five written submissions.
8. The Tribunal had meetings in Darwin during August and September 2013 with the Chief Minister, the Speaker, Deputy Speaker, the Leader of the Opposition, a Minister, Assembly Members, the Auditor-General, staff of the Office of the Chief Minister, and a number of departmental representatives.

9. The Tribunal has carefully considered all representations and advice it has received.

Electorate and Other Allowances

10. 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'.

The Electorate allowance has been increased by 2.4% being the percentage change in the Consumer Price Index for the twelve months ending June 2013. All other allowances where appropriate have been similarly increased.

Office Holder

10. The definition of Office Holder has been amended to accord with the *Assembly Member and Statutory Officers (Remuneration and Other Entitlements) Act*.

Staffing

11. The last Determination No. 1 of 2012 provided that Assembly Members could have part-time assistance up to 6 hours per week. This has now been increased to 8 hours per week.

Provision of Motor Vehicles

12. Assembly Members have the option to be provided with a motor vehicle or an allowance in lieu of so being provided. Many Assembly Members have taken the option of an allowance in lieu. It has been pointed out to the Tribunal that whilst vehicles are for electorate work, Assembly Members are often required to use their own vehicle for other than electorate work but nevertheless for Assembly responsibilities. The Tribunal was urged to allow mileage claims for such travel where a Member had opted for the allowance rather than the vehicle. The Tribunal acknowledges that this is reasonable but to overcome unnecessary administrative claims and to compensate for rising fuel costs, the Determination provides for an increase of \$3000 in the amount payable in lieu of being provided with a motor vehicle.

It had been intended to review the provision of four wheel drive motor vehicles for the Members of Katherine and Nelson. The Tribunal has not done so as it intends during the next inquiry to conduct a wider review on the provision or otherwise of motor vehicles. The review would investigate the type of motor vehicles required for urban, semi-rural and rural electorates and the rates of allowance for those opting for an allowance rather than a motor vehicle. It is envisaged that the rates would be quite significantly higher for rural electorates than urban electorates with semi-rural electorates being somewhere in between. The Tribunal would also consider whether motor vehicles should be provided at all and instead a vehicle allowance paid.

Travel Allowance

13. Rates of travelling allowance have been adjusted on the basis of the amount considered reasonable by the Australian Taxation Office. The Darwin rate for other than commercial accommodation has been set at \$350 per day which recognises the higher Darwin rental market and accounts for the fact that the amount has not been adjusted for meals and incidentals for a number of years.

Travel

14. Clause 3.13 had allowed dependent children of a Member to travel to Darwin twice a year if the Member's electorate was outside the Darwin area. Travel for a spouse or nominee had inadvertently been omitted from this entitlement and is now included.

Travel entitlements for Ministers and the Leader of the Opposition had mistakenly been omitted from the last determination and this has been rectified by clause 3.2.

Communications

15. A smart phone or iPhone has now been provided for electorate officers to enable better communication between the Member and his or her electorate officer.

Other Entitlements

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

Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act – remuneration setting for Assembly Members


In the commentary for the last review, the Tribunal made the following observations:

“In March 2011 the Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act was amended to remove the Tribunal’s power to determine additional salary for Assembly Members who are also officer holders. In addition, it ties increases in Members’ remuneration to those percentage increases received by NT public servants. This removes the capacity for independent assessment of Member remuneration levels and has had the effect of de-valuing the base remuneration of Members and office holders, a factor which will continue to be exacerbated in the future.

The Tribunal strongly recommends that this provision in the Act be repealed and replaced with a power for the Tribunal to determine basic salary for all Assembly Members as well as additional salary of office for Assembly office holders. It is further recommended that the legislation provide that the Tribunal cannot determine Members’ basic salary to be more than that to which a Federal Member of Parliament is entitled less a fixed amount to be nominated in the Act.”

The Tribunal notes that there has not been any change to the legislation and is still of the view that the legislation should be changed. The Tribunal has reconsidered its comment “fixed amount” and would now favour “less a fixed percentage”.

Dated 27 September 2013


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:

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

'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) 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.

'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 expense reimbursement' 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 \$3 080 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 or 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 or she is a Member, 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 Assembly political party, including a meeting of its executive or one of its committees, provided that such meeting is properly constituted and that his or her attendance has been approved by the Leader of that party; or

- (d) (i) representing the Government; or
- (ii) representing an Office Holder; or
- (iii) with the approval of the Speaker, representing the Assembly; or
- (iv) with the approval of the Speaker, conducting Commonwealth Parliamentary Association business or other official parliamentary function of another legislature; or
- (e) (i) attendance at official Government functions; or
- (ii) attendance at Vice-regal functions; or
- (iii) with the approval of the Speaker, attendance at Assembly functions; or
- (f) representing his or her Assembly political party in proceedings before the Remuneration Tribunal in the Northern Territory;

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

ADDITIONAL TRAVEL BY MINISTERS AND THE LEADER OF THE OPPOSITION

- 3.2 Travel by Ministers and Leader of the Opposition and their spouses, nominees or children in addition to the travel entitlements established by this determination is a matter for the Government.

ADDITIONAL TRAVEL BY DEPUTY LEADER OF THE OPPOSITION AND SHADOW MINISTERS

- 3.3 The Deputy Leader of the Opposition and other Shadow Ministers are entitled to trips within the Northern Territory according to Table 1 and are limited on the number of overnight stays in any year for which travelling allowance is paid in accordance with Table 2.

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

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

- 3.4 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.
- 3.5 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 may be made in any year, to be allocated to Shadow Ministers, including the Deputy Leader, at the discretion of the Leader of the Opposition, for travel undertaken.

MODE OF TRAVEL

- 3.6 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; 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 7.1 or in the event that the Government supplied vehicle is unserviceable then, subject to the Speaker's approval, a private car or hire car. A Member who has elected under clause 7.9 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 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.

3.7 In the case of use of a private vehicle within the Northern Territory (except a Member in receipt of an additional amount under clause 7.9), 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

3.8 Travel at Government expense shall be business class available on the service used.

3.9 A Member may only convert his or her business class air travel to economy class travel so as to utilise the savings towards the travel cost of the Member's accompanying spouse or nominee and or dependent child or children.

3.10 If a Member chooses to travel economy class, provision may be made for the Member to have access to the airline's club facilities.

3.11 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.

ENTITLEMENT TO TRAVEL BY OTHERS

- 3.12 A Member shall be entitled to have his or her spouse, nominee or dependent child, travel at the same class as the Member where a scheduled carrier is used 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
- 3.13 A Member whose nominated home base is located outside Darwin shall be entitled to have his or her spouse 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.
- 3.14 In addition to the entitlement under clause 3.1, a Member, or a Member and his or her spouse or nominee may, pursuant to specific approval by the Speaker or in the event of the Member being the Speaker, after consultation with the Government, travel overseas as a participant in an official delegation or as a formal representative of the Assembly.
- 3.15 An approval given under clause 3.13 shall specify the class of travel on the services to be used and the Speaker shall travel at a class after consultation with the Government.

4. OTHER TRAVEL ENTITLEMENT

- 4.1 In addition to other travel provided by this Determination, every Member shall be entitled to expend on:
- (a) domestic travel; and
 - (b) overseas travel
- an amount up to but not exceeding the amount of the **Basic Allowance** (see clause 4.3) which is available to the Member at the date of travel and may be accompanied by his or her spouse or nominee.
- 4.2 Such expenditure may only be incurred outside a Member's electorate for the purpose of undertaking studies and investigations of matters of interest, attending conferences, meetings, community events or other events related to his or her duties and responsibilities as a Member or on the professional development of the Member.
- 4.3 (a) The Basic Allowance increases to \$15 360 for the year on 1 January 2014.

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

For example, any part of a Basic Allowance entitlement arising on 1 January 2013 is forfeited if it is not expended by 1 January 2015.

- (c) Where a Member is elected for the first time between 1 January and 30 June, he or she shall be entitled to the full Basic Allowance for the year. If a Member is elected between 1 July and 31 December, he or she shall be entitled to 50% of the Basic Allowance for that year.
- 4.4 (a) A Member may at any time obtain funding in advance against the prospective entitlement of the Member for the next succeeding year.
- (b) Expenditure against a Member's entitlement shall be charged firstly against the oldest balance of the entitlement.
- 4.5 Subject to these rules, the Basic Allowance may be expended on scheduled domestic travel or overseas travel services of any kind including hire cars, taxis and chartered services. The Basic Allowance may also be expended on conference, seminar fees or professional development fees when associated with a claim under these rules.
- 4.6 (a) Travel expenses incurred by a spouse or nominee when accompanying a Member as provided by clause 4 of this Determination may be charged to the Basic Allowance.
- (b) No more than half of the Basic Allowance shall be expended on the travel of a Member's spouse, nominees or his or her staff.
- 4.7 Any application for travel allowance in Australia or overseas, and an application for travel shall be submitted in writing to the Speaker in the form as approved by the Speaker, and shall contain the following information:
- (a) a proposed itinerary (which clearly indicates the number of days to be spent on Parliamentary business); and
 - (b) a statement of objectives for the proposed travel.
- 4.8 Where the approval of the Speaker has been obtained, Members are not required to seek approval of variations in the proposed itinerary other than those which are of significance.
- 4.9 When a staff member accompanies a Member on travel, the conditions of travel and travel allowance claimed by the staff member against the Basic Allowance should be the same as if the staff member were a public servant travelling with the Member.

4.10 Where a Member travels overseas, the Member shall be entitled to claim against the Basic Allowance a travel allowance, provided that no such allowance shall be claimed in respect of any other person accompanying the Member, other than a staff member who is not the Member's spouse or nominee.

4.11 (a) Where a Member has travelled overseas under this Determination, he or she shall execute and lodge with the Clerk of the Assembly a travel acquittal declaration in the form approved by the Speaker.

(b) In the event of a declaration being subsequently disallowed by the Australian Taxation Office, or if a Member has not lodged a declaration within 60 days of his or her return to Australia, the Member shall be required to repay in full the expenditure to which the declaration relates, before any further entitlement may be expended.

4.12 Where a Member claims an allowance for themselves for domestic or overseas travel, the Member shall prepare and deliver a report to the Speaker within 90 days of completion of the travel for which the report relates, including:

- a statement of the objectives of the Member's travel;
- the names of organisations or Parliaments visited;
- reference to any documents or publications obtained or considered to be of interest as a Member of Parliament;
- brief summaries of the study areas pursued in the places visited;
- a summary of the results achieved; and
- any recommendations arising from the travel.

If the report is not delivered to the Speaker within 90 days, or if the Speaker is not satisfied that the requirements under this Determination including clause 4.2 have been met, no further entitlements may be utilised (for travel of any kind) until a report is delivered and the Speaker is so satisfied. For the purpose of being so satisfied the Speaker may require a Member to provide a statutory declaration on the matters in respect of which the Speaker remains to be satisfied.

4.13 As soon as practicable after 1 January in any year, the Clerk of Assembly shall inform each Member of the entitlements available to the Member pursuant to this Determination.

5. TRAVEL EXPENSES WITHIN AUSTRALIA

5.1 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.

- 5.2 If a Member or Office Holder incurs costs for travel within Australia under this Determination, the Member is entitled to a travel expense reimbursement. For establishing the level of the travel expense reimbursement, 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. Incidental costs do not have to be substantiated and will be paid at the rate set out in Schedule 2C.
- 5.3 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 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 contribution, regardless of source, received by the Member or paid in respect of the travel.
- 5.4 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.
- 5.5 Where the Member or Office Holder makes an election under clause 5.4, 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, an overnight stay includes any overnight stay required at the place of departure or en route.
- 5.6 The Member for the Electorate of Namatjira is entitled to the payment of Travelling Allowance for each overnight stay at Yulara at the applicable rate specified in Part A of Schedule 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.
- 5.7 Except as provided in clause 5.6, Travelling Allowance is not payable to a Member for an overnight stay within the Member's own electorate or within the electorate in which the Member's home base is located and the border towns of Marla in South Australia, Camooweal in Queensland and Kununurra in Western Australia and the highway into those towns from the Northern Territory are considered part of the electorate from where the highway leaves the Northern Territory.

5.8 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.

5.9 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.

Example

If a conference provides a dinner, the payment to the Member for that dinner should be reduced by the rate specified in Schedule 2C for dinner.

5.10 The accompanying person rate in Schedule 2A should be paid if the Office Holder or Member receives travel expense reimbursement or Travelling Allowance.

5.11 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.

5.12 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.

5.13 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.

5.14 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.

5.15 Where a Member has approval to travel using his or her own private vehicle, without being entitled to travel expense reimbursement, 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.

6. ACCOUNTABILITY FOR TRAVEL

- 6.1 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.
- 6.2 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.
- 6.3 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 4, this Schedule is to contain the following particulars:
- (a) the name and home base of the respective Member;
 - (b) the primary purpose of the travel;
 - (c) an itinerary;
 - (d) the category of accompanying person (if any);
 - (e) the number of overnight stays Travelling Allowance or expenses reimbursement paid; and
 - (f) Government expense incurred.

7. PROVISION OF MOTOR VEHICLE

ENTITLEMENT

- 7.1 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.

- 7.2 Subject to clause 7.3, 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.

- 7.3 A Member may be provided with a motor vehicle which is at greater cost to the Northern Territory than that provided for in clause 7.2, 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.
- 7.4 The Members for Arafura, Arnhem, Barkly, Daly, Katherine, Namatjira, 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.
- 7.5 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.
- 7.6 The Speaker may withdraw the vehicle and suspend the entitlement in clause 7.1 if the Speaker has cause to believe the vehicle is being improperly used.
- 7.7 The vehicle provided under clause 7.1 is to be driven only by a licensed driver, being the Member or a person nominated by the Member.
- 7.8 When a vehicle provided under clause 7.1 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.
- 7.9 Where a Member elects not to seek the issue of a Government supplied motor vehicle pursuant to clause 7.1 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 \$24 504 per annum as an additional electorate allowance. Members receiving this allowance in lieu of a Government supplied vehicle shall not be entitled to claim mileage allowance or to claim for any other vehicle operational expenses associated with the use of a motor vehicle under this provision. A Member who has a motor vehicle already supplied by the Government under clause 7.1 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.
- 7.10 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.
- 7.11 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.

8. COMMUNICATIONS

TELEPHONES AND INFORMATION TECHNOLOGY

- 8.1 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.
- 8.2 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.
- 8.3 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.
- 8.4 The Government will meet the cost of Broadband or Wireless connection to the Member's private residence where the service is reasonably available, or to the laptop computer provided (clause 10.4 refers), and meet related service provider charges within any capacity limits set by the Speaker, but not both.
- 8.5 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.
- 8.6 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.
- 8.7 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 vehicle supplied to them under clause 7.4 together with all network charges generated by the ongoing connection and use of the satellite telephone.

- 8.8 (a) A Member not having a mobile phone, smart phone or iPhone supplied by the Government for use under any other source of entitlement shall, upon application, be provided with a mobile phone, smart phone or iPhone connected to the Government preferred carrier at a value of no greater than \$1 126. The cost of the standard voice calls and texting will be paid by the Government but the data call costs are capped at \$819 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, smart phone or iPhone at a cost greater than \$1 126 provided the Member pays to the Government the difference between \$1 126 and the cost of the Member's phone.
- (b) The standard of the mobile phone, smart phone or iPhone 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 phone, smart phone or iPhone supplied for use under any other source of entitlement, shall on application, be provided with a mobile phone, smart phone or iPhone at a value of not greater than \$1 126. Should the cost exceed this amount then the difference shall be payable to the Government by the Member. The Member for the electorate concerned will reimburse the Government with the monthly cost it incurs for the mobile phone, smart phone or iPhone supplied to the electorate officer.
- 8.9 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.
- 8.10 No originating commercial use of a mobile phone, smart phone or iPhone, including charge back to a telephone, may be made at Government expense.
- 8.11 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.

9. POSTAGE

- 9.1 A Member shall meet the cost of all mail, including courier bags, from his or her own funds.
- 9.2 Ministers, the Leader of the Opposition and the Speaker shall each be provided with unlimited postage for official business as an Office Holder.

10. OFFICE SPACE AND EQUIPMENT

- 10.1 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.
- 10.2 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 or she elects that these be met by the Government (clause 2.2 refers). The Member must ensure that the office is not used for commercial or electioneering purposes.
- 10.3 The Government will provide an office of not greater area than 40 square 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.
- 10.4 Unless available under some other Government funded entitlement, each Member will be provided with a mid range laptop computer or lightweight laptop.
- 10.5 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.
- 10.6 Unless available under some other Government entitlement, each Member will be provided with an iPad 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.
- 10.7 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 \$1 536 each year towards the cost of an alternative electoral database.

11. STAFF

- 11.1 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 may have part time electorate officer assistance for up to 8 hours per week. In addition, the Member for Stuart shall be entitled to an additional part time liaison officer for up to 30 hours per week in Katherine; the Member for Arafura shall be entitled to an additional part-time liaison officer for up to 15 hours per week in Maningrida; and the Member for Daly shall be entitled to an additional part time liaison officer for up to 15 hours per week in Wadeye for the Thamarrurr Region, such officers to be 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.
- 11.2 Any allocation of personnel for the purpose of relief staffing arrangements shall be as determined from time to time by the Speaker.
- 11.3 The salary and allowances and other terms and conditions of employment of ongoing part-time and casual staff of a Member shall be as determined from time to time by the Speaker following endorsement by the Commissioner for Public Employment.
- 11.4 Each electorate officer shall be provided with a mid range laptop computer or an iPad 3G 64GB or equivalent model, but not both.
- 11.5 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.
- 11.6 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.
- 11.7 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.
- 11.8 Any travel costs within the electorate by the electorate officer or liaison officer shall be met from the Member's own funds.

12. CHILD CARE

12.1 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.

12.2 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.

13. RESETTLEMENT ALLOWANCE

13.1 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.

13.2 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.

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

14. GENERAL

14.1 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.

- 14.2 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.
- 14.3 A Member may elect to salary package subject to the "Salary Package Guidelines – General Staff" as applies to all Northern Territory public service general employees who are not hospital based.
- 14.4 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 3.2.
- 14.5 The Tribunal may give an interpretation of the provisions of this Determination at the request of the Speaker.
- 14.6 This Determination applies to offices held or occupied, activities undertaken, or expenses incurred, on or after 1 January 2014.

Note: For example, if a Member undertakes travel relevant to this Determination and commences that travel on Boxing Day 2013 and returns on 5 January 2014, the person's entitlements from 26 December to 31 December are covered by the Tribunal's 2011 Determination (being Determination No. 1 of 2012 in respect of Members of the Legislative Assembly) and the person's entitlements from 1 January to 5 January 2014 are covered by this Determination.

Dated 27 September 2013



John Flynn
Member
Remuneration Tribunal

Schedule 1

Annual Rate of Electorate Allowance

Electoralates	Rate
Araluen	\$32 806
Blain	
Braitling	
Brennan	
Casuarina	
Drysdale	
Fannie Bay	
Greatorex	
Johnston	
Karama	
Fong Lim	
Nightcliff	
Port Darwin	
Sanderson	
Wanguri	
Katherine	\$ 43 346
Nelson	
Goyder	
Daly	\$ 53 418
Arnhem	\$ 54 236
Nhulunbuy	\$ 55 000
Arafura	\$ 57 102
Namatjira	\$ 60 403
Barkly	\$ 64 723
Stuart	\$ 86 721

Schedule 2

A. Rates of Travelling Allowance where Commercial Accommodation is used

Location	Office Holder	Member	Accompanying Person
<u>Northern Territory</u>			
Darwin	\$ 450	\$ 414	\$110
Alice Springs	\$ 316	\$ 295	\$110
Jabiru	\$ 358	\$ 337	\$110
Katherine	\$ 356	\$ 253	\$110
Yulara	\$ 410	\$ 389	\$110
<u>Elsewhere in the NT</u>			
All places	\$ 356	\$ 253	\$110
<u>Capital Cities other Jurisdictions</u>			
Brisbane	\$ 418	\$ 396	\$110
Perth	\$ 492	\$ 400	\$110
Canberra	\$ 412	\$ 368	\$110
Hobart	\$ 361	\$ 321	\$110
Adelaide	\$ 375	\$ 353	\$110
Melbourne	\$ 431	\$ 373	\$110
Sydney	\$ 431	\$ 374	\$110
<u>Elsewhere in Australia</u>			
All places other than above centres	\$ 356	\$ 278	\$110
<u>Overseas</u>			

Rates to be paid in accordance with *Taxation Determination TD 2013/16* 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 rental arrangement or permanent reservation, he or she shall be paid at the rate of \$350 per day.

Darwin and other locations

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

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

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

	Office Holder	Assembly Member
Breakfast	\$32	\$27
Lunch	\$45	\$38
Dinner	\$63	\$54
Incidentals	\$26	\$26

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, Namatjiral, 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.*