

NORTHERN TERRITORY OF AUSTRALIA

REMUNERATION TRIBUNAL

REPORT

and

DETERMINATION No. 2 of 2002

**MINISTERS AND MEMBERS OF THE  
NORTHERN TERRITORY LEGISLATIVE ASSEMBLY**

REMUNERATION TRIBUNAL

**2002 REVIEW**

**REPORT**

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NORTHERN TERRITORY LEGISLATIVE  
ASSEMBLY

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REMUNERATION TRIBUNAL

REPORT

**MINISTERS AND MEMBERS OF THE  
NORTHERN TERRITORY LEGISLATIVE ASSEMBLY**

**Introduction**

1. On 27 October 1995 the Administrator issued a Notice of Request under section 9 of the *Remuneration Tribunal Act* requesting the Tribunal on or before 31 October 1996 and thereafter on or before 31 October in each subsequent year, to inquire into and determine the remuneration and allowances to be paid, and the other entitlements to be granted, to persons in respect of their services as members of the Legislative Assembly, members of the Executive Council or Ministers of the Territory, but subject to the limitation that it shall not inquire into or determine the basic salary to be paid to any of them in respect of their services as members of the Legislative Assembly.
2. The Tribunal carried out the inquiry for the year 2001 and its report and Determination No. 2 of 2001 was made on 30 October 2001. The report and Determination was tabled in the Legislative Assembly on 28 November 2001 and disapproved on the following day, effectively resurrecting Determination No. 1 of 2001.
3. On 12 December 2001, the Administrator signed a Notice of Request for the Tribunal to conduct a mid-sequence inquiry. That inquiry was completed on 14 August 2002, and the fresh Determination No. 1 of 2002 was tabled in the Legislative Assembly on 22 August 2002. The nominal date of effect of the Determination is 1 September 2002. Further information on the disallowance issues and the conduct of the special inquiry is contained in the Tribunal's Report accompanying that Determination.

### **Conduct of this Inquiry**

4. The Tribunal placed advertisements in the main Territory newspapers to draw attention to the inquiry and to request submissions by 27 September 2002. Individual letters were sent to all Members, the leaders of the political parties and to the Department of the Legislative Assembly.
5. Written submissions were received from:
  - The Speaker of the Legislative Assembly
  - Members for Braitling, Stuart, MacDonnell, and Wanguri
  - The Country Liberal Party
6. The Tribunal took evidence in Darwin from 30 September to 3 October 2002.
7. Some of those providing evidence to the Tribunal exhibited a reluctance to make any formal case for change in general entitlements on the stated basis that they might be identified and singled out for attention in debate. The Tribunal repeats its policy that submissions made to it are regarded as confidential.
8. The Tribunal has reviewed all emerging issues, and has carefully considered all submissions it has received.

### **General Approach by the Tribunal**

9. Following on from the unanimous rejection in the Assembly of its 2001 Determination on grounds including insufficient funds, the Tribunal received conflicting views as to whether the fiscal position of the Northern Territory Government is still in such state as to necessitate a continued freeze of Parliamentary allowances and entitlements. One view put to the Tribunal was that use of the fiscal position, whatever it may be from time to time, as a lever on the Tribunal has the potential to undermine the independence of the Tribunal. The Tribunal, mindful of these influences and the perceptions raised, has reached its own view on financial conditions.
10. There have been many compounding changes to the Determination since its format was set many years ago. This has led to some difficulty in interpretation and to a lack of clarity, especially for the casual reader. The new Determination has a

changed format as the first step in a progressive clarification process.

### Travelling Allowance

11. In evidence to the Tribunal during the special mid-sequence inquiry the Government made the case that the Darwin Travelling Allowance rate, not requiring expenditure substantiation, was capable of producing a cash surplus in the hands of any visiting Member who stayed with friends. The Tribunal agreed that this was so, and, notwithstanding the precedent already set in the Commonwealth and some States, changed the conditions on the rate to be the same conditions as apply to Travelling Allowance payments in respect of other locations, i.e. an entitlement to one third of the applicable rate unless commercial accommodation is utilised. The Darwin rate had to be increase to \$195 so that one third was at least equal to the non-accommodation sustenance element of the equivalent allowance limit set by the Commissioner for Public Employment for public sector employees.
12. The changed entitlement has caused an immediate change in accommodation choice by Members. Some of those with their own units are said to be renting them out and staying commercially to draw the full Allowance of \$195 per day. This is understandable, particularly where the Member is a rurally based Minister or a Committee member having to spend one third to a half of the year in Darwin. It is already evident that while the change will prevent the occasional windfall gain to Members it will be more costly for the public purse.
13. Further costs will also be generated because Members who would ordinarily store spare clothing and reference material in their unit may now have to carry significant excess baggage on every trip to Darwin. Long stays in hotel rooms also presents a security risk where sensitive Government or Assembly documents are being examined by the Member. Special arrangements have to be made for luggage and papers every time a Member staying in a Darwin hotel has to make journeys from there, particularly where overnight trips to regional communities occur.
14. The flat Darwin rate has been restored for reasons of cost, security and productivity. In determining the rate for this allowance the Tribunal has re-examined Commonwealth and State precedents, noting that some States place a ceiling by way of a total annual sum on the extent that the allowance can be utilised. This limit is not as necessary in the Northern Territory as there are relatively fewer sitting days, there are limitations on Member entitlement to travel within the Territory for the purposes of his/her duties as a Member, and

attendance in Darwin for parliamentary committee business is controlled by the Speaker. The rental/housing market in near-suburban Darwin is generally cheaper than in Sydney or Melbourne (where fixed Capital city allowances apply) and more similar to Canberra. A fixed rate of \$145 applies for Federal politicians visiting Canberra. That same rate has been adopted in this Determination.

15. This rate is too low to produce an equitable sustenance allowance where a one third ratio for non-commercial accommodation is applied. Consequently Members who do not stay commercially or in an owned/leased house or unit will be entitled to the aggregate public sector meals/incidental allowance as determined from time to time by the Commissioner for Public Employment.
16. The authorised accompanying person supplement to Travelling Allowance has been increased by \$5 to \$55 per overnight stay. This brings the amount into line with the meals element of the current allowance applying in the public sector.
17. Travelling Allowance rates are now contained in Schedule 1 to the Determination. Apart from the changes covered above they are the same as those that currently apply, with one exception. The rate for Hobart or Adelaide has been reduced from \$230 to \$215. This brings this rate back to the rate for Commonwealth MPs used as the basis for the Commissioner of Taxation's limit for no substantiation.

#### **Additional Salary of Office**

18. The Additional Salary of Office amounts have not been changed. No submissions were received as to their adequacy. They remain at the amounts set at 31 October 2000. Since that time the Wages Cost Index for Darwin has risen by 5%.
19. By way of comparison, on 1 July 2002 Cabinet Ministers in the States and Territories received base salary and allowances as follows<sup>1</sup>:

	Number <sup>4</sup> of Ministers	Salary for MP duties \$	Remuneration for <sup>2</sup> Ministership \$	Total per annum \$
NT	8	95,800	50,004	145,804
ACT	4	81,750	57,225	138,975
Tas.	8	81,442	60,009	141,451
Qld.	19	98,300	67,072	165,372
SA	13	96,800	78,350	175,150
WA	14	103,300 <sup>3</sup>	82,640	185,940

Vic.	19	98,300	91,419	189,719
NSW	18	98,300	91,419	189,719

- 1 Subject to any Parliamentary disallowance within sitting days limits.
- 2 Includes general Expenses Allowance where paid.
- 3 Recognises reduction in the superannuation entitlement to guarantee level.
- 4 Includes non-Cabinet Ministers in some cases.

20. The rates of Additional Salary of Office have been moved to Schedule 2 to the Determination.

### **Electorate Allowances**

21. Electorate Allowances are provided to allow the Member to perform his or her duties in running their office and servicing the electorate. For large electorates there is a component for air or sea charter to reach constituents. Electorate Allowances are subject to Australia-wide substantiation rules provided by the Tax Commissioner. Consequently any unspent portion is taxable income for the Member.

22. In 1996 the Tribunal comprehensively reviewed the Electorate Allowances and their components. In 1998 there was an addition of \$700 for each electorate to compensate for the termination of the system under which the Legislative Assembly reimbursed the cost of newspaper purchase upon the production of receipts. This achieved a neutral result at the time.

23. Apart from that one change, and the correction of the stand-out anomaly caused by the significant changes to the electorate of Stuart in the 2001 redistribution, the money amounts of basic Electorate Allowances have not changed in the last six years.

24. The Determination that was disallowed last year increased Electorate Allowances to compensate for the influences that had operated since then. These included rises in costs (including the effect of the introduction of the GST), the increase in the population of electorates, as well as the remaining effects of the redistribution on the respective Member's costs. The Tribunal also added in what had previously been a separate communications cost monetary entitlement.

25. The recent Tribunal Determination No 1 of 2002 did not increase the total of Electorate Allowances, but within that total it did adjust the charter ingredient where applicable to recognise the redistribution effects on the cost of getting around the electorates. The basic (metropolitan)

Electorate Allowance was increased by \$8,000 as a neutral (on average) adjustment on the cessation of the direct payments by the Legislative Assembly for:

Previously reimbursed	Addition granted (weekly equivalent)
Mobile phone communications	\$18
Postage	\$77
Courier bags	\$10
Office Cleaning	\$48

26. The Tribunal accepts that Parliamentary rejection of allowance increases on fiscal grounds last year represented a decision to reduce the real value of both Additional Salary of Office and of Electorate Allowances.
27. From the diminished Electorate Allowance base the issue to be addressed now is the increase, if any, justified over the past twelve months.
28. On the basis of submissions received, the Tribunal finds no reason to depart from its practice of retaining the real value of the allowance. Accordingly, the total of Electorate Allowances has been increased by the Darwin Consumer Price Index for that year (2.12%) and this gross amount has been apportioned equally to each of the Member Electorate Allowances.
29. Representation was made that the addition to Electorate Allowance for office cleaning was insufficient. That addition was the average of past actual annual Departmental expenditure. The Tribunal acknowledges that there will be situations where, because of the location and use of an Electorate Office, cleaning costs could be unavoidably above average. An option has been allowed for the Government to meet cleaning costs in such cases, with a reduction in the Electorate Allowance payable to the Member.
30. Rates of Electorate Allowance are now included as Schedule 3 to the Determination.

### Travel

31. The limits of use of frequent flyer points earned at government expense has been clarified. Use for extra interstate or overseas travel is precluded.
32. The limitations on travel entitlements at Government expense have been changed only by the clarification of the ceiling for interstate travel costs.



33. A submission predicted a funding difficulty because of the bunching effect of the condition that overseas study travel can not be subsidised within the first two years of Parliamentary service. The Tribunal acknowledges that such bunching may occur, but any funding implication is a budget matter and lawful entitlements are automatically recognised in the budget processes.

### **Motor Vehicles**

34. Members are entitled to receive an annual allowance rather than a fully serviced motor vehicle. That allowance has remained unchanged at \$10,000 for the past 5 years. The amount has been reviewed and increased to \$11,500, the same as that applying in the ACT. The amount remains significantly below the actual cost to Government in providing cars and meeting their running costs.

### **Staffing**

35. The Tribunal has closely examined the case for extra staffing in the Stuart electorate. That electorate is of extraordinary shape and has population split between the Alice Springs and the Katherine administrative regions. The electorate office could be in either centre. As the office is provided in Alice Springs, there is information available to southern Stuart constituents on issues and plans affecting that part of the electorate. Decisions taken and plans developed by Northern Territory and Commonwealth agencies out of or through their Katherine regional offices are sometimes not communicated to or readily ascertainable by the Member for Stuart, resulting in gaps in his capacity to represent northern constituents. The Tribunal has accepted the need for a part-time staff member in Katherine to undertake a liaison role for the Member. As the situation is unique, this entitlement has no implication for other Members.

### **Superannuation**

36. Members' entitlements include the value of superannuation benefits accruing to them under the *Legislative Assembly Members' Superannuation Act 1979* as amended to date. The accruing Government funded element of those benefits, particularly after 8 years or three terms service when the accrual rate must fund an indexed pension entitlement, rises quickly with years of Member service.
37. The Tribunal has never been asked to consider superannuation as a remuneration element. Nor has it done so of its own volition, because of the separate legislative basis extended to

superannuation, and because of superannuation's relationship with base salary. Base salary is beyond the purview of the Tribunal by virtue of the *Remuneration Tribunal Act*.

38. The Government has decided to reduce the cost of Member superannuation to Northern Territory taxpayers, and has constituted a separate inquiry to develop options to this end. The Tribunal is being consulted in the course of this enquiry.
  39. In any event, superannuation of the type currently extended to Members contains features that are difficult to merge with the factors influencing remuneration within the scope of the Tribunal's charter. This is because the entitlement it generates varies widely from Member to Member depending on age and length of service. On the other hand, determination of salary supplements, entitlements and allowances by the Tribunal are made according to such things as responsibility levels, costs of and necessity for travel, and the costs of performing duties, with no regard for the age of Members or their length of service.
  40. The current superannuation inquiry will have to reach conclusions that do not disturb the three fundamental aims that Australian Parliamentary superannuation have, i.e. to provide retirement benefit, to attract capable people to unrelenting office and keep them in it, and to provide compensation for mid-career separation. If there were to be any winding back of superannuation towards a single retirement benefit purpose, separate Member entitlements reviewable by the Tribunal could be created to cover at least some of the other matters it now comprehends.
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NORTHERN TERRITORY OF AUSTRALIA

REMUNERATION TRIBUNAL

DETERMINATION No. 2 OF 2002

**MINISTERS AND MEMBERS  
OF THE LEGISLATIVE ASSEMBLY**

Pursuant to section 9 of the *Remuneration Tribunal Act*, the Tribunal determines as hereunder effective from 31 October 2002:

1.1 In this Determination:

'Additional Salary of Office' is the remuneration payable to a Member for the duration of his/her appointment to the Ministerial or Parliamentary positions in Schedule 2;

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

'Commercial Accommodation' means accommodation in a commercial establishment such as a hotel, motel or serviced apartment;

'Darwin' means the Total Darwin Statistical Division and the Litchfield Shire Sub-Division as prescribed by the Australian Bureau of Statistics;

'dependent child' means a dependent child under 16 years of age or a dependent full-time student under 25 years of age;

'dependent full-time student' is one whose income from all sources is less than the Minimum Adult Wage as determined from time to time by the Commissioner for Public Employment;

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

'home base' means the principal place of residence of a Member unless he/she nominates otherwise to the Speaker;

'nominee' means one partner or close relative (parent, a son, daughter or a dependent child, brother or sister) nominated to the Speaker to receive travel privileges available to the spouse of a Member for the life of an Assembly. The Speaker shall have discretion to be exercised by him/her in special circumstances to approve or vary as the nominee of any Member, a person other than the spouse, partner or close relative of the Member.

'Office Holder' means a Minister, the Speaker of the Assembly, the Leader of the Opposition and the Deputy Leader of the Opposition. For the purpose of payment of Travelling Allowance an Office Holder remains an Office Holder for all travel purposes contained in this Determination;

'spouse', in relation to a Member, means a partner legally married to the Member and includes a person who is living with the Member as the spouse of the

Member on a genuine domestic basis although not legally married to the Member;

'Travelling Allowance' means an amount payable to an Office Holder or Member to offset personal costs he/she or any accompanying person authorised to travel by this Determination incurs during travel at Government expense.

- 1.2 The expression 'duties as a Member' and 'official business' shall be interpreted liberally to cover all matters of relevance or interest to Northern Territory electors.

#### **RATES OF ALLOWANCES PAYABLE**

- 2.1 Subject to this Determination, Travelling Allowance is payable to an Office Holder or Member at the rates specified in Schedule 1 for each overnight stay in a location other than his/her home base.
- 2.2 Additional Salary of Office shall be paid at the annual rate specified in Schedule 2.
- 2.3 A Member who holds two or more of the positions in Schedule 2 is entitled to the rate of Additional Salary of Office that is applicable to only one of them, being the greater or greatest of such rate of Additional Salary of Office.
- 2.4 Subject to sub-clause 2.5, an Electorate Allowance shall be paid to each Member at the annual rate specified in Schedule 3.
- 2.5 The rate of Electorate Allowance is reduced by:
  - (a) \$960 where the Member has a Government funded mobile telephone: and

- (b) \$2,500 where the Member makes an office cleaning election under sub-clause 12.2.

**PAYMENT OF TRAVELLING ALLOWANCE WITHIN AUSTRALIA**

**Office Holders**

3.1 An Office Holder shall be provided, at Government expense, with reasonable costs of accommodation, meals and incidentals, or at the option of the Office Holder, Travelling Allowance at the rate provided in Schedule 1 for each overnight stay within the Territory in a place other than his/her home base when his/her stay is occasioned primarily by:

- (a) sittings of the Assembly or his/her direct travel to or from such sittings; or
- (b) a meeting of an Assembly Committee or business of such Assembly Committee of which he/she is a member or his/her direct travel to or from such a meeting; or
- (c) his/her official business as an Office Holder; or
- (d) a meeting in the Northern Territory of his/her Assembly political party, of its executive or one of its committees, provided that the meeting is properly constituted and that his/her attendance has been requested by the Leader of his/her Assembly political party, or his/her direct travel to or from such a meeting.

3.2 On occasions when an Office Holder travels outside the Northern Territory but within Australia on official business as an Office Holder or, with the approval of the Speaker, business of an Assembly Committee of which he/she is a member, he/she shall be provided, at Government expense, with reasonable cost of accommodation, meals and incidentals or, at the Office Holder's option,

Travelling Allowance at the rate provided in Schedule 1 of this Determination.

- 3.3 An Office Holder shall be entitled to claim reimbursement of vouched expenditure up to a maximum sum of \$5,000 per annum for child care services required because of activities and functions attended in his/her capacity as an Office Holder where accompanied by his/her spouse or nominee.

### **Members**

- 4.1 Where a Member, other than an Office Holder, is travelling:

- (a) for and on behalf of an Office Holder; or
- (b) accompanying an Office Holder on official business pursuant to the purposes set out in sub-clause 4.3(c),

the Member shall be entitled to reimbursement of travel costs or Travelling Allowance on the same basis as for the Office Holder.

- 4.2 A Member representing an Office Holder at particular activities and functions shall, under the same conditions as the Office Holder, be entitled to claim reimbursement of vouched expenditure for child care services.

- 4.3 Travelling Allowance at the rate provided in Schedule 1 shall be payable to a Member for each overnight stay in a place other than the Member's home base when his/her stay is for:

- (a) sittings of the Assembly or the Member's direct travel to or from such sittings; or

- (b) a meeting of an Assembly Committee or business of such committee of which he/she is a member; or
- (c) representing the Government, an Office Holder or, where approved by the Speaker, the Assembly on official business within Australia; or
- (d) travelling by scheduled service and required to overnight at place of departure or enroute; or
- (e) a meeting in the Northern Territory of the Member's Assembly political party, of its executive or of one of its committees, provided that the meeting is properly constituted and that the Member's attendance has been requested by the Leader of his/her Assembly political party, or the Member's direct travel to or from such a meeting; or
- (f) attendance at official Government, or Vice-regal functions or, where approved by the Speaker, Assembly functions.

4.4 In addition to the entitlements provided by sub-clause 4.3, sub-clause 7.1(b) and clause 11, a Member, when travelling within the Northern Territory on business associated with his/her duties as a Member, shall be paid Travelling Allowance in respect of up to sixteen overnight stays each year, provided that:

- (a) the location is outside of the Member's electorate or Yulara; and
- (b) the Member makes a claim identifying the places and nights of absence; and
- (c) payment is made in accordance with Schedule 1 of this Determination.

4.5 Where costs for accommodation facilities including meals and incidentals exceed the Travelling



Allowance applicable, reimbursement of actual receipted costs above the Travelling Allowance payable may be made at the discretion of the Speaker.

- 4.6 When Travelling Allowance is payable and no Government arranged transport is available a Member shall be entitled to reimbursement of properly acquitted reasonable transport costs directly associated with the official business of such travel at the discretion of the Speaker.

#### **Office Holders and Members**

- 5.1 An Office Holder or Member shall be entitled to be paid the accompanying person rate in Schedule 1 per overnight stay or to have extra costs met by the Government at the discretion of the Speaker, additional to other entitlements, when accompanied by his/her spouse, nominee or dependent child travelling at Government expense under the provisions of this Determination and when the Office Holder or Member and the spouse, nominee or dependent child are in the same place at the same time.
- 5.2 An Office Holder or Member is not entitled to Travelling Allowance or reimbursement of travelling expenses under this Determination where the costs are met or provided for via any other source of entitlement for the same overnight stay or overnight stays.
- 5.3 Entitlement to the Commercial Accommodation rate in Schedule 1 is established by production of a receipt or certification that such receipt can be produced on demand.
- 5.4 The Darwin rate in Schedule 1 is payable to a Member whose home base is located outside Darwin

during travel to Darwin in accordance with this Determination.

## **TRAVEL ENTITLEMENTS**

### **Travel Generally**

- 6.1 All travel provided within this Determination shall be the premium cabin class available on the service used within Australia and business class for overseas travel.
- 6.2 A Member may only convert premium cabin class air travel within Australia to economy class travel so as to utilise the savings towards the travel cost of the Member's accompanying spouse or nominee/s and/or dependent child or children. Under these circumstances Travel Allowance is not payable in respect of those accompanying the Member once their travel entitlements under this Determination have been used.
- 6.3 If a Member chooses to travel economy class, provision may be made for the Member to have access to the airline club facilities.
- 6.4 Travel of Ministers and their spouses or nominees, in addition to the travel entitlements established by this Determination, is a matter for the Government. The travel of the Speaker and the Leader of the Opposition and their spouses or nominees shall be as for Ministers.
- 6.5 Frequent flier points accrued as a result of any expense met or reimbursed by the Government should only be used to reduce the cost of future travel under the provisions of this Determination, or for class upgrade, or for further travel within the Northern Territory, by the person accruing the points.

### **Travel within the Northern Territory**

- 7.1 A Member shall be entitled to travel at Government expense:
- (a) for the purposes as set out in sub-clause 4.3; and
  - (b) up to four times each year within the Northern Territory but outside the Member's electorate as per sub-clause 4.4.
- 7.2 Such travel should be undertaken on scheduled commercial/commuter services or other vehicles operating as regular carriers, but, at the option of the Member for travel undertaken under this clause, the Member may use a private vehicle, or a Government supplied vehicle provided under clause 10 or such transport as approved by the Speaker.
- 7.3 In the case of use of a private vehicle, the Member shall be paid vehicle allowance at current Northern Territory Government rates.
- 7.4 The cost is to be limited to the cost of the scheduled service otherwise normally available and Travelling Allowance entitlements shall not exceed two additional overnight stays than would have been payable had the Member used scheduled services.
- 7.5 In addition to his/her entitlement as a Member, the Deputy Leader of the Opposition shall be entitled to travel within the Northern Territory at Government expense up to four times each year. Entitlement to payment of Travelling Allowance under this sub-clause is a maximum of 20 overnight stays.

7.6 Travel entitlements specified in sub-clauses 7.1 to 7.5 shall not be used for:

- (a) travel outside Australia or offsetting the cost of overseas travel; or
- (b) holiday travel, suburban rail, ferry and tram travel or bridge, road or other tolls; or
- (c) taxis, hire cars or other charter transport; or
- (d) travel by spouse or nominee or dependent children; or
- (e) travel by the staff of a Member.

7.7 The Government may provide, at its expense, transport for Members to and from:

- (a) sittings of the Assembly; and
- (b) committee meetings at the Assembly; and
- (c) meetings at the Assembly directly related with business as a Shadow Minister; and
- (d) home and airport for the above purposes; and
- (e) official business, subject in such case to the prior approval of the Speaker.

7.8 Where scheduled services are unavailable or impracticable a Member shall be entitled to use a private vehicle, or a Government supplied vehicle provided under clause 10, for travel to and from Darwin on Assembly business.

7.9 In the case of use of a private vehicle the Member shall be paid vehicle allowance at current Northern Territory Government rates. The cost is to be limited to the cost of scheduled services otherwise normally available and Travelling Allowance entitlements shall not exceed two additional overnight stays than would have been payable had the Member used scheduled services.

7.10 Where scheduled services are not available or impracticable, a Member or an Assembly Committee may, at the Speaker's discretion, use charter transport at Government expense on Assembly business within the Northern Territory or for travel entitlements provided by sub-clauses 7.1 to 7.5.

7.11 A Member who is appropriately qualified may:

- (a) use hired aircraft to fly himself/herself within his/her electorate and the charges involved are to be offset against his/her Electorate Allowance;
- (b) where scheduled services are unavailable or impracticable, use hired aircraft to fly himself/herself at Government expense on Assembly business within the Northern Territory or for travel entitlements provided by sub-clauses 7.1 to 7.5 and 11.1 subject to the Speaker's discretion. The cost of such hire shall be limited to the cost of scheduled services otherwise normally available.

The above arrangements are subject to the Member indemnifying the Northern Territory Government on such conditions as the Government may determine.

7.12 A Member shall be entitled to have his/her spouse, nominee or dependent child at Government expense:

- (a) travel to and return from official Government, Assembly, or Vice-regal functions, where the Member's attendance has been approved by the Speaker and to which the spouse, nominee or dependent child has also been invited; and
- (b) accompany him/her on return travel up to four times each year when the Member is travelling

within the Northern Territory on business associated with his/her duties as a Member;

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

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

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

7.15 The Government may provide, at its expense, transport for a Member, spouse, nominee or dependent child travelling and returning by air under entitlements provided by this Determination:  
(a) between the home base and airport; and  
(b) the terminating airport and destination.

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

7.17 A Member representing his/her Parliamentary Party in proceedings before the Remuneration Tribunal shall be entitled to travel at Government expense

and claim Travelling Allowance at the rate provided in Schedule 1 for each overnight stay away from his/her home base occasioned by such representations.

### **Interstate Travel**

8.1 A Member shall be entitled to travel at Government expense once each year to an interstate capital city, or another interstate city, town or place on business associated with his/her duties as a Member, and to be paid Travelling Allowance at the rate provided in Schedule 1, under the following conditions:

- (a) the period for which such Travelling Allowance is payable shall not exceed fourteen days;
- (b) a Member may nominate the fourteen days for which Travelling Allowance is payable during any period of travel which may exceed fourteen days in total;
- (c) a Member may extend his/her visit at his/her own expense;
- (d) Government arranged transport may be provided at Government expense at the destination;
- (e) subject to the time restrictions in this clause, the Member shall be entitled to have his/her spouse or nominee accompany him/her on return interstate travel once each year at Government expense;
- (f) the spouse or nominee shall be entitled to the same class of travel as the Member;
- (g) there is no entitlement to both interstate travel and overseas travel at Government expense in any year. Where overseas travel has been undertaken in any year any balance of entitlement for the purposes of sub-clause 8.3(c) shall not be available until the next year.

8.2 Under special circumstances the Speaker may approve the inclusion of additional capital cities or destinations in other States or Territory subject to a detailed proposed itinerary.

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

(a) the total cost of airfares met by the Government, including airfares for any accompanying spouse or nominee travel, shall not exceed the cost of two return premium cabin domestic return airline fares from Darwin to Melbourne as determined by the Speaker;

(b) the number of overnight stays creating entitlements to travel allowance and any accompanying spouse or nominee costs shall not exceed fourteen;

(c) any balance of unused airfare value or overnight stays will transfer to the next year nominated under this clause.

8.4 A Member may, with the approval of the Speaker, travel interstate to attend a meeting of an Assembly Committee or attend to the business of such committee of which he/she is a member.

#### **Overseas Travel**

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

(a) "cost of overseas travel" includes only:



- (i) fares and hire transport charges for the Member;
  - (ii) fares of a spouse accompanying the Member;
  - (iii) accommodation and subsistence costs for the Member and spouse;
  - (iv) cost of travel by sea but not the cost of ship cruises.
- (b) at the date of travel the Member has at least two years of parliamentary service;
  - (c) no interstate travel in respect of which Government travel assistance has been provided has been undertaken so far in the year in which overseas travel is undertaken by the Member during the term of an Assembly;
  - (d) the purpose of such travel is to undertake studies and investigations related to their duties and responsibilities as a Member;
  - (e) the Member has obtained the Speaker's written endorsement of the purpose of the travel, the assistance claimed, and the itinerary;
  - (f) there are no outstanding reports required under sub-clause 9.2;
  - (g) the Government contribution towards the cost of overseas travel shall not exceed the cost of one direct Qantas business class return fares from Darwin to London or two such fares if the Member is accompanied by his/her spouse;
  - (h) subject to sub-clause 5.3, Travelling Allowance is payable at the rate provided in Schedule 1 and, where applicable, sub-clause 5.1 of this Determination, for a maximum of 21 days;
  - (i) no part of this entitlement may be used for any other purpose.

9.2 The Member will, within 30 days of completing overseas travel, present the Speaker with a report

of the key meetings, outcomes, findings, and conclusions, as well as of any changes to the endorsed itinerary and verification of use of Commercial Accommodation, for tabling in the Assembly.

#### **Provision of Motor Vehicle**

- 10.1 A Member shall, at his or her request, be provided with a Government supplied private plated motor vehicle for use on parliamentary, electorate and private business.
- 10.2 Motor vehicles issued to Members through this provision shall not exceed those standard vehicles available through the period contract of NT Fleet as are provided for Northern Territory Executive Contract Officers Level 4/5 with all running and maintenance costs met by the Government.
- 10.3 The Speaker may approve a model of four wheel drive vehicle exceeding the standard if the Speaker is satisfied it is required for operational purposes. In such case the Speaker will, in the reasonably expected circumstances of its use, ensure that accessories fitted to or made available in the vehicle provide a modern workplace health and safety standard for the Member.
- 10.4 The Speaker may withdraw the vehicle provided under this clause and suspend the entitlement in clause 10.1 if the Speaker has cause to believe the vehicle is being improperly used.
- 10.5 The vehicle provided under this clause is to be driven only by a licensed driver, being the Member or a person nominated by the Member.

- 10.6 When used for travel to which the Member (or spouse or nominee) is otherwise entitled by the provisions of this Determination (such as travel at Government expense) the other entitlements are voided. Likewise no private vehicle allowance is payable for travel for a Government supplied private plated motor vehicle.
- 10.7 Where a Member elects not to seek the issue of a Government supplied motor vehicle pursuant to this clause and where that Member does not have a vehicle supplied or made available at Government expense under some other entitlement, that Member shall receive an amount of \$11,500 per annum in lieu thereof as a supplementary general allowance.
- 10.8 A Member is responsible for the running costs of a vehicle supplied under this clause to the extent that the vehicle is used outside of the Northern Territory.

**Shadow Ministers**

- 11.1 In addition to other entitlements provided within this Determination, a duly accredited Shadow Minister excluding the Deputy Leader of the Opposition, shall be entitled to travel, at Government expense, within the Territory up to three additional times each year and be paid Travelling Allowance up to a total of fifteen additional overnight stays each year when travelling outside his/her electorate in the performance of duties or functions connected with his/her Office of Shadow Minister.
- 11.2 Shadow Ministers qualifying for this entitlement shall, at no stage, exceed the number of Ministers. The Leader and Deputy Leader of the Opposition shall be counted as Shadow Ministers

for the purposes of calculating the number of Shadow Ministers.

- 11.3 The Opposition may "pool" this entitlement into a block of nights Travelling Allowance per annum to be allocated at the discretion of the Leader of the Opposition.

## **OFFICE ENTITLEMENTS**

### **Office Space and Equipment**

- 12.1 A secure office will be made available to each Member in the Legislative Assembly building, with convenient access to a photocopier, at least during sittings of the Assembly, and a basic ink-jet printer unless provided under some other Government entitlement.
- 12.2 The Government will provide, maintain, and pay utility services costs for, a conveniently accessible and identified electorate office with parking, for each Member, within uniform guidelines set by the Speaker, to support his or her duties as a Member. Stationery requisites will also be supplied subject to those guidelines. The ongoing cleaning costs for the Electorate Office are to be met by the Member unless he/she elects that these be met by the Government. The Member must ensure that the Office is not used for commercial or electioneering purposes.
- 12.3 Unless available under some other Government funded entitlement, each Member will be provided with a standard laptop computer and software.
- 12.4 Reasonable furniture and equipment, including information technology and related services for the electorate office will be provided by, and remain the property of, the Government or its contractors.

12.5 Members are entitled to either the Rolldata database of the Northern Territory Electoral Roll in their electorate office at Government expense or, with the approval of the Speaker, to a payment of up to \$1,500 each year towards the cost of an alternative electoral database.

**Staff**

13.1 A Member shall be entitled to the services of one full-time staff member as an Electorate Officer, and for the Member for Stuart an additional part-time Liaison Officer for up to 12 hours per week in Katherine, employed by the Northern Territory Government. Members with electorate offices located outside Darwin may use this entitlement in their electorate office or in Darwin.

13.2 Any staff for such purposes as relief and part-time shall be as determined, from time to time, by the Speaker.

13.3 The salary and allowances and other terms and conditions of employment of permanent, permanent part-time, and casual staff of a Member shall be as determined, from time to time, by the Speaker following endorsement by the Commissioner for Public Employment.

13.4 An Electorate Officer located outside Darwin shall be entitled to travel at Government expense to Darwin to attend a period of a sitting of the Legislative Assembly once per annum. The stay shall not exceed two days prior to the commencement of the sittings and two days after the completion of the sittings.

13.5 Use of an Electorate Officer's private vehicle shall be by arrangement between the Member and the

Electorate Officer. Reimbursement for use of the vehicle shall be at Northern Territory Public Service rates or by mutual agreement between the Member and the Electorate Officer and the reimbursement shall be met from the Member's own funds.

- 13.6 Any travel costs within the Electorate by the Electorate Officer or Liaison Officer shall be met from the Member's own funds.

### **Communications**

- 14.1 The cost of the installation and rental of a telephone service not exceeding five lines in the electorate office shall be at Government expense.

- 14.2 The cost of calls made on lines connected to the electorate office under sub-clause 14.1 above shall be at Government expense.

- 14.3 The cost of installation of standard telephone services in a Member's private residence shall be at the Member's own expense. The line and cost of all calls within Australia from one home telephone service and one separate facsimile service if installed shall be at Government expense. The Government will also meet the cost of broadband connection where the service is reasonably available to that residence.

- 14.4 The cost of installation, maintenance and the rental of one telephone answering system in a Member's private residence, of a type to be specified by the Government, shall be at Government expense.

- 14.5 A Member shall be provided with a telephone credit card to enable him/her at Government expense to make trunk calls within Australia and send facsimile transmissions within Australia.

14.6 A Member who is eligible to Travelling Allowance through application of Darwin (i) of Part B of Schedule 1, and who routinely uses the accommodation qualifying him/her to such rate, shall meet the cost of installation and rental of a telephone service in that accommodation. The Government shall reimburse the cost of all calls within Australia charged to this service if that accommodation is routinely occupied by the Member during his/her travel to Darwin.

14.7 Members for the electorates of Arafura, Arnhem, Barkly, Goyder, MacDonnell, Nhulunbuy, Stuart, Katherine and Daly may be supplied with a satellite telephone installed in their Government supplied private plated motor vehicle on the basis that the cost of purchase, installation and monthly access fee will be at Government expense.

14.8 Costs associated with the purchase or rental and call charges for a mobile telephone and/or the cost of calls from a satellite telephone and/or the cost of internet services and/or the cost of facsimile machine consumables, are to be met by the Member's own funds.

#### **Postage**

15.1 A Member shall meet the cost of all mail, including courier bags from his or her own funds.

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

#### **GENERAL**

16.1 Where a person becomes a Member or Office Holder, or ceases to be a Member or Office Holder during the year, yearly entitlements under this Determination

shall be proportionate to the time the person is a Member or Office Holder during that year.

16.2 Unless expressly stated, entitlements provided under this Determination but not availed of in any year, cannot be carried over into the next year.

16.3 For the purposes of establishing entitlements under this Determination 'year' means the twelve month period from 1st January to 31st December.



**ADMINISTRATION AND INTERPRETATION**

17.1 The Speaker shall administer the provisions of this Determination and may make procedural rules to give full effect to all entitlements set out in this Determination.

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

Dated this thirtieth day of October Two Thousand and two.

O. Alder  
Member of the  
Northern Territory Remuneration Tribunal

Schedule 1

**A. Rates of Travelling Allowance where Commercial Accommodation is used**

Location	Office Holder	Member	Accompanying Person
Darwin	\$145	\$145	\$55
Yulara	\$240	\$220	\$90
Elsewhere in the NT	\$175	\$155	\$90
Hobart or Adelaide	\$320	\$215	\$90
Other Australian Capital City	\$320	\$230	\$90
Elsewhere in Australia	\$175	\$160	\$90
Overseas	\$230	\$230	\$90

**B. Rates of Travelling Allowance where other accommodation is used**

Darwin

- (i) Where the Office Holder or Member stays in accommodation that he/she owns, or holds under a formal lease with at least one month remaining term, the same rates for Darwin as in A above;
- (ii) Where the Office Holder or Member stays in accommodation other than that covered in A or B(i) above, the aggregate public sector meals/incidental allowance as determined from time to time by the Commissioner for Public Employment;
- (iii) The rate of \$55 for a qualifying accompanying person.

Elsewhere in Australia or overseas

- (i) Where the Office Holder or Member stays in accommodation other than that covered in A above, one third of the applicable rates in A above;
- (ii) The rate of \$55 for a qualifying accompanying person.

Schedule 2

**Rates per annum of Additional Salary of Office**

	<u>Rate</u> \$
<b>MINISTERIAL POSITIONS</b>	
Chief Minister	97,958
Deputy Chief Minister	68,501
Leader of Government Business	60,332
Other Ministers	50,004
<b>PARLIAMENTARY POSITIONS</b>	
Speaker	50,004
Leader of the Opposition	50,004
Deputy Leader of the Opposition	25,002
Chairman of Committees	16,668
Chairman of the Public Accounts Committee	16,668
Chairman of the Legal and Constitutional Affairs Committee while Chairman of the Select Committee on Substance Abuse	16,668
Government Whip	12,502
Opposition Whip	12,502

Schedule 3

**Rates per annum of Electorate Allowance**

<b>Electorates</b>	<b>Rate</b>
Araluen	\$23,366
Blain	
Braitling	
Brennan	
Casuarina	
Drysdale	
Fannie Bay	
Greatorex	
Johnston	
Karama	
Millner	
Nightcliff	
Port Darwin	
Sanderson	
Wanguri	
Katherine	\$25,648
Nelson	
Arafura	\$41,819
Goyder	
Nhulunbuy	
Barkly	\$42,982
MacDonnell	
Arnhem	\$45,116
Daly	
Stuart	\$55,246