



NORTHERN TERRITORY OF AUSTRALIA
REMUNERATION TRIBUNAL

REPORT AND DETERMINATION

No. 3 of 2021

ENTITLEMENTS OF ASSEMBLY MEMBERS

REMUNERATION TRIBUNAL REPORT AND DETERMINATION NO. 3 OF 2021

ENTITLEMENTS OF ASSEMBLY MEMBERS

Introduction

1. On 12 December 2018, the Administrator of the Northern Territory, Her Honour the Honourable Vicki Susan O'Halloran AO, issued the following request to the Remuneration Tribunal:
 - (a) as mentioned in section 3A(1) of the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act 2006* (the Act) request the Remuneration Tribunal to, on or before 31 October each year, inquire into and determine:
 - (i) the amount of basic salary; and
 - (ii) the amount of additional salary of office and the offices in respect of which additional salary of office is to be paid; and
 - (iii) the basis on which the amounts mentioned in subparagraphs (i) and (ii) have been or should be determined; and
 - (b) as mentioned in section 4(1) of the Act, request the Remuneration Tribunal to, on or before 31 October of each year, inquire into and determine an entitlement (other than basic salary or additional salary of office) of an Assembly Member for:
 - (i) performing the functions of an Assembly Member; or
 - (ii) performing a function for the Assembly; or
 - (iii) holding or occupying any of the offices mentioned in section 4(1)(c) of the Act; and
 - (c) as mentioned in section 4AA of the Act, request the Remuneration Tribunal to, on or before 31 October of each year, inquire into and determine an entitlement for a person who ceases to hold office as an Assembly Member as mentioned in that section.
2. The resulting Report and Determination must be tabled in the Legislative Assembly within six sitting days of receipt by the Minister.

Powers of the Remuneration Tribunal

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

3A Tribunal's power in relation to salaries

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

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

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

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

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

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

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

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

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

4AB Circumstances of disentitlement

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

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

4A Report following inquiry

- (1) *The Tribunal must prepare a report for each inquiry conducted under section 3A, 4 or 4AA.*
- (2) *However, if inquiries are conducted together under any of the following provisions, the Tribunal need only prepare one report for those inquiries:*
 - (a) *section 3A;*
 - (b) *section 4;*
 - (c) *section 4AA.*
- (3) *The report:*
 - (a) *if the Tribunal is requested to inquire into and determine an amount of salary or entitlement - must include a determination of the amount of salary or entitlement; or*
 - (b) *otherwise - may include recommendations on the entitlement to which the inquiry relates.*
- (4) *The Tribunal must give the Administrator and Minister a copy of the report as soon as practicable after it is made.*
- (5) *The Minister must table a copy of the report in the Assembly within 6 sitting days after receiving it.*

Regulation 3 Exceptions to Tribunal's power for Assembly member entitlements

- (1) *For section 4(1C) of the Act, the Tribunal does not have power to inquire into, or inquire into and determine, an entitlement for the provision of office accommodation, furniture and equipment and staff to a Minister, the Speaker of the Assembly, the Leader of the Opposition or an independent Assembly member.*
- (2) *However, subregulation (1) does not affect the Tribunal's powers relating to the entitlements for establishing or maintaining an office in an Assembly member's electorate, including the following in relation to the office:*
 - (a) *Office space;*
 - (b) *Furniture and equipment*
 - (c) *Parking spaces;*
 - (d) *Cleaning and utility services;*
 - (e) *Staff, including number, salary, allowances and conditions of employment;*
 - (f) *Travel and travel costs for the staff, including arrangements for the use of private vehicles;*
- (3) *In this regulation:*
Furniture and equipment *includes a photocopier, communications and information technology and associated equipment.*

Conduct of this Inquiry

4. On 19 May 2021, an advertisement was placed in the NT News to announce the Inquiry and to invite submissions. Individual letters were sent to all Assembly Members, the Chief Executive Officer of the Department Chief Minister and Cabinet, Under Treasurer, Commissioner of Public Employment, and the Auditor-General.
5. The Tribunal received 11 submissions and met with the Chief Minister's Office, the Leader of the Opposition, the Chief Executive of the Department of the Chief Minister and Cabinet, the Under Treasurer, the Commissioner for Public Employment, the Director of NT Fleet, as well as a number of Members.
6. The Tribunal has carefully considered all representations and advice it has received. The Tribunal invited all Assembly Members to meet with them and interviewed those who were interested and available.

7. The Tribunal notes the challenge in drawing a balance between community expectations in relation to Members' remuneration and entitlements against the need to attract well-qualified candidates to represent the people of the Northern Territory in the Parliament and manage the affairs of the Territory as Parliamentarians and Office Holders. The Tribunal is independent and must provide a fair and impartial determination which is in the long term interest of the Northern Territory.
8. The entitlements in the Determination take effect on 1 January 2022, except for Clauses 12.3, 12.6 and 12.13 which takes effect from the date this Determination is signed.

Basic Salary for Assembly Member

9. During the 2019 Inquiry, the NT Government requested the Remuneration Tribunal to introduce a three year freeze on Members' basic salary. The Tribunal maintained the Member's basic salary without an increase in the last two inquiries, having regard to the Territory's fiscal position, as well as the support among the majority of Members who communicated with the Tribunal.
10. The Under Treasurer confirmed that the Territory's fiscal position, like that of all other Australian jurisdictions is still challenged due to the continuation of the impacts of COVID-19. The Tribunal considers that there is a growing community expectation that Members of Parliament have a leading role in ensuring that financial restraint is exercised when considering their Remuneration.
11. The Commissioner for Public Employment also confirmed that the NT Government's wages policy is not anticipating any wage increase for NT Public Servants, with the exception of \$1000 annually. Taking the NT Government's wages policy into account, as well as the Territory's fiscal position, the Tribunal has agreed to freeze the Members' basic salary for the third year.
12. The Tribunal examined Members' basic salaries in other state and territory jurisdictions and found that at the time of this Inquiry these ranged from \$140 185 to \$186 973. The Northern Territory Members' basic salary is currently \$162 696, which is the fifth highest among Territory and state jurisdictions. The basic salaries at the time of this Inquiry are:
 - Victoria \$186 973
 - Australia Capital Territory \$171 525
 - South Australia \$169 250
 - New South Wales \$169 192
 - Northern Territory \$162 696
 - Queensland \$162 304
 - Western Australia \$157 536
 - Tasmania \$140 185

Provision of Motor Vehicles and accessories

13. Following discussions with NT Fleet, the Tribunal has made minor changes to Clause 8.1 and 8.4, and Schedule 4 has been updated following the withdrawal of some vehicles.
14. A number of Members raised the issue of hiring vehicles from NT Fleet to undertake travel within the Electorate. The Members were intending to pay for the NT Fleet vehicles through their Electorate Allowance. The Tribunal has agreed to vary the Determination to allow for Members to hire vehicles from NT Fleet at their own expense. The Department of the Legislative Assembly has agreed to facilitate the payment arrangements.

15. Clause 8.8 provides an allowance to Members where a Member elects not to receive a Government supplied motor vehicle. The Tribunal has reviewed these amounts in consultation with NT Fleet, and concluded that the current allowances are appropriate.

Members Entitlement for Hire Car

16. A change to Clause 5.6, limited Members' entitlement to be provided with a hire car to Legislative Assembly Sittings, the Tribunal has now varied Clause 5.6 to ensure that the entitlement of a hire car covers any period for which a member is entitled to travel expense reimbursement or travel allowance.

Hours for Assistant Electorate Officers

17. Determination No. 1 of 2021 increased the hours for Assistant Electorate Officers from eight hours a week to 16 hours a week. Some Members have asked if these hours could be more flexible, and the Tribunal has agreed that Assistant Electorate Officers can be engaged for 32 hours a fortnight. These hours can cover ordinary hours of work, as set out in Clause 14 of Determination No. 1 of 2021 over that fortnight.

Leave Provisions for Electorate Office Staff

18. Determination No. 1 of 2021 specified the leave provisions for staff in Electorate Offices. Determination No. 2 of 2021 added parental leave to these provisions.
19. Following representations to the Tribunal, it has now been agreed to provide the same leave provision for Electorate Office staff as those which apply to Northern Territory Public Sector administrative officer staff.

Remote Travel Considerations for Liaison Officers

20. The Tribunal has been made aware of an issue in relation to Liaison Officers travelling in remote areas. This Determination now provides the provision of Emergency Position indicating Radio Beacons (EPIRB), and the need for Liaison Officers to check in with the Member or the Electorate Office at regular intervals. The Department of the Legislative Assembly will provide guidance to Liaison Officers.

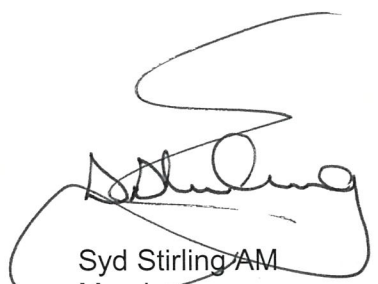
General

21. There have been a number of other minor changes in the wording of some entitlements which are for clarification and have no substantive effect on the Members' entitlements.

Dated 27 October 2021



Michael Martin OAM
Chairperson
Remuneration Tribunal



Syd Stirling AM
Member
Remuneration Tribunal



Gary Higgins
Member
Remuneration Tribunal



NORTHERN TERRITORY OF AUSTRALIA REMUNERATION TRIBUNAL

*Assembly Members and Statutory Officers
(Remuneration and Other Entitlements) Act 2006*

DETERMINATION OF SALARIES AND OTHER ENTITLEMENTS OF ASSEMBLY MEMBERS

DETERMINATION NO. 3 OF 2021

Under section 3A, 4 and 4AA of the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act 2006*, the Tribunal determines as follows:

1. DEFINITIONS

1.1 In this Determination:

'accompanying person' means partner, nominee or dependent children and that person need not necessarily travel with the Assembly Member.

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

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

'Assembly' means the Legislative Assembly.

'Assembly Committee', for the purpose of payment of Travelling Allowance, means one established by the Assembly.

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

'basic salary' means salary paid to an Assembly Member for their role as an Assembly Member.

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

'capital city' means locations within a radius of:

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

'Clerk' means the Clerk of the Legislative Assembly.

‘commercial accommodation’ means accommodation in a commercial establishment such as a hotel, motel or serviced apartment or similar.

‘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 less than 25 years of age.

‘dependent full-time student’ means one whose income from all sources is less than the minimum adult wage.

‘home base’ for an Assembly Member means:

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

‘Legislative Assembly Meetings’ means any Legislative Assembly Sittings, and meetings of the Estimates Committee, Select Committees, Standing Committees and Sessional Committees.

‘Legislative Assembly Sittings’ means a series of Sitting days, as defined in Standing Order 2.

‘Member’ means a Member of the Northern Territory Legislative Assembly.

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

‘NT Public Service Hours’ means 8:30am to 4:00pm, Monday to Friday.

‘Office Holder’ means:

- (a) Speaker of the Assembly;
- (b) Leader of the Opposition;
- (c) any other Office in the Assembly; and
- (d) a Minister.

‘partner’ means spouse or defacto partner (different sex or same sex).

‘Scrutiny Committee’ means all standing, sessional or select committees of the Legislative Assembly except for the House, Privileges, Standing Orders and Members’ Interests committees and other committees determined by the Assembly.

‘services as a Member’ and **‘official business’** cover all matters of relevance or interest to Northern Territory electors.

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

‘travel expense reimbursement’ is an amount payable to a Member 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; or
- (d) hire cars, taxis and ferries

‘Travelling Allowance’ means an amount payable to a 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.

‘Tribunal’ means Remuneration Tribunal established by section 17 of the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act 2006*.

2. BASIC SALARY OF MEMBER

- 2.1 The basic salary of an Assembly Member remains at \$162,696 per annum.

3. ADDITIONAL SALARY OF OFFICE

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

4. ELECTORATE ALLOWANCE

- 4.1 A Member is entitled to an Electorate Allowance at the annual rate specified in Schedule 2 to cover the expenses he or she incurs, including but not limited to the matters set out below, at their sole discretion in servicing their electorate:
- (a) stationery, printing and postage costs;
 - (b) travel costs, including parking fees, airline lounge memberships, hire cars;
 - (c) communications, including WIFI in public access areas;
 - (d) donations;
 - (e) support for constituents;
 - (f) hosting costs;

- (g) gifts;
- (h) sponsorships;
- (i) membership fees;
- (j) support for organisations;
- (k) patron expenses;
- (l) advertising;
- (m) professional development;
- (n) interpreter services;
- (o) accessing or maintaining an Electorate database; or
- (p) other.

4.2 The annual rate of Electorate Allowance is reduced by \$5,000 if the Member's Electorate Office is cleaned at Government's expense.

5. MEMBER ENTITLEMENT TO TRAVEL

5.1 Subject to this clause, a Member is entitled to travel outside of his or her electorate at Government's expense where the primary purpose of such travel is for:

- (a) attendance at Legislative Assembly Meetings;
- (b) physical attendance at meetings of an Assembly Committee even if the Member is not a Member of the Committee, and/or engaging in business approved by a Committee including travel outside the Northern Territory;
- (c) attendance at a meeting in the Northern Territory of his or her political party, conditional upon prior written notice of the meeting being provided to the Speaker by the Leader or the Whip of that party; or
- (d)
 - (i) representing the Government;
 - (ii) representing an Office Holder;
 - (iii) with the approval of the Speaker, representing the Assembly;
 - (iv) with the approval of the Speaker, conducting Commonwealth Parliamentary Association business or other official parliamentary function of another Australian legislature;
 - (v) attendance at official Government functions where the Member is a primary invitee;
 - (vi) attendance at Vice-Regal functions;
 - (vii) with the approval of the Speaker, attendance at Assembly functions; or
 - (viii) representing his or her political party or as an Independent Member in proceedings before the Remuneration Tribunal in the Northern Territory.

5.2 Travel by Ministers and the Leader of the Opposition and their partners, nominees or children, in addition to the travel entitlements established by this Determination, is a matter for the Chief Minister.

5.3 The Deputy Leader of the Opposition and Shadow Ministers are entitled to a combined total of 30 trips within the Northern Territory each calendar year, in addition to all other travel

included in the Determination. The total number of nights for which Travelling Allowance is payable may not exceed 150. Travel must be approved by the Leader of the Opposition.

- 5.4 Members who are not covered by 5.3 and are not Members of the Government Party are entitled to two trips within the Territory each year. The total number of nights' Travelling Allowance paid will not exceed six nights in a year.
- 5.5 A Member attending Legislative Assembly Sittings is entitled to travel expense reimbursement or Travelling Allowance to enable the Member to have one clear day before and one clear day after the Legislative Assembly Sittings, or to have two clear days on one side of the Legislative Assembly Sittings under the conditions as set out in Clause 6.9 of this Determination.
- 5.6 In addition to the payment of Travelling Allowance, Members are entitled to be provided with a hire car during approved travel, as provided under Clause 5. The total cost of these hire vehicles, including fuel, is to be met by the Department of the Legislative Assembly.

Mode of Travel

- 5.7 Travel within the entitlements in clauses 5.1 and 5.3 must be undertaken either:
- (a) on scheduled commercial commuter services operating as regular carriers;
 - (b) by charter transport where regular services within the Northern Territory are not available or are impracticable, or by hired aircraft if the Member is appropriately qualified to pilot the aircraft and indemnifies the Government. Reimbursement of reasonable costs under this subclause will be made where the transport cost is directly associated with the official business of such travel; or
 - (c) in the Government vehicle provided under clause 8.1, or in the event that the Government supplied vehicle is unserviceable, a private hire car or short term hire vehicle from NT Fleet. A Member who has elected, under clause 8.8, to receive an amount in lieu of a motor vehicle may use his or her own vehicle but is not entitled to be reimbursed at the Government rate per kilometre.
- 5.8 A Member may, when attending an event associated with his or her duties as a Member, on no more than 100 occasions in any calendar year, travel to and from the event in a taxi or private hire car and charge the cost to the Government account with Cabcharge. Tips or gratuities may be payable by the Member, but not at Government expense. The Member may retain the services of a driver for a waiting period capped at 15 minutes for each travel journey.

Conditions of Domestic and International Travel

- 5.9 A Member may travel business class at Government's expense.
- 5.10 A Member, when travelling by air on Assembly business, or on official business, is entitled, at Government's expense, to carry one additional piece of luggage within the airline size limits.
- 5.11 Travelling Allowance may be payable for reasonable periods of transit of up to 24 hours. The Speaker may approve travelling allowance for reasonable transit beyond 24 hours in extenuating circumstances.

Entitlement to Travel by Others

- 5.12 A Member's partner or nominee may, pursuant to specific approval by the Speaker, or in the event of the Member being the Speaker, after consultation with the Chief Minister, accompany the Member who is a participant in an official delegation or as a formal representative of the Assembly to and from official Government, Assembly or Vice-Regal functions at Government expense.
- 5.13 Where a Member is travelling pursuant to this Determination, a Member may convert their business class airfare to two economy class tickets for an accompanying partner or nominee to travel on the same flight, provided that there is no additional cost to the Northern Territory Government. The accompanying partner or nominee is not entitled to travel expenses.
- 5.14 There is an entitlement for transport for a Member, partner, nominee or dependent child travelling and returning by air under entitlements provided by this Determination:
- (a) between the home base and departure airport; and
 - (b) between the terminating airport and destination.
- 5.15 A Member whose nominated home base is located outside Darwin shall be entitled to have his or her partner or nominee and each dependent child travel at Government's 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. This travel is additional to other travel allowed in this Determination.
- 5.16 A Member who is a parent of a child up to 12 months old and is travelling pursuant to this Determination with this child, may be accompanied by a spouse, nominee or designated person during that travel and the accompanying person's travel costs will be paid in accordance with this Determination, and at the same class as the Member.

6. TRAVEL EXPENSES

- 6.1 Where the Member has approval to stay in Darwin overnight, a travelling allowance of \$400 per day is paid, irrespective of the type of accommodation used. Receipts are not required.
- 6.2 If a Member incurs costs for travel other than Darwin, he or she is entitled to a travel expense reimbursement. To establish the level of the travel expense reimbursement, the Member shall provide to the Clerk or relevant Accountable Officer within 60 days of the conclusion of the travel:
- (a) tax invoices for any accommodation;
 - (b) tax invoices for meals; and
 - (c) tax invoices for transport costs claimed.

Incidental costs do not have to be substantiated and will be paid at the rate set out in Part C of Schedule 3.

- 6.3 In assessing, and if necessary adjusting for, the reasonableness of costs claimed, the Clerk or the relevant Accountable Officer, as the case may be, shall have regard to:
- (a) the meal allowances specified in Part C of Schedule 3;

- (b) the vehicle allowance as determined by the Australian Taxation Office;
- (c) the comparative cost of other available forms of transport; and
- (d) any form of contribution, regardless of source, received by the Member or paid in respect of the travel.

- 6.4 A Member may elect to receive Travelling Allowance before the travel. The accompanying person rate in Schedule 3 should be paid if the Member receives travel expense reimbursement or Travelling Allowance.
- 6.5 Where the Member elects to receive Travelling Allowance under clause 6.4, Travelling Allowance for each overnight stay is payable at the applicable rate specified in Schedule 3. Where such travel is by regular public transport, an overnight stay includes any overnight stay required at the place of departure or en-route.
- 6.6 The Member for the Electorate of Gwoja is entitled to Travelling Allowance for each overnight stay at Yulara at the applicable rate specified in Part A of Schedule 3. The number of overnight stays for which Travelling Allowance is paid under this clause is limited to 10 overnight stays per calendar year.
- 6.7 The Member for the Electorate of Daly is entitled to Travelling Allowance for each overnight stay at Katherine at the applicable rate specified in Part A of Schedule 3. The number of overnight stays for which Travelling Allowance is paid under this clause is limited to 10 overnight stays per calendar year.
- 6.8 Except as provided in clauses 6.6 and 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. The border towns of Marla in South Australia, Camooweal in Queensland and Kununurra in Western Australia, and the highways into those towns from the Northern Territory, are considered part of the electorate from where the highway leaves the Northern Territory.
- 6.9 The Darwin rate specified in Part B(i) of Schedule 3 is payable to a Member whose home base, by the nearest practicable vehicle route, is further than 50 kilometres from the precincts of the Assembly. Irrespective of the type of accommodation used, the Darwin rate is paid to all eligible Members when staying in Darwin.
- 6.10 Members are not entitled to receive travel expense reimbursement or Travelling Allowance if the costs are met or provided for by any other entity, including Government, and are obliged to disclose to the Clerk or the relevant Accountable Officer if any element of travelling expenses is so provided.
- Note: For example, if as part of an official visit, lunch is provided by the host, when confirming the application of travel expenses under clause 6.2, the Member should advise the Department of the Legislative Assembly that the allowance for the lunch is not payable.*
- 6.11 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 Schedule 3 for any overnight stay where he or she is with a person who is included in his or her Government travel authorisation as an accompanying person.
- 6.12 (a) The entitlements to Travelling Allowance where commercial accommodation is used are specified in Part A of Schedule 3 for all locations except Darwin.

- (b) Members not staying in commercial accommodation or staying in private accommodation and claiming Travelling Allowance under Part B (ii) of Schedule 3 are not required to provide receipts.

7. ACCOUNTABILITY FOR TRAVEL

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

8. PROVISION OF MOTOR VEHICLE

- 8.1 A Member shall, at his or her request, be provided with a Government supplied private plated motor vehicle for:
- (a) parliamentary business use;
 - (b) electorate business use; and
 - (c) private use.

The vehicle may be fitted with accessories that are approved by the Director of NT Fleet, on a fit-for-purpose basis and taking into account work health and safety considerations, and manufacturers recommendations.

- 8.2 Subject to clause 8.3, motor vehicles provided to Members shall be those set out in Schedule 4 or approved by the Director of NT Fleet, and all running and maintenance costs, excluding cleaning costs for that vehicle, will be met by the Government.
- 8.3 A Member may be provided with a motor vehicle which is at greater cost to the Northern Territory than that provided for in clause 8.2, provided that the Member pays the difference between the actual cost to the Department of the Legislative Assembly of the highest cost of the vehicle in Part A of Schedule 4 and the actual cost to the Department of the Legislative Assembly of the selected vehicle. The selected vehicle must be on an NT Government approved list maintained by the Director of NT Fleet or be approved by the Director of NT Fleet.
- 8.4 The Members for Arafura, Arnhem, Barkly, Daly, Goyder, Namatjira, Nelson, Mulka and Gwoja may be provided with four wheel drive vehicles from Schedule 4 Part B, with accessories in accordance with Clause 8.1, or a substitute vehicle approved by NT Fleet.
- 8.5 The Speaker may withdraw the vehicle or fuel card(s) and suspend the entitlement in clause 8.1 if the Speaker has cause to believe the vehicle or fuel card(s) are being improperly used.
- 8.6 The vehicle provided under clause 8.1 is to be driven only by a licensed driver, being the Member or a person nominated by the Member.

- 8.7 When a vehicle provided under clause 8.1 is used for travel to which the Member (or partner or nominee) is otherwise entitled by the provisions of this Determination (such as travel at Government expense) the other vehicle entitlements are voided. Likewise, no private vehicle allowance is payable for travel in a Government supplied private plated motor vehicle.
- 8.8 (a) Where a Member for an electorate, other than those listed in clauses 8.8(b) and 8.8(c), elects not to receive a Government supplied motor vehicle pursuant to clause 8.1 that Member shall receive an amount of \$25 000 per annum as an additional Electorate Allowance.
- (b) Where the Members for Katherine, Goyder or Nelson elect not to receive a Government supplied motor vehicle those Members shall receive an amount of \$33 000 per annum as an additional Electorate Allowance.
- (c) Where the Members for Arnhem, Daly, Barkly, Gwoja, Mulka, Namatjira or Arafura elect not to receive a Government supplied motor vehicle those Members shall receive an amount of \$40 000 per annum as an additional Electorate Allowance.
- (d) Members receiving an allowance in lieu of a Government supplied vehicle shall not be entitled to claim kilometre allowance or any other vehicle operational expenses associated with the use of a motor vehicle under this provision. A Member who has a motor vehicle already supplied by the Government may only elect to receive this allowance in lieu of the motor vehicle when there is 12 months or less remaining on the lease.
- 8.9 Where a Member can demonstrate to the Speaker a need for a four wheel drive vehicle for a specific purpose related to his or her work as a Member, and at the Department of the Legislative Assembly's expense, then the Speaker can approve the hiring of a four wheel drive vehicle for that specific purpose, including fuel expenses.
- 8.10 A Member may hire or lease a suitable vehicle from NT Fleet to be used by the Member or a person nominated under 8.6 at their expense.

9. COMMUNICATIONS, TELEPHONES AND INFORMATION TECHNOLOGY

- 9.1 The cost of the installation and rental of a telephone service not exceeding five lines in the electorate office, including one for a Broadband connection directly or via the Internet to the Government Wide Area Network where reasonably available, shall be at Government expense.
- 9.2 The cost of calls made on lines connected to the electorate office, including the service provider charges and modem cost for the Broadband or Internet/Broadband connection, within any capacity limits set by the Speaker, shall be at Government expense.
- 9.3 Members for the Electorates of Arafura, Arnhem, Barkly, Daly, Namatjira, Mulka and Gwoja are entitled to a satellite telephone supplied and maintained at Government expense in the Member's vehicle. All network charges generated by the ongoing connection and use of the satellite telephone will also be at Government expense.
- 9.4 An annual Schedule containing the totals of Government payments on behalf of each Member for satellite telephones is to be tabled by the Speaker during the second meeting of the Assembly in each year.

- 9.5 No commercial use of telephone calls, including charge back to a telephone, may be made at Government expense.

10. POSTAGE

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

11. OFFICE SPACE AND EQUIPMENT

- 11.1 A secure office will be made available to each Member in the Parliament House in Darwin with convenient access to a photocopier during meetings of the Assembly, and a basic printer unless provided under some other Government entitlement.
- 11.2 The Government will provide and maintain a multi-function office device in each Electorate Office and in the Gwoja Liaison Office.
- 11.3 The Government will provide, maintain and pay utility services costs for a conveniently accessible and identified electorate office for each Member, with parking. The tenancy fit-out must, as far as possible, comply with any Building Codes or Australian Standards. The ongoing cleaning costs for the electorate office are to be met by the Member unless he or she elects that these be met by the Government (clause 4.2 refers). The Member must ensure that the office is not used for commercial or electioneering purposes.
- 11.4 The Government will provide an office of up to 70 square metres, or as close to this requirement as is available at the time, in Katherine for the Liaison Officer of the Member for Gwoja. The Gwoja Liaison Office will include two telephone lines and one internet connection. Other furniture and equipment will be at the discretion of the Speaker.
- 11.5 The Speaker shall, from time to time, determine a standard list of items of furniture, equipment and software to be available for every Electorate Office. Each Member is entitled to have these items supplied on demand. These items remain the property of the Government or its contractors. All office computers supplied under this entitlement shall be connected to the Government Wide Area Network.
- 11.6 Liaison Officers who are employed under Clauses 12.2 and 12.3 are entitled to one office computer, which shall be connected to the Government-wide area network at Government expense. Where the Member job shares the Liaison Officer role, each of the Liaison Officers engaged shall be entitled to an office computer connected to the Government-wide area network at Government expense.
- 11.7 Each Member is entitled to five NT Flags each year through the Speaker's Office at Government expense.

12. STAFF

- 12.1 Every Member shall be entitled to the services of the equivalent of one full-time staff member as an Electorate Officer and the Electorate Office should be opened during NT Public Service hours, Monday to Friday.

- 12.2 The Members for Arafura, Arnhem, Barkly, Daly, Namatjira, Mulka and Gwoja are entitled to the services of the equivalent of one full-time Liaison Officer.
- 12.3 All Liaison Officers are employed by the Northern Territory Government and are employed outside the main Electorate Office unless they are relieving the Electorate Officer. All Liaison Officers will be provided with an emergency position indicating radio beacon (EPIRB) and will be required to check in with the Member or Electorate Office when they leave and when they arrive at locations during remote travel.
- 12.4 All Members are entitled to part-time electorate office assistance for a total of 32 hours per fortnight.
- 12.5 Staff entitlements may not be pooled or applied for the benefit of another Member.
- 12.6 All Members are entitled to relief arrangements for their Electorate Office staff when on leave or at approved training in accordance with Determination No. 2 of 2021.
- 12.7 The salary and allowances and other terms and conditions of employment of all electorate staff of a Member are determined by the Remuneration Tribunal in accordance with Regulation 3(2)(e).
- 12.8 An Electorate Officer located outside Darwin shall be entitled to additional travel at Government expense to Darwin to attend a Legislative Assembly Meeting for the purpose of an approved training activity at least once a year. The stay shall not exceed one clear day before and one clear day after the Legislative Assembly Sittings. Training activities conducted by external providers commissioned by the Department of the Legislative Assembly for Electorate Officers and approved by the Speaker are at Government expense.
- 12.9 An Electorate Officer located outside Alice Springs shall be entitled to travel at Government expense to Alice Springs to attend a period of meetings of the Assembly in Alice Springs once a year. The stay shall not exceed two days prior to the Meetings and two days after the completion of the meetings.
- 12.10 Use of an Electorate Officer's private vehicle shall be by arrangement between the Member and the Electorate Officer. Reimbursement for use of the vehicle shall be at Northern Territory Public Service rates or by mutual agreement between the Member and the Electorate Officer, and the reimbursement shall be met from the Member's own funds.
- 12.11 Any travel costs within the electorate incurred by the Electorate Officer or Liaison Officer shall be met from the Member's own funds.
- 12.12 All Electorate Office staff are to be provided with an individual NT Government email address, if employed for a period of two weeks or more.
- 12.13 All Electorate Office staff will be entitled to the same leave provisions as those applying to Northern Territory Public Sector Staff under the relevant Enterprise Agreement relating to Administrative Officers in the Northern Territory Public Sector (currently the *Northern Territory Public Sector 2017 – 2021 Enterprise Agreement*).

13. CHILD CARE

- 13.1 A Member is entitled to claim reimbursement for child care services outside the hours of 7:00am to 6:00pm Monday to Friday, or at other times if the period is a weekend or recognised public holiday, in the following circumstances:
- (a) where the Assembly is meeting; or
 - (b) where a Member is working or attending an event associated with his or her duties.
- 13.2 Reimbursement will be made upon the Member submitting a claim for reimbursement which sets out the nature of the work activity or event and the duration, together with actual start and finish times, amount paid, and to whom.
- 13.3 Where a Member has an entitlement under Clause 5.16 of this Determination, but it is impracticable for the Member to be accompanied by a spouse nominee or designated person during a particular approved travel, the Member is entitled to be reimbursed for childcare during all hours of that particular approved travel.
- 13.4 The total amount to be claimed must not exceed \$5,000 in any one year.

14. HOUSING ENTITLEMENT

- 14.1 There will be a housing entitlement for a full-time Electorate Officer for the Member for Mulka who resides permanently in Nhulunbuy and works full-time in the Electorate Office.
- 14.2 This entitlement will be covered by the Government Housing Employee Program.

15. RESETTLEMENT ALLOWANCE

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

16. GENERAL

- 16.1 Where a person becomes a Member or Office Holder, or ceases to be a Member or Office Holder, annual entitlements, unless otherwise provided under this Determination, shall be proportionate to the time the person is a Member or Office Holder during that year.
- 16.2 For the purposes of establishing entitlements under this Determination, 'year' generally means the 12 month period from 1 January to 31 December. Where a person becomes an Assembly Member or Office Holder during the calendar year, annual entitlements under this Determination, unless otherwise provided for by this Determination, shall be applied on a pro-rata basis for the portion of the year remaining. Guidelines for the calculation of these pro-rata entitlements will be established by the Clerk of the Legislative Assembly.

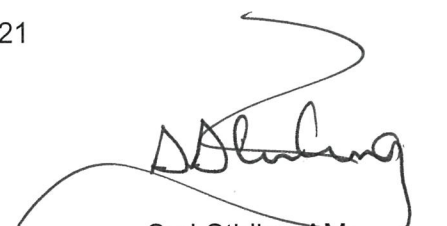
- 16.3 For the purposes of the Resettlement Allowance entitlement, where the timing of a Northern Territory general election results in a Member serving marginally less than 365 days in the 12 month period leading up to the election, this period shall be treated as a full year of service.
- 16.4 A Member may elect to salary package subject to the "Salary Package Guidelines – General Staff" as applies to all Northern Territory Public Sector general employees who are not employed by a Territory Health Service or a Public Benevolent Institution.
- 16.5 The Speaker may make procedural rules to give full effect to all entitlements specified in this Determination with the exception of travel undertaken by Ministers and the Leader of the Opposition under clause 5.2.
- 16.6 This Determination applies to Offices held or occupied, activities undertaken, or expenses incurred on or after 1 January 2022, except for Clauses 12.3, 12. 6 and 12.13 which come into effect on the date this Determination is signed.

Note: For example, if a Member undertakes travel relevant to this Determination and commences that travel on Boxing Day 2021 and returns on 5 January 2022, the person's entitlements from 26 December to 31 December are covered by the Tribunal's 2021 Determination (being Determination No. 2 of 2020 in respect of Members of the Legislative Assembly) and the person's entitlements from 1 January to 5 January 2022 are covered by this Determination.

Dated 29 October 2021



Michael Martin OAM
Chairperson
Remuneration Tribunal



Syd Stirling AM
Member
Remuneration Tribunal



Gary Higgins
Member
Remuneration Tribunal

SCHEDULE 1

Percentages of Base Remuneration of Additional Salary of Office Paid to Office Holders

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

PARLIAMENTARY POSITIONS

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

SCHEDULE 2

Annual Rate of Electorate Allowance

Electorates	Rate
Araluen	\$ 62 036
Blain	
Braitling	
Brennan	
Casuarina	
Drysdale	
Fannie Bay	
Johnston	
Karama	
Fong Lim	
Nightcliff	
Port Darwin	
Sanderson	
Spillett	
Wanguri	
Katherine	\$ 72 886
Nelson	
Goyder	
Namatjira	\$ 83 936
Daly	\$ 86 736
Arnhem	\$ 87 586
Barkly	\$ 98 386
Mulka	\$ 99 036
Arafura	\$105 536
Gwoja	\$121 036

SCHEDULE 3

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

Location \$	Member \$	Accompanying Person
<u>Northern Territory</u>		
Alice Springs	319	110
Darwin	400	110
Jabiru	385	110
Katherine	327	110
Tennant Creek	315	110
Yulara	609	110
<u>Elsewhere in the NT</u>		
All places	301	110
<u>Capital Cities other Jurisdictions</u>		
Adelaide	377	110
Brisbane	426	110
Canberra	415	110
Hobart	365	110
Melbourne	397	110
Perth	414	110
Sydney	433	110
<u>Elsewhere in Australia</u>		
All places other than above centres	301	110

PART B. RATES OF TRAVELLING ALLOWANCE WHERE OTHER ACCOMMODATION IS USED

Darwin

- (i) Where the Member has approval to stay in Darwin overnight, Travelling Allowance of \$400 per day is paid, irrespective of the type of accommodation used. Receipts are not required.

Locations other than Darwin

Where the Member does not stay in commercial accommodation, he or she shall be paid:

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

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

Domestic

	Member	Accompanying Person
		\$110.00 per day
Breakfast	\$ 31.80	
Lunch	\$ 45.00	
Dinner	\$ 63.00	
Incidentals	\$ 29.45	

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

Overseas

Rates for payments to Members of meals and incidentals are to be paid in accordance with [Taxation Determination TD 2021/6](#) or any subsequent Taxation Determination made in substitution of that Determination.

Accompanying person is entitled to \$110.00 per day.

SCHEDULE 4

PART A - Approved Motor Vehicles

Make/Model

- Toyota Kluger GX 7-seat 4x2 Wagon Petrol Auto
- Hyundai Santa Fe Active 2WD 7-seat Station Wagon
- Kia Sportage Platinum AWD Station Wagon
- Mazda 6 Sports Hatch
- Mazda CX5A Grand Touring AWD Station Wagon
- Mitsubishi ASX Exceed AWD Station Wagon
- Subaru Forester Premium Station Wagon
- Subaru Outback AWD Station Wagon
- Toyota Prius ITEC Hybrid Hatch
- Toyota Hilux dual cab SR-S Auto

PART B - Approved Four Wheel Drive Motor Vehicles

Make/Model

- Nissan Navara 4WD Diesel Auto
- Toyota Landcruiser 79 Workmate Dual Cab Utility Diesel Manual
- Toyota Prado GXL Station Wagon Diesel Auto
- Toyota Landcruiser 300 GX 4D Wagon – 3.3 Litre V6 Turbo Diesel
- Toyota Landcruiser 5-7 Seater Troop Carrier Station Wagon Auto
- WorkMate Station Wagon style