

Northern Territory Government Boards Handbook

**A Guide for Northern Territory Government
Board Members and Board Administrators**

August 2019

Version 11

Disclaimer:

This publication has been prepared by DCM Cabinet Office as a general guide for current and potential members of Northern Territory Government statutory and non-statutory boards, and for Government officials administering such bodies. The advice contained herein is not intended to be exhaustive in nature and should not be relied upon in substitution for specific advice. While all care has been taken in the compilation of this publication, no responsibility is accepted for any errors, omissions or inaccuracies.

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Foreword

A broad range of boards and committees have been established to support the activities and priorities of the NT Government (NTG). Some of these boards and committees are created by statute, and others have been established by an administrative decision of Government.

Government boards and committees carry out functions as diverse as governance and management, advice and review, policy development, appeals, community engagement and regulation of professions.

Effective boards and committees are critical to the successful functioning of the Government. This Handbook is designed to support the work of NTG boards and committees by providing practical advice to board members in relation to their duties and responsibilities, the legislation which affects them, and their relationship with Government and other stakeholders. It is also designed to assist board administrators to provide effective support to their boards.

All new and existing board members, along with board administrators, are encouraged to read this Handbook. The Handbook is available on the Department of the Chief Minister's website <https://dcm.nt.gov.au/supporting-government/boards-and-committees/remuneration-of-government-boards> .

Feedback in relation to this Handbook is welcome and can be directed to:

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Contents

Foreword	3
1 Introduction to the Handbook	6
2 Establishment of Boards	7
2.1.....Classification of Boards for Remuneration Purposes	8
2.2.....Board Reporting Requirements.....	9
3 Roles of Key Stakeholders	10
3.1.....Role of Minister.....	10
3.2.....Role of Chief Executive Officer	10
3.3.....Role of Chair.....	10
3.4.....Role of Board Member.....	11
3.5.....Role of Proxy or Observer	11
3.6.....Role of Board Administrator	12
3.7.....Related Party Disclosures.....	12
4 Member selection and recruitment	14
4.1.....Legislative Requirements.....	14
4.2.....Selection Process.....	14
4.3.....Expression of Interest Board Register.....	16
4.4.....Criminal history checks.....	16
4.5.....Appointment Process.....	17
4.6.....Public Sector Employees Appointed to NTG Boards.....	18
4.6.1..... NTPS employees in ex-officio appointments.....	18
4.6.2..... NTPS employees appointed to a board as a ‘community member’	18
4.7.....Agency Reporting Requirements	19
5 Remuneration.....	20
5.1.....Authority	20
5.2.....Member Entitlements.....	20
5.3.....Procedure to Determine Remuneration for Board Members	21
5.4.....Arranging Payment of Remuneration	22
5.4.1..... Payment method for board members required to remit board sitting fees to employing organisation	22
5.5.....Superannuation	22
5.4.....Use of Private Vehicle for Board Business.....	23
6 Induction.....	24
7 Duties and responsibilities of board members	25
7.1.....Enabling Legislation.....	25
7.2.....General Law Obligations.....	25
7.3.....Other Relevant Legislation.....	27
7.3.1..... <i>Information Act 2002</i> – freedom of information.....	27
7.3.2..... <i>Ombudsman Act 2009</i>	28
7.3.3..... <i>Public Sector Employment and Management Act 1993</i> – Code of Conduct	29
7.3.4..... <i>Competition and Consumer Act 2010</i> (Cth) – Restrictive trade practices	29
7.3.5..... <i>Work Health and Safety (National Uniform Legislation) Act 2011</i>	29
7.3.6..... <i>Independent Commissioner against Corruption Act 2017</i>	30
7.4.....Statutory Approvals of Certain Financial Arrangements	31
7.5.....Delegations.....	31
7.6.....Board Members Contesting Elections	31
7.7.....Branding and Use of NT Government Logos	31
7.8.....Ownership of I.T. and Other Equipment.....	31

7.9.....Protection of a Board’s Intellectual Property and Information	31
8 Liability and Indemnity	32
8.1.....Guarantees	32
8.2.....Indemnities	32
9 Insurance	33
9.1.....Accident Cover	33
9.2.....Director’s Insurance (Commercial boards).....	33
10 Evaluating Board Performance	33
Appendix 1 – DCIS Checklist for Commencement of New Board/Tribunal Members	34
Appendix 2 – Board/Tribunal Members Payment Details Form	35
Appendix 3 – Example: Direction to Pay Form	36
Appendix 4 – Example: Declaration of Personal Interests Form	37
Appendix 5 – Useful internet resources	40
Appendix 6 - Glossary of terms	41

1 Introduction to the Handbook

This Handbook explains the role of Government boards and committees, the responsibilities of those who serve the community and government as members of those bodies, and general administrative arrangements supporting the operation of those bodies.

This Handbook describes the obligations of key stakeholders including the Chair, members and Board Administrators, and aims to assist in achieving good corporate governance of these boards.

The Handbook has been written for the information of:

- Board members
- Officials administering the boards.

This Handbook is designed to support the operation of Government boards and to assist members in the performance of their duties. This is **not a legal document** nor is it intended to be exhaustive. It attempts to consolidate in one document, key information relevant to members of Government boards.

Specific advice should always be sought in relation to individual circumstances where legal or other concerns arise.

2 Establishment of Boards

NTG boards are established for a range of purposes, from advisory boards that provide advice on discrete areas of government policy, to professional registration boards, tribunals, and governing boards that oversee multi-million-dollar government entities such as hospitals, the Darwin Waterfront Corporation or the Museum and Art Gallery of the NT. NTG statutory or non-statutory bodies are known under various titles including a body, board, committee, corporation, council, tribunal, or other type. These are collectively referred to throughout this Handbook as **NTG boards**.

It is vital both new and existing members fully understand the scope of the task required, so they are able to discharge their responsibilities and contribute in a meaningful and constructive way to the functioning of their board.

The table below is a snapshot of the source documents and levels of responsibility required to establish a body, through to determining member remuneration.

Body	Who or what establishes the body?	Powers, functions / roles, responsibilities	Where are member skills, qualifications and term of appointment?	Who can appoint members?	Who can approve member remuneration?
STATUTORY BODIES	Legislation	Legislation	Legislation	Minister or Administrator	<ul style="list-style-type: none"> Minister if rate is consistent with Classification Structure Determination. Administrator when rate is not in line with Classification Structure Determination.
NON-STATUTORY BODIES with at least one member external to NTG	Cabinet or Minister	<ul style="list-style-type: none"> Terms of Reference approved by Minister (if remuneration is included). Terms of Reference approved by CEO (if remuneration is not included). 	Terms of Reference	Minister	Minister
NON-STATUTORY BODIES whose members are all NTPS employees	CEO	<ul style="list-style-type: none"> Terms of Reference approved by CEO. 	Terms of Reference	CEO	CEO

2.1 Classification of Boards for Remuneration Purposes

The Administrator sets a framework for remuneration of statutory bodies under the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act 2006* by classifying NTG boards into three categories and a range of sub-categories outlined below. The [Classification Structure Determination](#) and a [List of statutory bodies classified for remuneration purposes](#) are published on the [Board Remuneration](#) website.

Class A - Governing and Management Bodies

Level A1	Senior Commercial and Assets Management
Level A2	Major Facilities / Assets Management and Commercialisation
Level A3	Local Facilities and Land Management

Governing and Management Bodies provide guidance, direction and control of the organisation for which they are responsible and/or manage specific facilities or assets. They may be required to set performance goals, ensure corporate compliance and management accountability, and/or endorse strategic plans and approve operating budgets.

An example of a **governing body** is the **Nitmiluk (Katherine Gorge) National Park Board** established under the *Nitmiluk (Katherine Gorge) National Park Act 1989*. Its primary functions are to:

- prepare plans of management for the control and management of the Park;
- protect and enforce the right of Aboriginals entitled by Aboriginal tradition to use and occupy the Park;
- ensure adequate protection of sites of spiritual or other importance in accordance with Aboriginal tradition in the Park;
- make decisions not inconsistent with this Act and the plan of management in respect of the Park;
- enter into agreements with the traditional Aboriginal owners of the Park in relation to the control and management by the Board of land outside the Park in respect of which those owners are also the traditional Aboriginal owners; amongst others.

Class B - Quasi-Judicial Bodies

Level B1	Senior Appeals / Important Government Process
Level B2	Appeals and Review / Determination of Important Rights
Level B3	Senior Registration and Assessment
Level B4	Registration and Practice

Quasi-judicial bodies determine standards, monitor and regulate practice, grant licences, investigate complaints, review decisions and/or make judgements.

A **quasi-judicial body** is the **Mental Health Review Tribunal** established under section 118 of the *Mental Health and Related Services Act 1998*. Its primary functions are to:

- review the admission of a person as a voluntary patient where the person remains in an approved treatment facility;
- determine whether a person is mentally ill;
- summon a person to appear before it; and
- undertake a review by conducting a hearing.

Class C - Advisory and Review Bodies

Level C1	Critical Issues
Level C2	Expert High Impact
Level C3	Ministerial Assistance

Advisory and Review Bodies generally provide an advisory, coordination, policy development, or project management role. They may make recommendations to Government on policies, plans and practices or issues referred to the board for comment.

An **advisory body** is the **Crime Victims Advisory Committee** established under section 16 of the *Victims of Crime Rights and Services Act 2006*. Its primary functions are to:

- advise the Minister on matters affecting the interests or rights of victims;
- investigate, report and make recommendations about matters referred to it by the Minister;
- disseminate information relating to matters affecting the interests or rights of victims;
- assist in the coordination of organisations involved in, and initiatives for, the provision of services to victims.

2.2 Board Reporting Requirements

NTG statutory bodies are accountable to the Minister responsible for the legislation that establishes them. Understanding the nature of the relationship between the Minister and the board is a critical requirement for board members.

The nature of the board's relationship to the Minister will be set out in the legislation establishing the board and/or in the terms of reference for a non-statutory body.

Depending on the role of the board, it may have an advisory relationship to the Minister or it may report to the Minister on its activities. The Minister may be able to give the board directives, set the strategic/policy direction of the board, or review decisions of the board, and so on.

3 Roles of Key Stakeholders

3.1 Role of Minister

Ministers are ultimately responsible to Parliament for the operation of all Government boards and agencies within their portfolios. They have the authority to make appointments to Government Boards or to recommend appointments to the Administrator. The relationship between a Minister and a board will generally be set out in the enabling legislation in the case of statutory boards, or stated in the terms of reference for a non-statutory board.

3.2 Role of Chief Executive Officer

The Chief Executive Officer (CEO) is the primary link between the board and the organisation which supports the board, and is responsible for communicating board policies and priorities to staff and presenting organisational reports, submissions and budgets to the board. The CEO should work closely with the Chair at all times. For those NTG boards that operate with a CEO, the responsibilities of the CEO may include:

- observance of the enabling legislation
- maintaining proper internal controls and management information systems
- employment and management of staff
- implementing board decisions
- preparation of the annual strategic plan including organisational performance targets and budgets
- determination of boards defined as 'key management personnel'
- preparation of reports to the board and/or Minister
- operational, administrative and marketing functions
- monitor board activities to ensure meeting hours and paid work are consistent with the objectives and functions of the board
- communications to and from the organisation.

3.3 Role of Chair

The Chair leads and directs the activities of the board. Responsibilities of the Chair may include:

- setting the board agenda
- facilitating the flow of information and discussion
- conducting board meetings and other business ensuring
- ensuring the board operates effectively
- liaising with and reporting to the Minister
- ensuring proper financial accountability
- reviewing board and organisational performance.

The Chair must be conversant with the business of any Government agency which is relevant to the board's activities and ensure compliance with all legal and statutory obligations. The Chair may be invited to have input to the nomination/selection/recruitment process for new board members. However, responsibility for selection rests with the Minister.

Financial accountability

Some Government boards will be subject to a legal requirement for financial audits, whether by the Northern Territory Auditor-General or an external auditor. Even where there is no specific legal requirement for audits, the Chair and the Board Administrator are responsible for ensuring proper accounting for all board expenses and expenditure. Board members are generally remunerated with sitting fees that are recorded in an agency's ledger. Remuneration and related party transactions of boards will be disclosed in the notes to the financial statements. Section 3.7 provides further advice on related party disclosures.

3.4 Role of Board Member

NTG board members perform a wide range of critical roles for Government. Collectively, their decisions may determine personal, business or property rights, manage Government assets or facilities, or be an important source of new ideas and advice to Government.

Depending on the nature of each board, consideration should be given to the need to set the board's direction and goals, develop action plans to help achieve these goals, or review progress at regular intervals, and report to Government.

Board members have fundamental responsibilities to:

- act within enabling and other relevant legislation, applicable common law (that is, the law as established by the courts), and accepted principles of good governance;
- be loyal to the Crown and recognise government policy and practices;
- ensure minutes are a true and accurate record of the meetings;
- act in accordance with generally expected ethical principles applying to the public sector; and
- exercise prudence and be economical with public resources.

Members must take reasonable steps to ensure they are well briefed about the business of the board in order to make informed decisions or provide relevant advice. Members are collectively responsible for board decisions and should support and adhere to those decisions.

Members can exercise a dissenting view on particular decisions which may be appropriately minuted. However, once a board decision is taken, all members are expected to respect and abide by the decision.

3.5 Role of Proxy or Observer

The enabling legislation, administrative procedures or terms of reference of a Government board should state if a member is permitted to appoint a proxy to participate in a meeting of the board. Any person attending a board meeting as an observer is not able to vote at board meetings (for example, specialist advisers, financial advisers, attendees invited by the board, etc.).

Since board members are appointed for their individual skills, sending a proxy should be an exception to the rule rather than regular practice. The Terms of Reference should outline whether proxies may attend, and whether they are remunerated or not.

3.6 Role of Board Administrator

Board Administrators provide administrative support to the board. This may include:

- provide advice on accountability standards and legislative requirements
- drafting documents relating to member appointments
- providing new members with induction material
- scheduling meetings
- organising member travel
- ensuring a quorum is met
- taking minutes of the meetings
- processing sitting fees, travel allowance and other entitlements
- assisting the Chair in ensuring proper financial accountability.

Minutes of meetings are usually retained as permanent Government records, and provide an important historical reference collection for future boards and for Government generally.

3.7 Related Party Disclosures

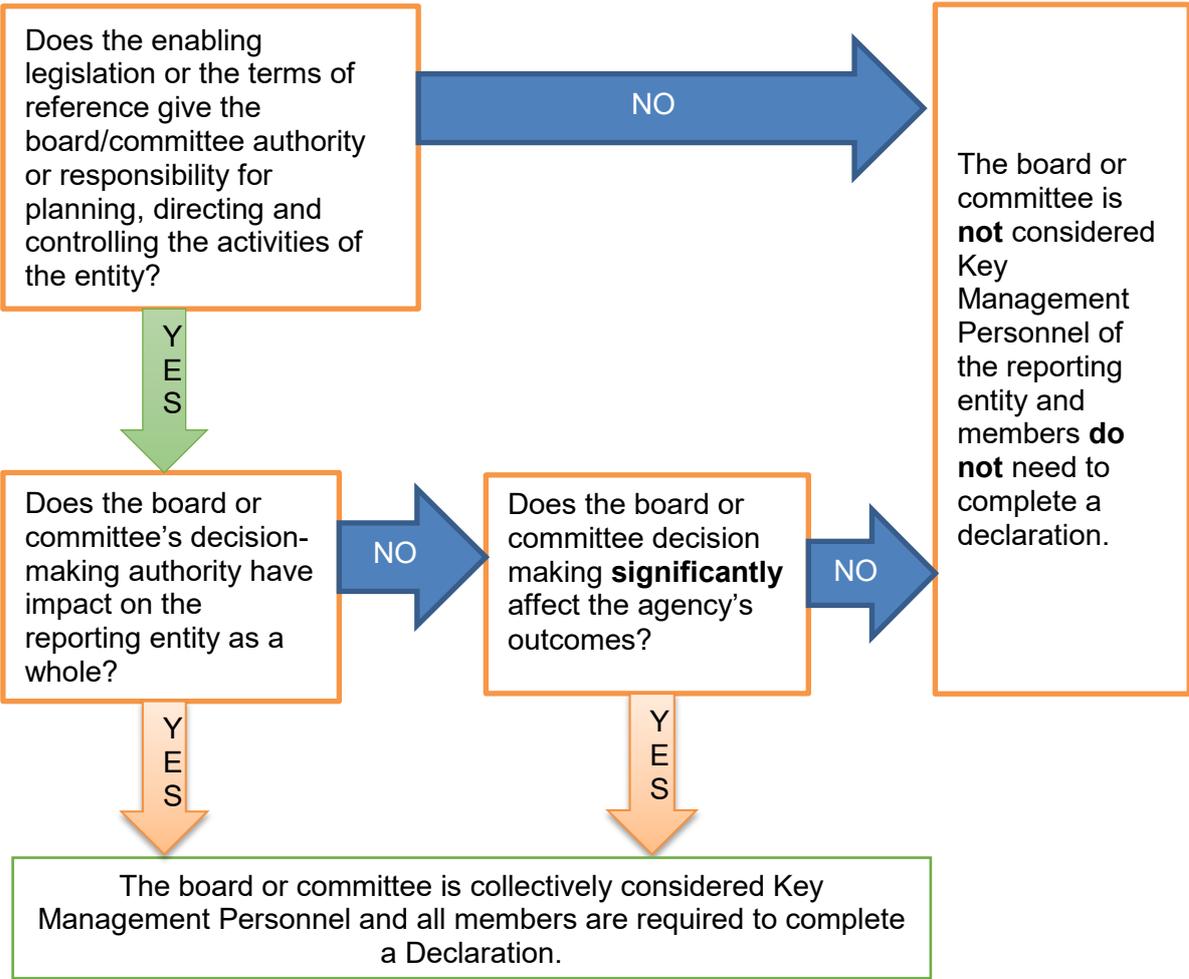
NTG agency financial statements are prepared in accordance with Australian Accounting Standards. From 1 July 2016, the Australian Accounting Standards Board (AASB) extended the scope of *AASB 124 Related Party Disclosures* to include *not-for-profit* government entities. The NT Department of Treasury and Finance released the Related Party Disclosures Policy and Guidance documents to assist NTG agencies to comply with AASB 124.

The powers, functions and responsibilities of a statutory body set out in the enabling legislation will assist agencies in determining whether a statutory body is given strategic decision-making responsibility, or has influence on the financial performance of the body or agency, and as such, be designated as Key Management Personnel (KMP).

Generally, if a statutory body prepares separate general purpose financial statements, then the board may be deemed as KMP for that reporting entity.

- **Governing and Management Bodies** may be assessed as KMP where they are charged with authority for strategic decision-making and have the ability to influence the financial performance of the reporting entity.
- **Quasi-judicial Bodies, Advisory and Review Bodies, and Non-statutory Bodies** will generally not have authority for strategic decision-making or influencing the financial performance of the reporting entity. However, the administering NTG agency is required to assess each board on a case-by-case basis to determine if it meets the criteria to be designated as KMP as per the flowchart on the next page.

Where a board is designated as KMP, all members with voting rights are required to complete a Related Party Disclosure Declaration form. This Declaration Form will be provided by the administering agency.



4 Member selection and recruitment

This chapter provides a guide to selecting members for government boards.

In general, if the Government is to rely on the decisions made or advice provided by boards, it is critical that people with the appropriate skills are appointed. Representation of a range of skills and experience on boards is generally a pre-requisite for ensuring the board can discharge its overall obligations, and to optimise performance.

Members are not appointed to solely represent the views of any particular stakeholder or interest group even though they may have been nominated by, or even selected, from a specific group.

4.1 Legislative Requirements

Legislation may state some or all of the following requirements for board member appointments:

- Gazettal requirements of the Instrument of appointment
- Board composition (including industry representatives, legal practitioners, or NTPS employees as ex-officio members, for example).
- Member skills or qualifications
- Terms of appointment (including staggered timetables for terms of appointment, the number of terms a member can be re-appointed, and termination clauses)
- Selection methods to identify suitable members.

4.2 Selection Process

The selection process for the appointment of board members is managed by the NTG agency responsible for administration of the board. The process should commence around six months prior to a member's expiry date.

The selection process involves calling for nominees using a method stated in the enabling legislation or in the Terms of Reference of the body. Board Administrators prepare information for advertisement and/or for applicants, collate the suitable applications, and forward to the Minister (or Administrator) for appointment by signing an Instrument of Appointment, or a Letter of Appointment (in most cases¹).

Where the appointment is made by the Administrator, an Executive Council submission will need to be prepared. Selection should be merit-based with a clear specification of the board positions based on legislated or objectives outlined in a National Partnership Agreement, for example.

Selection methods not outlined in legislation can be determined in consultation with the CEO of the NTG Agency and/or the responsible Minister.

Advertisements and information for applicants should make it clear if they are required to sign a declaration regarding their criminal history, although this is not the case for all boards (see section 4.4 below).

¹ Refer to section 5.4.3 for advice on board members appointed using a contract or other document.

Staggered timetable for terms of appointment allow changes in board membership, while also providing continuity and retention of corporate knowledge.

Membership reflects the Territory community, including diversity in gender, age, culture, and language, as far as possible.²

Selection methods include:

- Media advertisements in newspapers, in industry or professional organisation newsletters, on social media sites, or through the NTG *Careers in Government* website.
- Invitations from the Minister responsible for the board.
- Nominations sought from peak organisations.
- Nominations sourced from the DCM EOI Board Register (see section 4.3).
- Recommendations from the administering NTG agency.

Selection could include consideration of the following member requirements:

- Candidates for the Chair has a thorough understanding of good governance principles and knowledge of management disciplines.
- For high level boards, holds superior knowledge of the industry and yet are sufficiently distant to avoid a conflict of interest.
- Awareness of the powers and functions of the board.
- Holds the required skills, expertise, knowledge or experience of a relevant subject matter or industry, to assist the board to meet its requirements and to actively participate in deliberations.
- Ability to commit the required time to the board (consider the candidate's other board memberships and commitments).
- Any real or potential conflicts of interest.
- Awareness of the requirement for a criminal history check or declaration relating to such.
- Experience in relevant commercial and business sectors.
- Experience in general management principles.
- Understanding of the objectives, roles and obligations of directors.
- Understanding of accountability relationships.
- Ability to think and act strategically.
- Has a good reputation, integrity and credibility.

² ABS 2017 census statistics: NT population = 247,491 comprised of 52% males, 48% females. Of these, 20% were born overseas and 25% are Aboriginal and Torres Strait Islanders.

4.3 Expression of Interest Board Register

The following persons are eligible for ongoing employment with the NTG, including board appointments:

- Australian *citizens*
- Person granted *permanent resident status*
- Person granted a Regional Sponsored Migration Scheme visa
- New Zealand *citizens* with a Special Category visa that allows them to remain and work in Australia indefinitely.

Further information is available on the [Department of Immigration VEVO website](#) where visa information can be verified. NTG Human Resource Divisions may already be registered for this service.

Anyone can express interest in serving on an NTG Board by completing the online registration form through the [NTG Careers in Government website](#), and attaching their Curriculum Vitae and any other required documents such as working visas, ochre cards or criminal history checks. The Registration Form indicates agreement for their CV to be accessible by any NTG agency but it does not guarantee appointment to a board.

A profile is created on the DCM Expressions of Interest (EOI) Board Register which is accessible by NTG agency secretariats. NTG officials can search for potential nominees as board vacancies arise. The NTG official can then contact the registrant to determine if they are interested in being nominated for the board vacancy.

DO NOT USE CV's for any other purpose, unless the registrant has given you express permission to do so.

4.4 Criminal history checks

For high level statutory bodies such as 'management' or 'quasi-judicial' boards, agencies should request a criminal history record check from each person proposed for appointment, with appointment being subject to a satisfactory police clearance. Applications are available from [Screening Assessment for Employment - NT](#). Proof of identity documents are required.

It has not been common practice in the Northern Territory to require criminal history record checks for lower level statutory bodies such as 'advisory or review bodies'. Instead, it is recommended new board members sign a declaration stating they do not have a criminal record relevant to the activities of the body that may render them unsuitable for membership of the board.

4.5 Appointment Process

Enabling legislation will stipulate whether statutory board members are appointed by the Minister or by the Administrator. This is done by way of a formal 'instrument of appointment' arranged by the administering Government agency and the Office of the Parliamentary Counsel (Government lawyers employed to draft Northern Territory legislation and statutory documents).

It is recommended all new members sign a letter of appointment acknowledging they understand the nature and requirements of the position and they agree to abide by stipulated conditions, such as confidentiality and declarations of conflicts of interest.

Members of non-statutory bodies generally receive a letter of appointment and may also be required to complete relevant documentation below.

Once the board member has been appointed, refer to the Department of Corporate and Information Services (DCIS) Checklist to determine forms requiring completion:

1. Appendix 1 - DCIS Checklist for Commencement of new Board/Tribunal Members.
2. Appendix 2 – Board/Tribunal Members Payment Details Form - mandatory.
3. [Emergency Contacts Form](#) - mandatory.
4. Criminal History Check or signed declaration regarding their criminal history - mandatory for management board.
5. Ochre Card – if required to conduct the business of the board.
6. Appendix 3 is an example - Direction to Pay Form – for members employed by a non-government organisation (NGO) and the NGO requests the member's sitting fees.
7. Appendix 4 is an example - Declaration of Personal Interests Form – mandatory for management boards, but as required for quasi-judicial and advisory boards.

Return completed forms to the Human Resource section of the administering NT Government Agency, or the Employment Services section of the Department of Corporate and Information Services.

It is best practice for board members who sit on different boards to have individual AGS numbers for each NTG agency administering the boards (not for each board, just each agency). This will ensure that the board member's pay records accurately reflect earnings for respective agencies.

Some forms will not be required from public sector employees or from members not remunerated, with the exception of the Emergency Contacts Form.

4.6 Public Sector Employees Appointed to NTG Boards

For the purposes of this chapter, public sector employees include NTG CEOs, Executive Contract Officers, and other officials employed in the Northern Territory Public Sector. Public sector employees can be appointed to a government board as a nominee of the Minister or the CEO either:

- by virtue of the Act
- at the Minister's discretion
- by virtue of their office (*ex-officio*), or
- as a member of the Northern Territory community.

4.6.1 NTPS employees in *ex-officio* appointments

Where public sector employees are members of government boards either as the Minister or CEO's nominee or in an *ex-officio* capacity, it is necessary for them to be clear about the nature of their role on the board as a Government representative and the reporting relationship (if any) with the responsible Minister and/or CEO. This should occur in consultation with the Minister or CEO prior to commencing their term of office.

A public sector employee's role in this instance might include acting as a conduit to the Minister concerning the board and its affairs, and/or representing the Government's position in relation to matters being considered. In such cases, the public sector employee should be aware of the Government's policy imperatives and should not present a personal opinion or position that is contrary to either the Minister's directives or the Government's policy agenda.

4.6.2 NTPS employees appointed to a board as a 'community member'

Where a public sector employee is appointed to a government board as a '*member of the community*', their relationship with the responsible CEO and/or Minister should be no different to other community representatives on the board.

Public sector employees may be employed in the NT Public Sector under two or more separate contracts of employment at the same time³. Under the NTPS Code of Conduct, these employees require CEO approval in writing before engaging in paid employment outside of the employee's normal duties; approval must be renewed annually. CEO approval is therefore required by public sector employees appointed to an NTG board as a 'member of the Northern Territory community' and who are remunerated. Remuneration is only payable if they do not receive any salary for the relevant period⁴.

Public sector employees are not generally required to seek CEO approval to undertake unpaid or voluntary activities. However, if there is potential for a conflict of interest to arise (whether real or perceived), the employee must discuss the issue with the CEO and accept the CEO's decision as to whether the employee can continue with the activity. This includes board members⁵.

³ Clause 38A (multiple employment arrangements) *Public Sector Employment and Management Act 1993*.

⁴ [Classification Structure Determination](#)

⁵ Clause 19 of Employment Instruction number 12

4.7 Agency Reporting Requirements

Board reporting requirements may be outlined in legislation or Terms of Reference. In addition, DCM maintains a database of statutory and non-statutory bodies from which whole-of-government reports on board expenditure and member vacancies are produced. These reports allow Government to ensure boards are fulfilling their role and functions, and that vacancies are filled in a timely and appropriate manner. Agency Secretariats are responsible for updating the Register for each board it administers.

The following NTG bodies are required to be included in the Register:

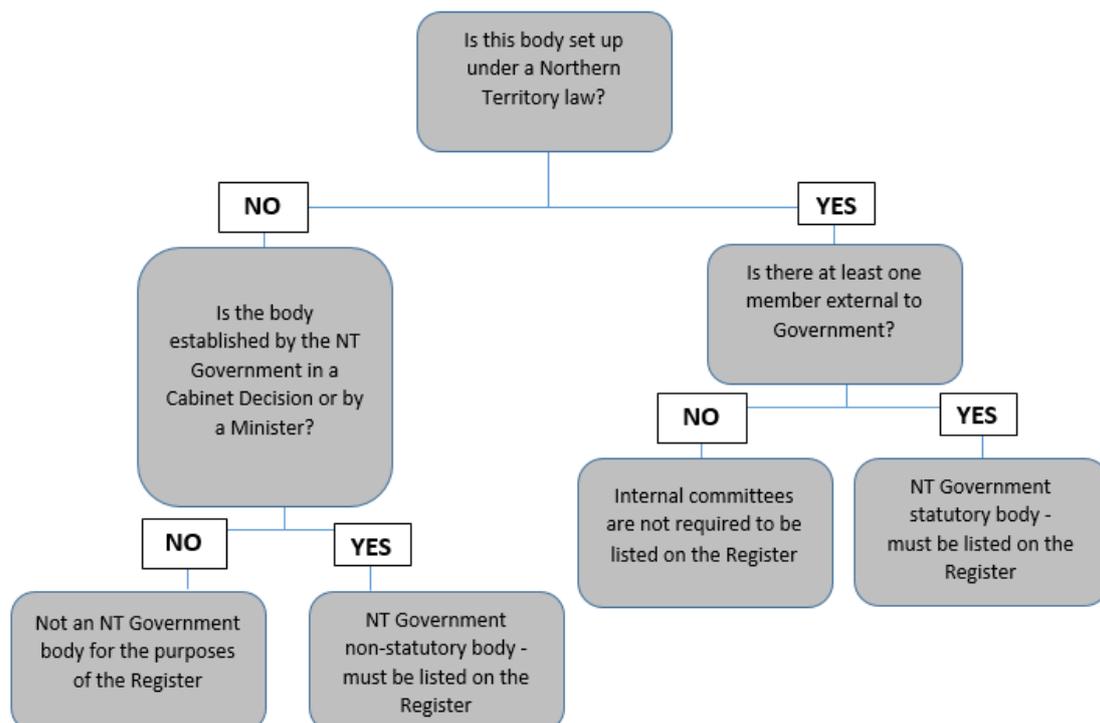
1. Statutory bodies established under an Act of the Northern Territory with at least one member external to Government.
2. Non-statutory bodies established by a NTG Minister or Cabinet Decision.

The following NTG bodies are not required on the Register:

1. Internal committees and non-statutory bodies comprised of only NTPS employees.
2. Non-statutory bodies such as committees or forums convened by the Commonwealth Government under a National Partnership Agreement and whose members include NTPS employees. This is not regarded as an NTG entity.

Just because a body is not remunerated, is not a reason for it not to appear on the DCM Boards and Committees database. The method of appointment is irrelevant when determining whether a body should be placed on the database. For advice on whether or not to include a statutory or non-statutory body on the database, please contact the Cabinet Office. DCM CEO (or delegate) approval is required not to list a body on the database.

Consider the following to determine if a statutory body or key non-statutory body should be included on the Boards and Committees database:



5 Remuneration

5.1 Authority

Under the [Assembly Members and Statutory Officers \(Remuneration and Other Entitlements\) Act 2006 \(AMSORE Act\)](#), the Administrator sets remuneration and other entitlements for members of statutory bodies. The definition of a statutory body under the AMSORE Act is 'a body, whether incorporated or not, established by a law of the Northern Territory for a public purpose'.

The Administrator has set remuneration rates by categorising statutory bodies into groups according to their levels of responsibility. The categories and associated remuneration rates are outlined in the current [Classification Structure Determination](#) (the Determination), a list of statutory bodies classified for remuneration purposes, and other remuneration decisions are published on the [NTG Board Remuneration](#) internet site, in order to comply with publishing requirements of the Act.

The Chief Minister and Ministers responsible for legislation establishing a statutory body can determine remuneration for board members consistent with the Determination, however the Minister must first consult with the Chief Minister.

Setting of remuneration under AMSORE Act is overridden where legislation establishing the body also determines the remuneration, such as government-owned corporations established under the *Government Owned Corporations Act 2001*.

There are no prescribed entitlements for members of non-statutory bodies to receive remuneration, travelling allowance or other expenses. However, in the interests of equity and for consistency across Government, it is recommended the Minister set similar entitlements to members of statutory bodies. Whether remuneration is paid will depend on the body's powers, role, functions, level of responsibility, and time commitment by members.

The Department of the Chief Minister (DCM) administers the AMSORE Act including reporting to Government and complying with the publishing requirements of the Act. DCM also provides advice and resource materials to NTG agencies on board related matters, and coordinates documentation requiring approval by the Administrator.

5.2 Member Entitlements

The Determination outlines sitting fees, travelling allowance, and other entitlements for members of NTG statutory boards. It also includes varying rates for meetings and for business conducted outside of meetings, and advice on approvals required for expenses.

Entitlements are calculated according to the responsibilities of the Chair and members and the actual and projected workload of the board. For members paid an annualised rate, the timing of payments is a matter for the administering NTG agency.

The following members are not entitled to sitting fees:

- Judges and Magistrates/Local Court Judges
- Master of the Supreme Court
- NT Solicitor-General

The following members are not entitled to receive sitting fees for a period during which the member is any of the following, **and** unless the member does not receive any salary in that capacity for the relevant period.

- Chief Executive Officer within the meaning of the *Public Sector Employment and Management Act 1993*
- NT Public Sector employee
- Officer or employee of the Commonwealth Public Service, a State or another Territory.
- Australian Industrial Relations Commission members

Travelling allowance and other expenses: Travelling allowance for board members is equivalent to that of a public sector employee. In addition, the Chair can approve travel expenses reasonably incurred for attending a meeting or conducting the business of the body, including use of a private vehicle. The [Classification Structure Determination](#) provides advice on calculating travelling time and travelling expenses. Members must acquit their 'final' travel details within 10 working days of travel.

Board Administrators should ensure travel is consistent with the [NTG Travel Policy Framework](#). Advice on how to use the electronic travel booking system TRIPS is available on the NTG Intranet site in the [TRIPS intranet site](#).

A board member is still considered an employee for FBT purposes, as such, the NTG Agency should be mindful of the FBT implications if a board member is allowed to combine official and private travel. The Australian Taxation Office requires a travel diary to be kept for travel of six or more consecutive nights outside Australia regardless of the purpose of the travel, irrespective if only official travel or official and private travel combined. Further information is available in [Corporate Tax Policy Advice No. 10](#).

5.3 Procedure to Determine Remuneration for Board Members

The procedure for classifying, or changing the classification of a statutory body is outlined in the document, [Agency responsibilities for classification of statutory bodies for remuneration purposes](#) available on the NTG Intranet site.

Ministers must seek the comments of the Chief Minister before the Minister classifies a statutory body for remuneration purposes. The need to seek the Chief Minister's comments is a requirement under the AMSORE Act, and the process is outlined in [Administrative Guideline 1/2016](#).

Ministers must provide the Chief Minister with a copy of any classification decision. DCM publishes the classification decisions; a requirement under the AMSORE Act.

Ministers must also provide the Chief Minister with a copy of a ministerial endorsement to set remuneration outside the [Classification Structure Determination](#). The Chief Minister will forward this endorsement to DCM to prepare the required documentation.

5.4 Arranging Payment of Remuneration

Board members are generally appointed as ‘individuals’, providing a service to the board as individuals, rather than as representatives of the body that nominated them or their own business, if applicable. When determining the service relationship, reference to the instrument of appointment and terms of engagement is required.

The *Taxation Administration Act 1953*^[1] (TAA) imposes an obligation on the paying entity (the NTG), to withhold an amount from salary, wages, commission, bonuses or allowances it pays to individuals. Consequently, the remuneration of board members is required to be paid through the NTG payroll system (PIPS) irrespective of the period they are appointed.

Payment through PIPS ensures that taxation withholding requirements are met, and superannuation guarantee (if applicable) is paid. Section 5.5 explains how to calculate the superannuation component. The board member will be issued with a PAYG Payment Summary in respect of the payments received.

5.4.1 Payment method for board members required to remit board sitting fees to employing organisation

A member may be required to pay all or part of the sitting fees to their principal employer to reimburse the employer for time taken off from normal duties in order to attend board meetings.

To facilitate this, the board member must provide a completed ‘Direction to Pay’ form (Appendix 3) confirming and directing the remuneration to be paid to their employer (i.e. paid into the employer’s bank account). In this situation, the payment made directly to the employer will not be subject to PAYG withholding.

If all remuneration is paid to their employer, no PAYG payment summary will be issued to the board member. The principal employer should not submit an invoice under these circumstances. Payment is made through the NTG PIPS payroll system by way of electronic funds transfer into their nominated bank account, irrespective of the period they are appointed.

The Superannuation Guarantee, if any, must still be paid to the member’s nominated superannuation account. Section 5.5 explains how to calculate the superannuation component.

5.5 Superannuation

[Superannuation Guarantee Ruling SGR2005/1](#) sets out superannuation guarantee requirements pursuant to the *Superannuation Guarantee (Administration) Act 1992 (SGA Act)*. Superannuation is paid over and above the daily rate of remuneration, as applicable.

Persons engaged wholly or principally for their labour, whether an employee or independent contractor, are entitled to the superannuation guarantee where the payment in a calendar month is \$450 or more. The Superannuation Guarantee is calculated on a monthly basis, and is paid into an employee’s complying superannuation fund or retirement savings account on a quarterly basis.

The NTG PIPS payroll system automatically calculates the superannuation component.

[1] [Sections 12-35 and 12-45 of Schedule 1 Taxation Administration Act 1953](#)

To calculate how much Superannuation Guarantee is payable, the member's earnings each month is multiplied by the SG rate. For example: Board member X is paid sitting fees over a three month period as follows:

- January \$500, February \$700, March \$600 = \$1800
- As the earnings in each month are \$450 or more, SG payable is \$1800 x 9.5% = \$171
- However, if earnings for Board member X in one of the three months (e.g. March) was less than \$450, the earnings for March would not be included in the calculation of the SG, in which case the amount of SG would be \$1200 x 9.5% = \$114.00

The current Superannuation Guarantee rate is set at 9.5% applicable from 1 July 2014 and is deemed to remain so until 30 June 2021.

Other Superannuation Guarantee (SG) rates are as follows:

Year	Rate
1/7/2014 to 30/6/2021	9.5 %
1/7/2021 to 30/6/2022	10 %
1/7/2022 to 30/6/2023	10.5 %
1/7/2023 to 30/6/2024	11 %
1/7/2024 to 30/6/2025	11.5 %
From 1/7/2025	12 %

Contact the Superannuation Office, NT Department of Treasury and Finance, for further advice.

5.4 Use of Private Vehicle for Board Business

Board members may be reimbursed for use of their private vehicle to travel to and from a board meeting held away from their usual place of residence, or to conduct board business. The current [Classification Structure Determination](#) states the Chair can approve travel expenses reasonably incurred for the purpose of attending a meeting or conducting the business of the body.

- Member's travelling **time** should be calculated in accordance with the Determination.
- Member's travelling **expenses** for use of their private vehicle is based on the Government's kilometre allowance rate, and requires approval of the Chair.

Board members wanting to claim for the use of their private vehicle are required to complete the following forms available on the NTG Central website.

- [Indemnity and application form - use of private vehicle for official board business](#) – to approve use of a private vehicle - complete once for each term of appointment.
- Movement Requisition for travel over 50 km.
- Advice on how to use the electronic travel booking system TRIPS, is available at [TRIPS User Guide, FAQs, Quick Reference Guide](#).
- [Claim for kilometre allowance form - Board members - use of private vehicle for official purposes](#) - after each travel.

6 Induction

All new board members should receive an induction to appropriately inform board members of the board's role and responsibilities and administrative arrangements, of statutory obligations imposed on them, and standards of accountability expected of them.

New board members should receive the following information. The induction process might include a mix of written and verbal briefings, and training. Board Administrators may consider use of weblinks, where possible.

Statutory framework

- Enabling legislation establishing the board, including attendance requirements, appointment and termination clauses.
- General law obligations
- Instrument or letter of appointment, or contract, including remuneration information.

Policy guidelines or statements

- Government Policy frameworks
- Ministerial directives
- Terms of Reference
- Annual Reports and/or financial statements
- Code of Conduct specific to their board, or NTPS Code of Conduct where relevant.
- Conflict of interest policy or procedure (reporting and management)

Board information

- Minutes of meetings for the past four meetings
- How to submit a formal notice of absence
- History and forward plans of the board
- Issues briefing
- Planned public meetings
- Board's reporting framework and any applicable accounting framework
- Press clippings and media releases relating to the board.
- Government and/or industry reports
- Performance audits
- This Handbook

7 Duties and responsibilities of board members

Members of Government Boards assume a position of public trust and confidence by virtue of their role in public administration. Board members must act ethically so as to support the continuance of public trust in the Government and to observe the highest standards of behaviour and accountability, particularly in the context of financial responsibilities and custody, and control of public assets.

Some responsibilities common to many government boards include:

- to be strategic – adopt a long term perspective, anticipate and respond to changes in the external environment, and integrate various corporate functions such as staffing matters and other matters to do with the smooth functioning of the board;
- to be stakeholder focused – be aware of community and stakeholder views and needs, balance the demands of different stakeholders; and
- to ensure the highest standards of accountability and ethical behaviour.

Aside from more general issues such as the public expectations and confidence placed in government board members as trustees of public monies and assets, there are numerous other sources of responsibility placed on board members. These include:

- the requirements of the enabling legislation, where applicable;
- general law obligations such as the duty to take reasonable care;
- a broad range of policy statements whether specifically applying to the body, or more generally applicable.

The nature and extent of some of these obligations is set out below. Note the information in this section is of a general nature only; should particular issues arise in relation to the duties and responsibilities of board members, it may be appropriate to seek specific advice.

7.1 Enabling Legislation

Members' primary legal responsibilities will usually be set out in the board's enabling legislation (if applicable). Subordinate legislation (such as regulations, by-laws and rules) may also set out board responsibilities or govern the actions of the board. All NT legislation is available on the [NT Legislation](#) website.

7.2 General Law Obligations

As Government board members will often be in a similar position to a company director, they may be subject to fiduciary obligations.

Fiduciary duties are obligations of trust and confidence owed by a fiduciary to another person. The law usually recognises certain relationships, including those of director and company and employer and employee, to be fiduciary relationships. The Courts may also find other relationships to be fiduciary in nature, particularly where one party stands in a position of trust and confidence in relation to the other, and is bound to place the interests of the other before their own personal interests.

Government board members acting in a fiduciary capacity have an obligation to:

- **Act honestly and to exercise powers for their proper purposes**

Members of government boards must act openly and honestly at all times in the performance of their duties. They must ensure they do not use information acquired by virtue of their position to gain, directly or indirectly, an advantage for themselves or any other person.

- **Avoid conflicts of interest**

Members of government boards **must** avoid conflicts of interest (whether real or potential) between their duties to the board and their personal interests, or to their duties to others. Board members who have, or acquire, a direct or indirect personal or pecuniary interest in a matter under consideration by the board must disclose full details of the interest, to the board as soon as reasonably practical.

The board member must not seek, directly or indirectly, to influence the outcome of any deliberations by the government board or any of its officers in relation to any matter to which he or she may have a conflict.

If there is any doubt as to whether a conflict of interest exists, the member should err on the side of caution and declare the interest. The Chair may decide if it is necessary for the member to excuse themselves from the meeting when any discussion or voting on the particular issue is taking place.

The board makes a decision on how to manage the conflict of interest and records the reasons for that decision. Ways to manage conflicts of interest include:

- agreeing that the member will:
 - a) not take part in any discussion of the board relating to the interest;
 - b) not receive any relevant board papers;
 - c) be absent from the meeting room when any discussion or vote is taking place; and/or
 - d) not vote on the matter;
- divestment of the interest that is creating the conflict, for example, the sale of shares;
- severing the connection, for example, resigning from a position in another organisation giving rise to the conflict; and
- resigning from the government board.

Board Administrators should consider the need for members to make prior declarations of interests through completion of a Declaration of Personal Interests Form (Appendix 4 or similar).

- **Act in good faith**

As a result of their position of trust, members' actions and standards of behaviour are required to be exemplary. Members should act bona fide in the interests of the government board and not in their own interest, or to pursue personal agendas.

Government board members are expected to act in the best interests of the board, the Northern Territory, and the community.

- **Exercise diligence, care and skill**

Members of government boards have to ensure they exercise due diligence, care and skill in the performance of their duties. They must also take reasonable steps to inform themselves about the functions of the government board, its business and activities, and the circumstances in which it operates. A member must give close attention to board affairs.

A government board member should obtain sufficient information and advice, and exercise an active discretion at all times, to enable them to make conscientious and informed decisions. A member **must** also maintain confidentiality of board discussions, and of materials and information, such as government board papers.

7.3 Other Relevant Legislation

Aside from specific legislation applying to the board, members may also have additional responsibilities and obligations placed on them by other legislation. Each Act should be consulted individually regarding applicable responsibilities and obligations.

Board Administrators should arrange briefing materials for members on any legislation relevant to the responsibilities of the Board. Some brief information is outlined below.

7.3.1 *Information Act 2002* – freedom of information

The [Information Act 2002](#) gives a statutory right of access by any person to government information, including personal documents held by the public sector organisations including statutory bodies, except where an exemption applies.

Public sector organisations defined under the Act include, amongst others:

- Government Business Division or Government Owned Corporation (personal information only)
- statutory corporation
- person appointed, or a body established by or under an Act, or by the Administrator, or by a Minister
- person holding an office or position under an Act
- court and tribunals of the Territory (subject to limitations)
- person or body declared by the Regulations to be a public sector organisation.

The *Information Act* aims to protect personal information in the public sector by applying Information Privacy Principles (IPPs) that deal with the collection and handling of personal information by public sector organisations. Personal information means government information from which a person's identity is apparent, or is reasonably able to be ascertained. The purpose of the IPPs is to allow access to the right information to the right people for the right reason in the right way at the right time.

The IPPs do not apply to personal information that is:

- published in a publication generally available to members of the public;
- on a public register;
- in an archive available to the public;
- recorded information of permanent value that forms part of NT Archives; or
- is in a collection of a library, art gallery or museum.

7.3.2 Ombudsman Act 2009

The Office of the Ombudsman is established by the [Ombudsman Act 2009](#).

With regard to statutory boards, the Ombudsman has jurisdiction with respect to an 'administrative action' taken by an authority defined in the *Ombudsman Act 2009*. The crucial test is whether the statutory board was established for a public purpose. Note there are exclusions in the Act including decisions made by the Development Consent Authority under the *Planning Act 1999* where there is an existing right of review or appeal under that Act.

The definition of 'administrative action' is any action relating to a matter of administration, and includes a decision or an act, the failure or refusal to take a decision or do an act (including a failure to provide a written statement of reasons for a decision), the formulation of a proposal or intention, and the making of a recommendation including a recommendation made to the Administrator or to a Minister. It does not include any such action by a person while discharging a responsibility of a judicial nature.

The Ombudsman may investigate informally or exercise significant formal powers, such as the power to require persons to give statements, documents and information. At the conclusion of the investigation, the Ombudsman will form an opinion as to whether the administrative action to which the investigation related:

- appears to have been taken contrary to law
- was unreasonable, unjust, oppressive or improperly discriminatory
- was in accordance with a rule of law or a provision of any law in force in the Northern Territory, or a practice that is, or may be, unreasonable, unjust, oppressive or improperly discriminatory
- was taken in the exercise of a power or discretion, and was so taken for an improper purpose or on irrelevant grounds, or on the taking into account of irrelevant considerations
- was a decision made in the exercise of a power or discretion, and the reasons for the decision were not, but should have, been given
- was based wholly or partly on a mistake of law or fact, or
- was simply wrong.

The Ombudsman may then give a report to the administering government agency and the responsible Minister recommending that particular action be taken. If the recommended action is not taken, a report can be provided to the Chief Minister and Parliament.

7.3.3 *Public Sector Employment and Management Act 1993 – Code of Conduct*

Members of government boards assume a position of public trust and confidence. As such, members of the public expect these members to follow certain ethical principles, including:

- respect for the law and the system of government
- respect for persons
- integrity
- diligence
- economy and efficiency.

The *Northern Territory Public Sector Principles and Code of Conduct* provide guidance on a range of ethical and moral issues that may affect public sector employees from time to time. The *Code of Conduct* may also be useful guidance for NTG board members, and can be viewed at [NTPS General Principles and Code of Conduct](#).

7.3.4 *Competition and Consumer Act 2010 (Cth) – Restrictive trade practices*

This section applies only to government boards with trading activities.

Part IV of the [Competition and Consumer Act 2010 \(Cth\)](#) (the Act) prohibits restrictive trade practices. Restrictive trade practices include price fixing, boycotts, misuse of market power, exclusive dealing, re-sale price maintenance, and contracts arrangements or understandings that lead to a substantial lessening of competition in a particular market. These practices generate anti-competitive outcomes. The Crown, in right of the Northern Territory, is bound by Part IV of the Act to the extent that it carries on a business. Therefore, Government boards that are part of the Crown are also bound by Part IV. Government boards that are not part of the Crown continue to be bound by Part IV as before.

Members of NTG boards to which the Act applies, need to ensure that:

- they are familiar with the provisions of Part IV, so as to avoid engaging in unlawful behaviour in that capacity;
- the board complies with its obligations under Part IV and the Competition Code; and
- the board implements an adequate trade practices compliance program to minimise the risk of contravening Part IV. This should be developed in consultation with the board's legal advisers.

7.3.5 *Work Health and Safety (National Uniform Legislation) Act 2011*

The [Work Health and Safety \(National Uniform Legislation\) Act 2011](#) implements national workplace health and safety laws in the NT. The Act provides that the primary duty of care for the health and safety of workers lies with a 'Person Conducting a Business or Undertaking' (a PCBU). For the purposes of the Act, the NTG is considered a PCBU, undertaking its business through various agencies and statutory authorities.

NTG board members defined as 'workers' under the Act (whether employees or in some other capacity) are required to take reasonable care for their own health and safety, and to take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons. They should understand work health and safety matters for which they are responsible, and have an awareness of any future health and safety implications that might arise for other officers or workers within the organisation, as a result of decisions made by the board.

NTG board members defined as ‘**officers**’ under the Act (depending on the nature and functions of the board), are required under section 27 to exercise due diligence to ensure the NTG complies with its workplace health and safety duties or obligations under the Act. Advice should be sought in this regard where the board members make, or participate in making, decisions that affect the whole, or a substantial part of the business of the entity for which it is responsible (if any), or have the capacity to significantly affect the entity’s financial standing.

Board members who are also employees of the NTG, are entitled to be indemnified by the NTG for any liability arising out of a tort (for example, negligence) committed by them in their role on that board, for which the NTG would be vicariously liable, unless the member’s actions constitute serious and wilful or gross misconduct pursuant to section 22A [Law Reform \(Miscellaneous Provisions\) Act 1956](#).

Board members external to the NTG can achieve protection for personal financial liability arising out of their work as a board member (where applicable) either by way of an indemnity by the Government, or through a Directors and Officers’ Insurance Policy (see Chapter 9 Liability and Indemnity).

7.3.6 Independent Commissioner against Corruption Act 2017

Under the [Independent Commissioner against Corruption Act 2017](#), the ICAC is to address wrongdoing in, or connected with, public administration. The Office of the ICAC is responsible for receiving, identifying and investigating reports of corruption and misconduct by government/public bodies, public officers, and those who receive government money, including contractors and grant recipients.

Public officers and public bodies have mandatory reporting obligations. That is, they **must** report suspected improper conduct. Mandatory Reporting Directions and Guidelines set out the requirements for a public body or public officer to report suspected improper conduct, even if it has already been reported to another public body or public officer (e.g. Ombudsman or NT Police).

Definitions of *public body* and *public officer* as they relate to NTG statutory bodies are outlined in section 16 of the Act, and include, amongst others:

- a board, commission, tribunal, or other body established under an Act with judicial or quasi-judicial functions in the performance of its deliberative functions;
- a body, whether incorporated or not, established under an Act;
- a body whose members, or a majority of whose members, are appointed by the Administrator or a minister;
- a government owned corporation;
- holder of an office established under an Act who is appointed by the Administrator or a Minister; and
- a member, officer or employee of a public body.

These Directions and Guidelines **must** be read in conjunction with Whistle blower Protection Guidelines and Directions available under ‘Publications’ on the [ICAC website](#).

7.4 Statutory Approvals of Certain Financial Arrangements

Where Government boards are constituted by legislation and have a commercial focus, there may be a legislative requirement for the board to obtain 'external' approval in the case of certain investment activities, borrowings, leases and other financial arrangements. For example, prior approval by the responsible Minister. Specific advice needs to be sought by the board where this is the case.

7.5 Delegations

Where a Government board is constituted by legislation, the members can only delegate powers or duties of the body if the enabling legislation contains a specific provision to that effect.

Any such delegation cannot apply in respect of a matter that goes beyond the legal powers conferred upon the board, that is, a board cannot delegate to another party, including a subsidiary company of the board, the right to engage in an activity on behalf of the board which the board cannot itself engage in.

Where an NTG board has made a delegation under its enabling legislation, details of the delegation should be set out in the board's annual report or other accountable document.

7.6 Board Members Contesting Elections

Any member of an NTG board intending to stand as a candidate for an election should seek advice from the agency responsible for the administration of their board, or from the Office of the Commissioner for Public Employment as to whether such action affects their board membership.

7.7 Branding and Use of NT Government Logos

The *Flag and Emblem Act* controls the use of the Northern Territory Coat of Arms, flag and emblems (e.g. desert rose, NTG logo). Before using these branding tools, Board Administrators should contact the Strategic Communications Unit in the Department of the Chief Minister.

7.8 Ownership of I.T. and Other Equipment

Any equipment such as i-Pads, laptops, tablets, phones, etc. issued to board members for the purpose of undertaking board duties will remain the property of the NTG and need to be returned at the completion of the member's term of appointment.

7.9 Protection of a Board's Intellectual Property and Information

Any information or documents acquired during the course of a board member's appointment to a Government board must not be used for any purpose other than the legitimate purposes of the board. Any intellectual property that results from the work or activity of a government board is the property of the Northern Territory Government.

The Code of Conduct provides practical guidelines on the use of information by public sector officers, and may also be a useful guide for NTG board members.

8 Liability and Indemnity

All NTG board members need to understand the risks and liabilities associated with their role and need to exercise reasonable care, skill and diligence in carrying out their responsibilities.

Boards need to have risk management strategies including appropriate internal controls. They should apply best practice guidelines and ensure all reporting obligations are adequately met.

Below is brief information in relation to guarantees, indemnities and insurance. This information will not apply to all boards but where it does, it is important to note the information is of a general nature only. Should particular issues arise in relation to such matters in respect of board activities and/or board members, it is recommended that specific advice be sought.

8.1 Guarantees

A guarantee is an undertaking to be responsible for another's debt or contractual performance if that other person does not pay or perform.

The need for a guarantee by a Government Board in favour of another party is not common but may arise in special circumstances. The decision to provide a guarantee is subject to the relevant Treasurer's Direction [Treasurer's Direction G2.5 Guarantees and Indemnities](#).

There may also be certain requirements under the board's enabling legislation. Details of any guarantees should appear in the board's annual report regardless of whether the guarantee has been 'called up' or not. Where an NTG board is not constituted by statute, it will not have the legal power to provide a guarantee to another party.

8.2 Indemnities

An indemnity is an undertaking to compensate, protect or insure another person or entity against future financial loss, damage or liability.

There are no general indemnities applying to members of statutory bodies; rather, members of certain boards may, through the board's enabling legislation, have the benefit of a statutory protection from civil and criminal action for things that they do in good faith as a board member.

In certain circumstances, specific indemnities may be given to board members to provide protection from personal liability. In the Northern Territory, such indemnity can only be given where the Treasurer agrees that this protection is to the benefit of the Northern Territory (section 34 [Financial Management Act 1995](#)).

Refer to the [Treasurer's Direction G2.5 Guarantees and Indemnities](#) for further information.

9 Insurance

As a general principle, an agency subject to the *Financial Management Act* will self-insure its risks and meet costs as they emerge, unless a net benefit can be demonstrated to warrant the purchase of commercial insurance cover. Further information is available in the [Treasurer's Direction M2.1 Insurance Arrangements](#).

9.1 Accident Cover

Despite the general approach described above, the Remuneration Tribunal has recommended that, if there is currently no accident cover, personal accident insurance for members should be considered, or the cost of approved cover reimbursed, at least in those cases where members are required to undertake significant travel in their role.

9.2 Director's Insurance (Commercial boards)

For Government boards operating in a commercial environment (e.g. Utilities Boards), Directors' and Officers' indemnity insurance goes some way to indemnifying directors and officers in relation to claims for loss or damage made against them in their capacity as directors or board members.

This issue should be considered by all commercial boards, and legal advice sought in this regard as necessary.

10 Evaluating Board Performance

Ministers are ultimately responsible for the performance and conduct of the boards within their portfolio areas.

The performance of the majority of boards and individual board members cannot generally be measured against conventional corporate benchmarks based on financial performance. However, public sector board performance can, at least to some extent, be measured by the long term success of an organisation in properly fulfilling the purpose for which it was established.

Measures for the assessment of board performance include the development of performance measures, as well as more direct measures to appraise collective board performance and individual board member performance.

The [Financial Management Act 1995](#) and the [Audit Act 1995](#) provide for the financial administration and audit of many statutory bodies; however, in some cases financial administration and audit is covered by the Act which establishes the body.

Appendix 1 – DCIS Checklist for Commencement of New Board/Tribunal Members



Checklist for Commencement of New Board/Tribunal Members

Checklist for Commencement of New Board/Tribunal Members

Please complete this checklist and return it with your commencement forms and personal documents to Employment Services, Department of Corporate and Information Services (DCIS)

New board member to complete:	
Member name:	
Agency:	
<ul style="list-style-type: none"> The commencement pack consists of forms and information. The mandatory forms must be completed and returned to DCIS Employment Services either prior to, or on commencement. 	

Please indicate which forms you have completed, signed and returned to DCIS Employment Services by marking the relevant box.

- | | |
|---|--------------------------|
| 1. Board/Tribunal Members Payment Details form (mandatory) | <input type="checkbox"/> |
| 2. Superannuation Choice of Fund form (optional) | <input type="checkbox"/> |
| 3. Tax File Number (TFN) Declaration (optional) | <input type="checkbox"/> |
| 4. Tax File Number Declaration Instructions | <input type="checkbox"/> |
| 5. Evidence of age, e.g. driver's licence, Birth Certificate or extract or Passport (mandatory) | <input type="checkbox"/> |
| 6. Change of name. E.g. legal certificate or Passport (mandatory if you have a previous name) | <input type="checkbox"/> |

DCIS Employment Services use only	
The forms and documents have been received by DCIS Employment Services as indicated above.	
Employment Services Officer name (print)	_____
Signature	_____ Date received _____
Comments	_____

Appendix 2 – Board/Tribunal Members Payment Details Form



Board/Tribunal Members Payment Details Form

Privacy Declaration: The Department of Corporate and Information Services (DCIS) collects this information to enable the effective and efficient management of the Northern Territory Government (NTG) workforce. The information may also be used for statistical analysis and workforce profiling. The data collection is authorised and in some cases required by Northern Territory legislation such as the *Public Sector Employment and Management Act* and its Regulations. DCIS may disclose some or all of the information to other NTG agencies for the purpose of effective and efficient management of the agency workforce.

Board/Tribunal Members Payment Details Form	
Agency:	
Board/Tribunal Name:	
Structure Code:	
Program Code:	
Membership Dates:	From: _____ To: _____
Board Fee Rate (\$):	
Agency Approval:	Name: _____ Title: _____ Signature: _____ Phone: _____
Board Member's Personal and Payment Details	
Preferred Title: Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Miss <input type="checkbox"/> Dr <input type="checkbox"/>	Surname: _____
Given Names: _____	Preferred Name: _____
Gender: Male <input type="checkbox"/> Female <input type="checkbox"/>	Date of Birth: _____
Residential Address: _____	
Suburb: _____	State: _____ Post Code: _____
Postal Address (if different from above): _____	
Suburb: _____	State: _____ Postcode: _____
Work Phone No: _____	Home Phone No: _____ Mobile No: _____
Payment Details: I elect to have my board fees paid into the following account:	
Name of Financial Institution: _____	
Branch: _____	BSB No: _____ Account No: _____
Taxation Declaration attached: Yes <input type="checkbox"/> No <input type="checkbox"/>	Signature: _____
DCIS use only:	
Status: Z Designation: BM	From: _____ To: _____
Branch: _____	Section: _____ Location Code: _____
AGS No: _____	Pay Centre: _____
State Code: _____	Structure Code: _____ Program Code: _____
Signature Action Officer: _____	Date entered _____

Appendix 3 – Example: Direction to Pay Form

PART 1: EMPLOYER STATEMENT

(for completion by the employer of a board member or office holder)

I,(full name),(position title) being an authorised representative of(Company or Organisation name) state that (Board member’s full name) is required to remit to this organisation all monies received as sitting fees associated with membership of (Board Name).

Signed by company rep.
Date
Company rep. name

Signed by witness
Date
Witness name

PART 2: DIRECTION TO PAY – BOARD MEMBER PAYMENTS

I,(full name), being a board member of(title of Board), hereby authorise payment of all sitting fees in respect of my role as a board member, to be made to (Employing company or organisation) at

(Address and ABN of company or organisation), unless varied by me in writing. Amounts are to be remitted to the organisation’s bank account, as follows:

Bank Account Name:
Bank Account BSB:
Bank Account Number:

Signed by board member Date:

Witness Date:

Witness name.....

NB: Board member will not be liable for income tax for amounts remitted above.

Appendix 4 – Example: Declaration of Personal Interests Form

Strictly Confidential

Declaration of Personal Interests Form

Note: Some of the categories of interest entered in this form may not be relevant for all boards.

To <insert name of statutory body>

Particulars of my personal pecuniary and other relevant interests and those of my immediate family of which I am aware are set out in the attached form.

I undertake to advise you should a situation arise where an interest of mine or an interest of a member of my immediate family of which I am aware, whether that interest is pecuniary or otherwise, conflicts, or may reasonably be thought to conflict, with my public duty.

.....
name (block letters)

.....
(signature)

.....
(position)

.....
(date)

Appendix 4, continued

Strictly Confidential

Declaration of Personal Interests of Board Member and Immediate Family Members (including spouse and dependent children)

Real Estate

Real estate in which a beneficial interest is held (other than principal place of residence): (include location, owner, purpose for which held)

.....

Shareholdings (where total value exceeds \$5000)

Registered shares, options and current applications (other than nominal shareholdings by way of qualification for membership of a credit union, building society or other co-operative society): (Include owner of shares, Company name, including holding companies and subsidiary companies if applicable)

.....

Directorships in Companies

List any directorships, whether remunerated or not: (Include Director’s name, company name, activities of company – whether public or private)

.....

Partnerships, etc.

(Include name of person holding interest, nature of operations, nature of business interest)

.....

Investments

Investments in bonds, debentures, savings or investment accounts with banks or other financial institutions (exceeding a cumulative value of \$5000): (Include name of person holding investment, type of investment, body in which investment is held)

.....

Appendix 4, continued

Strictly Confidential

Other Assets

List each asset valued at over \$5000 including collections. Household or personal effects and motor vehicles for personal use are to be excluded:

(Owner of asset, nature of asset)

.....
.....

Employment by a public or private company

Exclude salary from principal public sector employment:

(Person receiving income, nature and annualised amount of income)

.....
.....

Gifts, substantial sponsored travel or hospitality exceeding \$100

(Person receiving gift, nature of gift, etc.)

.....
.....

Liabilities

Liabilities exceeding \$5000 other than mortgage over principal place of residence:

(Name of person concerned, nature of liability, creditor)

.....
.....

Other Interests

Include membership or office holding of an organisation other than an industrial or professional organisation, or a political party:

.....
.....

Appendix 5 – Useful internet resources

Governing NT legislation

[Assembly Members and Statutory Officers \(Remuneration and Other Entitlements\) Act 2006](#)

[Statutory Bodies Classification Structure 2012 - remuneration entitlements](#)

[Public Sector Employment and Management Act 1993](#)

[NTPS Code of Conduct Employment Instruction 12](#)

Related NT legislation

[Audit Act 1995](#)

[Financial Management Act 1995](#)

[Information Act 2002 - overview](#)

Commonwealth legislation and directions

[Taxation Ruling TR 2002/21](#)

[Superannuation Guarantee Percentages to June 2028](#)

[Superannuation Guarantee Ruling SGR2005/1](#)

[ATO Variation 40](#)

Treasurer's Directions

[Treasurer's Direction G2.5 Guarantees and Indemnities](#)

[Treasurer's Directions M2.1 Insurance Arrangements](#)

Related resources

[Remuneration of NT Government Boards website](#)

[Screening Assessment for Employment - Northern Territory](#)

Appendix 6 - Glossary of terms

Administering Government agency - a unit of government administration, also known as a department, that is responsible for providing an administrative service for Government boards and committees.

Administrator - The Administrator of the Northern Territory is an official appointed by the Governor-General of Australia to exercise powers and undertake responsibilities similar to that of a state governor. The Administrator has a broad range of statutory powers under Northern Territory legislation, such as making regulations and appointments, in addition to having powers under the *Northern Territory (Self-Government) Act 1978*.

AMSORE Act - *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act 2006* has a number of objectives, including enabling the Administrator to determine a classification and remuneration framework for Government statutory bodies.

Board Administrator – is the officer responsible for administering a board or committee. Other titles used by agencies include Executive Officer, Business Officer, or Manager.

Cabinet - is the principal decision-making body of the Government and consists of all Government Ministers. Cabinet's role includes making high level Government policy decisions, approving the drafting and introduction of legislation in the Northern Territory Parliament, allocating financial resources, approving key appointments to Government boards, and setting the strategic directions of Government.

Chair - the presiding officer of the body, also known as the Chairperson or Chairman.

Classification Structure Determination – Legal Instrument signed by the Administrator that sets categories of boards for members' remuneration and other entitlements.

Enabling legislation - is the Act of Parliament that establishes a board.

Executive Council - is comprised of the Administrator and all Government Ministers but it is not a deliberative body. Rather, Executive Council advises the Administrator on the exercise of his or her statutory powers.

Government board - generally refers to statutory and non-statutory bodies within the NT Government and includes a wide range of boards, committees, tribunals, corporations, NTG entities, and other bodies.

Non-statutory body - a body established by Government decision and not by way of legislation. Responsibilities are often set out in a Terms of Reference document.

Remuneration Tribunal - an independent statutory body that undertakes inquiries into the remuneration and entitlements of key Office Holders, Local Court Judges and Members of the Legislative Assembly.

Statutory body - is defined in the AMSORE Act as a body (whether incorporated or not) established by a law of the Territory for a public purpose.