



**NORTHERN TERRITORY OF AUSTRALIA  
REMUNERATION TRIBUNAL**

**REPORT ON THE ENTITLEMENTS OF  
ASSEMBLY MEMBERS**

**AND**

**DETERMINATION No. 1 of 2009**



# REMUNERATION TRIBUNAL REPORT ON THE ENTITLEMENTS OF ASSEMBLY MEMBERS AND DETERMINATION NO. 1 OF 2009

## Introduction

1. On 6 September 2006 the Administrator issued a request under section 4(1) of the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act* (the Act) requiring the Tribunal to, on or before 31 October each year, inquire into and determine the entitlements (other than basic salary) of members.
2. The resultant report and Determination must be tabled in the Assembly within six sitting days of receipt by the Minister. The Assembly may disallow all or part of the Determination within 10 sitting days of tabling.

## Powers of the Tribunal

3. The powers of the Tribunal have been considerably expanded since the last Determination and are set out in sections 4(1A) and 4(1B) of the Act which read:

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

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

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

### **Conduct of this Inquiry**

4. Advertisements were placed in the main Territory newspapers to draw attention to the Inquiry and to invite submissions. Individual letters were sent to all members and to the Department of the Legislative Assembly.
5. The Tribunal received four written submissions.
6. The Tribunal had meetings in Darwin during October 2009 with the Chief Minister, the Leader of the Opposition, a number of members and departmental representatives.
7. The Tribunal has in preparing the accompanying Determination consolidated its *Determination No. 1 of 2008* and the administrative arrangements:
  - a) made by the Chief Minister, and tabled in the Legislative Assembly on 21 February 2007; and
  - b) made by the Chief Minister and tabled in the Legislative Assembly on 29 November 2007.
8. The Tribunal has carefully considered all representations and advice it has received.

### **Electorate Allowance**

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

*'Electorate Allowance' means the allowance payable to a member to cover the cost of goods and services required to effectively represent the Parliament to his/her constituents and to represent those constituents to the Government and in the Parliament, including the cost of scheduled and charter transport additional to travel entitlements in this Determination.*
10. In its last Determination, the Tribunal indicated it would review the allowance for all electorates and it expected that members would make submissions based on actual expenditure. No submissions were made specifically on this subject and all electorate allowances have been increased by 1.5% based on the Consumer Price Increase from 1 July 2008 to 30 June 2009.

### **Additional Salary of Office**

11. The base salary remuneration of members has been set by legislation since 1991 as \$3,000 less than the annual rate of salary for a member of the House of Representatives. At the time of preparing this report and Determination, legislation was passed by the Assembly to remove that nexus and align increases to members' basic salary with increases in Northern Territory Public Service salaries. This legislation is yet to be commenced.
12. In terms of the additional salary of office, the attached Determination provides for a 2.5% increase to additional salary of office for all office holders. This figure is based on the *Northern Territory Public Sector Wages Policy 2009 – 2012* which was recently announced by the Northern Territory Government.

### **Rates of Travelling Allowance where Commercial Accommodation is used**

13. These rates have been increased in accordance with the amount the Australian Government Taxation Office determines as reasonable travel allowance rounded up to the nearest dollar. Rather than a specific figure for overseas travel to any destination, overseas travel allowance should be paid in accordance with *Taxation Determination TD 2009/15* or any subsequent Taxation Determination made in substitution.

### **Child Care Services**

14. Previous determinations have provided for reimbursement of child care costs for office holders and members deputising for office holders. The Act does not discriminate between office holders and members in terms of the child care allowance and the entitlement should therefore be available to both office holders and members. The basis for reimbursement is that it can only be claimed for costs incurred outside the hours of 8am to 6pm Monday to Friday and can only be claimed for care:
  - a) When the Assembly is sitting outside those hours;
  - b) When an office holder is working or attending to an event associated with his or her duties; or
  - c) When a member is attending an event associated with his or her duties as a member.

15. Reimbursement will be made on a claim for reimbursement which sets out the work, event and duration together with actual start and finish times, the amount paid and to whom paid. It is the Tribunal's intention, before the next Determination, to view the amounts paid and if necessary cap the amount available to office holders and members.

### **Provision of Motor Vehicles**

16. Members are entitled to be provided with vehicles that are available through the NT Fleet to Northern Territory Executive Contract Officers Level 4/5. The Speaker may approve four wheel drive vehicles exceeding the standard if the Speaker is satisfied that it is required for operational purposes. The Speaker has indicated that she would prefer the decision for the provision of four wheel drive vehicles be a matter for specific Determination. The Determination provides for four wheel drive vehicles for the members for MacDonnell, Stuart, Daly, Barkly, Arnhem, Arafura, Nhulunbuy, Nelson, Katherine and the member for Goyder. The four wheel drive entitlement for the member for Goyder will only continue until the proroguing or dissolving of the present Parliament. This electorate has been considerably reduced in size from 23,885 square kilometres to 615 square kilometres and the Tribunal considers there is not sufficient justification for such a vehicle and the continued provision of a four wheel drive for the member for this electorate should not continue indefinitely. In this electorate an all wheel drive vehicles would be sufficient to meet good safety standards for driving on formed dirt roads and such vehicles are available as they come within the NT Fleet Executive Contract Officers Level 4/5 entitlement.
17. Where a member can demonstrate a need for a four wheel drive vehicle for a specific purpose related to his or her work as a member, then the Clerk can approve the hiring of a four wheel drive for that specific purpose. The determination includes a list of approved accessories.

### **Telephones**

18. Mobile phones vary considerably in their features and it would be difficult to specify a particular standard of mobile phone to which a member should be entitled. The Tribunal has put a \$1000 cap on the value of phones purchased for the member and a further cap of \$720 on data mode usage. Satellite phones are available for the members for the electorates of Arafura, Arnhem, Barkly, Daly, Katherine, MacDonnell, Nhulunbuy and Stuart.

### **Professional Development**

19. Members are entitled to one overseas trip after two years of parliamentary service to undertake studies and investigations relating to his or her services as a member. In addition, members are entitled to an annual trip within Australia, except in a year where the overseas trip has been taken, for the purposes as set out in Clause 3.1. The cost of an overseas trip is calculated at \$32 700 and the cost of a trip within Australia is calculated at \$12 000. A member may prefer to attend a professional development course at such institutions as the Mt Eliza Executive Education or the Australian & New Zealand School of Government and the member may forgo the overseas trip or trips within Australia to attend such a course, provided that the total cost does not exceed the cost of the trip or trips forgone.

### **Travel costs met by other Entities**

20. Clause 6.9 provides that a member is not entitled to receive travel cost allowance or travelling allowance if the costs are met or provided by another entity. In explanation of this and as examples a member would be required to repay the amount for dinner if the member was a guest for dinner at a State Government function or a dinner was provided at a conference attended by the member.

### **Trips within Australia**

21. The Determination now provides members undertaking such trips must report to the Speaker on the trip. Such trips are provided to members in performing services as a member and reporting ensures the transparency of the entitlement.

### **Council of Territory Cooperation**

22. Schedule 2 of the Determination provides additional salary of office for the Chairperson of the Council of Territory Co-Operation. It has been put to the Tribunal that members of the Council also be remunerated. Members, other than the Chairperson, of other committees do not receive additional remuneration and the Tribunal would be reluctant to determine remuneration for members of this committee until such time as there has been a demonstrated workload that would justify additional payment. The Tribunal could conduct a specific review and issue a Determination prior to the next annual review and determination if this is requested by the Administrator.

## **General**

23. There have been a number of issues raised after close of submissions near the completion of the report and the Tribunal did not have time to consider them adequately to include in the Determination. Those matters will be addressed by the Tribunal before the next Determination.

Dated: 30 October 2009.

John Flynn  
Member  
Remuneration Tribunal





## **NORTHERN TERRITORY OF AUSTRALIA REMUNERATION TRIBUNAL**

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

### **DETERMINATION OF ENTITLEMENTS OF ASSEMBLY MEMBERS**

Under Section 4 of the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act*, the Tribunal determines as follows:

#### **1 DEFINITIONS**

##### **1.1 In this Determination:**

'Assembly' means the Legislative Assembly;

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

'capital city' means locations within a radius of:

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

'Clerk' means the Clerk of the Legislative Assembly;

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

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

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

'dependent full-time student' means one whose income from all sources is less than the minimum adult wage as determined from time to time by the Commissioner for Public Employment;

'home base', for a member, means:

- (a) a place of residence of the member nominated by the member to the Clerk; or
- (b) if the member has not nominated a place – the principal place of residence of the member;

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

'nominee' means one de facto 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 de facto partner or close relative of the member;

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

'Shadow Minister' in relation to the granting of entitlements means a member duly accredited as such in a schedule provided to the Speaker by the Leader of the Opposition. Where the number of members, including the Leader and the Deputy Leader of the Opposition, in the Schedule exceeds the number of Ministers, only those members counted down the schedule to the same number as Ministers are to be regarded as Shadow Ministers for whom entitlements are granted;

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

'travel cost allowance' is an amount payable to a member to defray reasonable costs incurred by him or her, during travel at Government expense that includes at least one overnight stay, for one or more of the following:

- (a) accommodation;
- (b) meals;

- (c) incidental expenses;
- (d) hire cars, taxis and ferries;
- (e) use of his or her own car;

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

## **2 ELECTORATE ALLOWANCE**

- 2.1 A member is entitled to an electorate allowance, at the annual rate specified in Schedule 3, to cover the expenses he or she incurs, at their sole discretion, in servicing their electorate.
- 2.2 The annual rate of electorate allowance is reduced by \$2,500 where the member's electorate office is cleaned at Government expense.

## **TRAVEL WITHIN AUSTRALIA**

### **3 MEMBER ENTITLEMENT**

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

- (iii) with the approval of the Speaker, representing the Assembly;  
or
  - (iv) with the approval of the Speaker, conducting Commonwealth Parliamentary Association business or other official parliamentary function of another legislature; or
  - (f) (i) attendance at official Government functions; or
  - (ii) attendance at Vice-regal functions or,
  - (iii) with the approval of the Speaker, attendance at Assembly functions; or
  - (g) representing his or her Assembly political party in proceedings before the Remuneration Tribunal in the Northern Territory; and
- provided that such travel is by the shortest practicable route.

### **ADDITIONAL TRAVEL BY MEMBERS**

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

- (a) for each member in performing services as a member;
  - (i) up to four trips within the Northern Territory; and
  - (ii) subject to clauses 3.13 and 3.14 provided that the member has not received assistance in that year for overseas travel under clause 4.1, one trip by air, or by a car hired from a major firm close to the member's home base as approved by the Speaker, outside of the Northern Territory but within Australia and subject to there being no outstanding reports required by clause 3.21;
- (b) for Ministers, the Speaker and the Leader of the Opposition:
  - (i) such trips as are necessary within the Northern Territory in the discharge of their official business; and
  - (ii) any additional trips specifically approved by the Government;
- (c) for the Deputy Leader of the Opposition and other Shadow Ministers, trips additional to all other trip entitlements within the Northern Territory depending on the number of members in the Opposition, according to the following table:

**Table 1**

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

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

#### **MODE OF TRAVEL**

- 3.4 Travel within the entitlements in clauses 3.1 and 3.2 must be undertaken either:
- (a) unless the hire car option under clause 3.2(a)(ii) is used, on scheduled commercial/commuter services or other vehicles operating as regular carriers; or
  - (b) at the discretion of the Speaker where regular services within the Northern Territory are not available or impracticable, by charter transport, or by hired aircraft if the member is appropriately qualified and indemnifies the Government; or
  - (c) at the election of the member, and with the approval of the Speaker, by private vehicle or by the Government vehicle provided under clause 9.1; or
  - (d) by other transport within the Northern Territory as approved by the Speaker; or
  - (e) by bus, light rail, taxi or hire-car at the discretion of the Speaker when Travelling Allowance is payable during stay/s in a particular location and no Government arranged transport is available. Reimbursement of reasonable costs under this subclause will be made where the transport cost is directly associated with the official business of such travel.

- 3.5 For the purposes of clause 3.4(c) the border towns of Marla in South Australia, Camooweal in Queensland, and Kununurra in Western Australia, and the highway into those towns from the Northern Territory border, are part of the Northern Territory and for the purposes of clause 6.6, each is part of the electorate from where the respective highway leaves the Northern Territory.
- 3.6 In the case of use of a private vehicle within the Northern Territory, the member shall be paid vehicle allowance, at current Northern Territory Government rates, to a maximum of the cost of the scheduled service otherwise available. Where more than one member shares the private vehicle, only one member may be paid the vehicle allowance.

### **CONDITIONS OF TRAVEL**

- 3.7 Travel at Government expense shall be the premium cabin class available on the service used.
- 3.8 A member may only convert his or her own premium cabin class air travel within the Northern Territory to economy class travel so as to utilise the savings towards the travel cost of the member's accompanying spouse or nominee/s and/or dependent child or children. A member may only convert his or her own premium cabin class air travel outside the Northern Territory but within Australia to economy class travel so as to utilise the savings towards the travel cost of the member's accompanying spouse or nominee/s and/or dependent child or children, where the member has not made a nomination under clause 3.13.
- 3.9 If a member chooses to travel economy class, provision may be made for the member to have access to the airline club facilities.
- 3.10 The Government may provide, at its expense, transport for a member, spouse, nominee or dependent child travelling and returning by air under entitlements provided by this Determination:
- (a) between the home base and departure airport; and
  - (b) between the terminating airport and destination.
- 3.11 A member when travelling by air to and from Darwin on Assembly business or on official business as an office holder or Shadow Minister shall be entitled at Government expense to carry one additional piece of luggage within the airline size limits.
- 3.12 Air travel under clause 3.2(a)(ii) shall be to an interstate Capital City, or another interstate city, town or place on business associated with his/her services as a member and subject to the following conditions:

- (a) under special circumstances the Speaker may approve the inclusion of additional Capital City destinations in other States or Territory subject to a detailed proposed itinerary;
  - (b) Government arranged transport may be provided at Government expense at the destination.
- 3.13 In respect of any year during which a member has an interstate travel entitlement under clause 3.2(a)(ii), that member may, having made advance nomination to the Speaker, make more than one interstate visit. In such instance the following conditions shall apply:
  - (a) the total cost of airfares, including any airfare under clause 3.20, and hire car costs including reimbursement of receipted direct running costs where the commercial hire car option under clause 3.2(a)(ii) is used, to be met by the Government, shall not exceed the cost of two return premium cabin domestic airline fares from Darwin to Melbourne as determined by the Speaker;
  - (b) any balance of unused airfare value will transfer to the next year;
  - (c) there is no entitlement to both interstate travel and overseas travel at Government expense in the same year under clauses 3.2(a)(ii) and 4.1.
- 3.14 Trips taken by a member in a vehicle provided by clause 9 and which are outside the member's electorate and for which no travel cost has been claimed is not a trip for the purposes of clause 3.2(a)(i).
- 3.15 The member shall within 30 days of completing travel within Australia, present to the Speaker a report generally describing the business undertaken by the member, including any changes to the endorsed itinerary, for tabling in the Assembly.

### **LOCAL TRAVEL**

- 3.16 The Government may provide, at its expense, transport for members to and from their electorate, place of residence or accommodation to attend and return from:
  - (a) sittings of the Assembly; and
  - (b) Committee meetings at the Assembly; and
  - (c) meetings at the Assembly directly related with business as a Shadow Minister; and
  - (d) official business, subject in such case to the prior approval of the Speaker.

## ENTITLEMENT TO TRAVEL BY OTHERS

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

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

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

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

3.18 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.

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

3.20 A member shall be entitled to have his/her spouse or nominee accompany him/her on return interstate travel once each year at Government expense. For air travel, the spouse or nominee shall be entitled to the same class of travel as the member. For clarification purposes, where on this single occasion a member and his/her accompanying person undertakes air or hire car travel following a nomination under clause 3.8, the downgrading of the premium cabin class air travel entitlement by that accompanying person does not diminish the cost limit established by clause 3.13(a).

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



## TRAVEL OVERSEAS

### 4 CONDITIONS OF TRAVEL

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

- (a) 'cost of overseas travel' includes only;
  - (i) fares, inoculations, travel insurance, and hire transport charges for the member;
  - (ii) fares of a spouse or de facto partner accompanying the member;
  - (iii) accommodation and subsistence costs for the member and spouse or de facto partner;
  - (iv) cost of travel by sea but not the cost of ship cruises;
- (b) at the date of travel the member has at least two years of parliamentary service;
- (c) that no interstate travel under clause 3.2(a)(ii), in respect of which Government travel assistance has been provided, has been undertaken so far in the year in which overseas travel is undertaken by the member during the term of an Assembly;
- (d) the purpose of such travel is to undertake studies and investigations related to his/her services as a member;
- (e) the member has obtained the Speaker's written endorsement of the purpose of the travel, the assistance claimed, and the itinerary;
- (f) there are no outstanding reports required under clause 4.2;
- (g) the Government contribution towards the cost of overseas travel shall not exceed the cost of one direct Qantas business class return fare from Darwin to London or two such fares if the member is accompanied by his or her spouse or de facto partner;
- (h) Travelling Allowance is payable at the rate provided in Schedule 1 including, where applicable, the accompanying person rate, for a maximum of 21 days;
- (i) no part of this entitlement may be used for any other purpose.

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

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

## TRAVELLING LIMITS WITHIN AUSTRALIA

### 5 OVERNIGHT STAYS

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

**Table 2**

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

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

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

## **6 TRAVEL EXPENSES WITHIN AUSTRALIA**

- 6.1 If a member travels within Australia and the Government does not pay all of his or her accommodation, meal costs and incidental expenses, the member is entitled to either:
- (a) travel cost allowance; or
  - (b) travelling allowance.
- 6.2 If clause 6.1 does not apply, but a member incurs costs for travel within Australia the member is entitled to travel cost allowance. For establishing the level of the travel cost allowance, the member shall provide to the Clerk or the relevant accountable officer as the case may be depending on the capacity in which the member undertook the travel, within 60 days of the conclusion of the travel, tax invoices for any accommodation, meals, or transport costs claimed, and substantiation for the cost of any car use claimed.
- 6.3 In assessing, and if necessary adjusting for, the reasonableness of costs claimed, the Clerk or the relevant accountable officer as the case may be shall have regard to:
- (a) the meals and incidentals allowances specified in Part C of Schedule 1;
  - (b) the vehicle allowance as determined under section 14(2) of the *Public Sector Employment and Management Act*;
  - (c) the comparative cost of other available forms of transport; and
  - (d) any form of Government contribution received by the member.

- 6.4 A member may, before the travel, elect to receive travelling allowance. Where a member receives travelling allowance, he or she must repay the entire amount if the Government pays or reimburses the travel costs or if any claim is made for travel cost allowance.
- 6.5 Where the member makes an election under clause 6.4, travelling allowance for each overnight stay, at the applicable rate specified in Schedule 1, is payable to a member travelling at Government expense. Where such travel is by regular public transport, overnight stay includes any overnight stay required at the place of departure or en route.
- 6.6 Except as provided in clause 6.7 travelling allowance is not payable to a member for an overnight stay within the member's own electorate or within the electorate in which the member's home base is located.
- 6.7 The member for the electorate of MacDonnell is entitled to the payment of travelling allowance for each overnight stay at Yulara at the applicable rate specified in Part A of Schedule 1. The number of overnight stays for which travelling allowance is paid under this subclause is subject to any limitation applied in the authorisation to travel at Government expense.
- 6.8 Where a member other than an office holder is travelling at Government expense:
- (a) for and on behalf of an office holder; or
  - (b) with an office holder on official business,
- any travelling allowance payable to the member is at the office holder rate specified in Part A of Schedule 1.
- 6.9 Members are not entitled to receive travel cost allowance or travelling allowance if the costs are met or provided for by any other entity.
- 6.10 Entitlement to the travelling allowance where commercial accommodation is used at a place specified in Part A of Schedule 1 is established by production of a tax invoice or certification by the relevant member that a tax invoice can be produced on demand.
- 6.11 The Darwin rate specified in Part A of Schedule 1 is payable to a member whose home base is located outside Darwin during travel to Darwin at Government expense or alternatively the member may have the Clerk or relevant accountable officer arrange and pay for accommodation in Darwin and the member would then be only entitled to payment of the rates in Part C of Schedule 1.

- 6.12 Subject to the same overnight stays limitation for the member's own travel, if any, a member is entitled to be paid the accompanying person rate specified in Part A of Schedule 1 for any overnight stay where he or she is with a person who is included in his or her Government travel authorisation as an accompanying person.
- 6.13 Where a member has approval to travel using his or her own private vehicle, without being entitled to travel cost allowance, he or she is entitled to be paid vehicle allowance at the rate determined under section 14(2) of the *Public Sector Employment and Management Act*, subject to any conditions of the approval.

## **7 TRAVEL EXPENSES OVERSEAS**

- 7.1 A member travelling overseas at Government expense on the once per term overseas study trip is entitled to be paid travelling allowance for a maximum of 21 overnight stays in at the applicable rate specified in Part A of Schedule 1, and also the rate for an accompanying person, where:
- (a) that person is included in the member's authorisation to travel as an accompanying person; and
  - (b) that person does not have his or her travelling costs met by any other entity; and
  - (c) they are accommodated at the same premises for the overnight stays concerned.

## **8 ACCOUNTABILITY FOR TRAVEL**

- 8.1 Government expense for member travel, and for associated travelling allowance or expenses reimbursement, may not be incurred unless accountability requirements and procedures established by the relevant accountable officer, including certification that conditions set out in this Determination are met, are followed.
- 8.2 Where Government expense has been incurred for member travel as well as for travelling allowance or expenses reimbursement, the member must confirm the application of such expense under procedures established by the Clerk or relevant accountable officer. Where a member is paid travelling allowance at a capital city rate in Schedule 1, the member must specifically confirm that the relevant overnight stays were in the capital city concerned.
- 8.3 The Speaker shall table an "Annual Schedule of member travel at Government expense" by, or during, the second Sittings of the Assembly each year. For each occasion of member travel, this Schedule is to contain the following particulars:

- (a) the name and home base of the respective member;
- (b) the subclause of this Determination covering the entitlement to travel;
- (c) the primary purpose of the travel;
- (d) a brief form itinerary;
- (e) the dates of the travel;
- (f) the category of accompanying person (if any);
- (g) the number of overnight stays travelling allowance or expenses reimbursement paid; and
- (h) Government expense incurred.

## **PROVISION OF MOTOR VEHICLE**

### **9 ENTITLEMENT**

- 9.1 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 and may be fitted with accessories detailed in Schedule 4 or any other accessory that the Clerk may decide is reasonable for health and safety reasons.
- 9.2 Subject to clause 9.3 the standard of motor vehicles provided to members through this provision shall not exceed the standard of vehicles available through the period contract of NT Fleet to Northern Territory Executive Contract Officers Level 4/5, and all running and maintenance costs for that vehicle will be met by the Government.
- 9.3 The members for Arafura, Arnhem, Barkly, Daly, Katherine, Goyder, MacDonnell, Nhulunbuy, Stuart and Nelson may be provided with four wheel drive vehicles and they can be provided with accessories as provided for in Schedule 4. The member for Goyder's entitlement to a four wheel drive vehicle will expire on the proroguing of the present Assembly.
- 9.4 The Speaker may withdraw the vehicle and suspend the entitlement in clause 9.1 if the Speaker has cause to believe the vehicle is being improperly used.
- 9.5 The vehicle provided under clause 9.1 is to be driven only by a licensed driver, being the member or a person nominated by the member.
- 9.6 When a vehicle provided under clause 9.1 is used for travel to which the member (or spouse or nominee) is otherwise entitled by the provisions of this Determination (such as travel at Government expense) the other entitlements are voided. Likewise no private vehicle allowance is payable for travel for a Government supplied private plated motor vehicle.

- 9.7 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.
- 9.8 A member may, when attending an event associated with his or her duties as member may, on no more than 50 occasions in any calendar year, travel to and from the event in a taxi and charge the cost to the Government account with Cabcharge. The member should record on the Cabcharge voucher the origin and destination of the journey, date and value and keep a separate record of the event attended so the authenticity of the Cabcharge invoice can be verified.
- 9.9 Where a member can demonstrate to the Clerk a need for a four wheel drive vehicle for a specific purpose related to his or her work as a member then the Clerk can approve the hiring of a four wheel drive vehicle for that specific purpose.

## **COMMUNICATIONS**

### **10 TELEPHONES AND INFORMATION TECHNOLOGY**

- 10.1 The cost of the installation and rental of a telephone service not exceeding five lines in the electorate office, including one for a Broadband connection directly or via the Internet to the Government Wide Area Network where reasonably available, shall be at Government expense.
- 10.2 The cost of calls made on lines connected to the electorate office, including the service provider charges and modem cost for the Broadband or Internet/Broadband connection, within any capacity limits set by the Speaker, shall be at Government expense.
- 10.3 The cost of installation of standard telephone services in a member's private residence shall be at the member's own expense. The line and cost of all calls within Australia from one home telephone service and one separate facsimile service if installed shall be at Government expense.
- 10.4 The Government will meet the cost of Broadband connection to the member's private residence where the service is reasonably available, or to the laptop computer provided (clause 12.3 refers) and meet related service provider charges, within any capacity limits set by the Speaker, but not both.
- 10.5 The cost of installation, maintenance and the rental of one standard telephone answering system in a member's private residence, shall be at Government expense.

- 10.6 A member who is eligible for travelling allowance through application of Schedule 1 Part B (i) and who routinely uses the accommodation qualifying him or her to such rate, shall meet the cost of any installation and rental of a telephone service in that accommodation. The Government shall reimburse the cost of all calls within Australia charged to this service if that accommodation is routinely occupied by the member during his/her travel to Darwin.
- 10.7 Members for the electorates of Arafura, Arnhem, Barkly, Daly, Katherine, MacDonnell, Nhulunbuy and Stuart are entitled to a satellite telephone supplied, installed, and maintained at Government expense in the vehicle supplied to them under clause 9.3.
- 10.8 (a) A member not having a mobile telephone supplied for use under any other source of entitlement shall, upon application, be provided with a mobile telephone connected to the Government preferred carrier at a value of no greater than \$1000. The cost of the standard voice calls and texting will be paid by the government but the data call costs are capped at \$720 per annum and any excess usage of the data mode must be either paid direct to the carrier or the excess reimbursed to the Government.
- (b) The standard of the mobile telephone supplied to a member who is an office holder may be superior to that provided to other members, at the discretion of the Government.
- (c) The electorate officer of a member, not having a mobile telephone supplied for use under any other source of entitlement, shall, on application, be provided with a standard mobile telephone. The member for the electorate concerned, will reimburse the Government with the monthly cost it incurs for the mobile telephone supplied to the electorate officer.
- 10.9 (a) All network charges generated by the ongoing connection and use of any satellite telephone provided under clause 10.7, will be paid by the Government.
- (b) An annual Schedule containing the respective totals of Government payments on behalf of each member for satellite telephones and for mobile telephones is to be tabled by the Speaker during the second Sittings of the Assembly in each year.
- 10.10 Subject to clause 10.11, no originating commercial use of a telephone, including charge back to a telephone, may be made at Government expense.
- 10.11 A Government funded fixed line to the residence of the member, or the Government funded fixed line to the Darwin residence for which travelling allowance is payable, may not be used as the hub of any commercial enterprise operated by the member or any other person residing there.



## **11 POSTAGE**

- 11.1 A member shall meet the cost of all mail, including courier bags from his or her own funds.
- 11.2 Ministers, the Leader of the Opposition and the Speaker shall each be provided with unlimited postage for official business as an office holder.

## **12 OFFICE SPACE AND EQUIPMENT**

- 12.1 A secure office will be made available to each member in the Assembly building, with convenient access to a photocopier, at least during sittings of the Assembly, and a basic ink-jet printer unless provided under some other Government entitlement.
- 12.2 The Government will provide, maintain, and pay utility services costs for, a conveniently accessible and identified electorate office with parking, for each member, within uniform guidelines set by the Speaker, to support his or her services as a member. Stationery requisites will also be supplied subject to those guidelines. The ongoing cleaning costs for the electorate office are to be met by the member unless he/she elects that these be met by the Government. The member must ensure that the office is not used for commercial or electioneering purposes.
- 12.3 Unless available under some other Government funded entitlement, each member will be provided with a standard laptop computer and software.
- 12.4 The Speaker shall from time to time determine a standard list of items of furniture, equipment and software to be available for every electorate office. Each member is entitled to have these items supplied upon demand. These items remain the property of the Government or its contractors. Where a telephone line to the electorate office is sufficiently enabled, the office computer supplied under this entitlement shall be connected by broadband link directly to the Government Wide Area Network.
- 12.5 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.

## **13 STAFF**

- 13.1 Except during a reasonable handover period where there is a changeover of employees, during which time a member may have two electorate officers or two liaison officers as the case may be, a member shall be entitled to the services of one full-time staff member as an electorate officer, and for the member for Stuart an additional part-time liaison officer for up to 20 hours per week in Katherine, employed by the Northern Territory Government. Members with electorate offices located outside Darwin may use the respective electorate officer entitlement in their electorate office or in Darwin.
- 13.2 Any staff for such purposes as relief and part-time shall be as determined, from time to time, by the Speaker.
- 13.3 The salary and allowances and other terms and conditions of employment of permanent, permanent part-time and casual staff of a member shall be as determined, from time to time, by the Speaker following endorsement by the Commissioner for Public Employment.
- 13.4 An electorate officer located outside Darwin shall be entitled to travel at Government expense to Darwin to attend a period of a sitting of the Assembly once per annum. The stay shall not exceed two days prior to the commencement of the sittings and two days after the completion of the sittings.
- 13.5 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.

## **14 ADDITIONAL SALARY OF OFFICE**

- 14.1 A member appointed to a ministerial or parliamentary position specified in Schedule 2 is entitled to an Additional Salary of Office at the annual rate specified for the position.
- 14.2 A member who holds two or more of the positions specified 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.

## **15 CHILD CARE**

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

Reimbursement will be made upon the member submitting a claim for reimbursement which sets out the nature of the work activity or event and duration, together with actual start and finish times, amount paid and to whom.

## **16 RESETTLEMENT ALLOWANCE**

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

## 17 PROFESSIONAL DEVELOPMENT

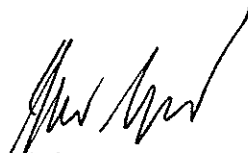
- 17.1 A member with the approval of the Speaker may elect to attend an accredited professional development course of the type provided by, but not restricted to, Mt Eliza Executive Education and the Australian & New Zealand School of Government. The cost of the course will be met by the member forgoing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

## 18 GENERAL

- 18.1 Where a person becomes a member or office holder, or ceases to be a member or office holder during the year, annual entitlements under this Determination shall be proportionate to the time the person is a member or office holder during that year.
- 18.2 For the purposes of establishing entitlements under this Determination 'year' means the twelve month period from 1 January to 31 December.
- 18.3 The Speaker may make procedural rules to give full effect to all entitlements specified in this Determination.
- 18.4 The Tribunal may give an interpretation of the provisions of this Determination at the request of the Speaker.
- 18.5 This Determination applies to offices held or occupied, activities undertaken, or expenses incurred, on or after 1 January 2010.
- 18.6 The time for annual entitlements of travel both within Australia and overseas will run from when the member is elected, for example the first trip within Australia can be taken at any time within the first year of the member being elected. The second entitlement would accrue from the first anniversary of his or her election.

*Note: For example, if a member undertakes travel relevant to this determination and commences that travel on Boxing Day 2009 and returns on 5 January 2010, the person's entitlements from 26 December to 31 December are covered by the Tribunal's 2008 Determination (being Determination No. 1 of 2008 in respect of Members of the Legislative Assembly) and the person's entitlements from 1 January to 5 January 2010 are covered by this determination.*

Dated: 30 October 2009.

  
John Flynn  
Member  
Remuneration Tribunal

## Schedule 1

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

Location	Accompanying Person	Office Holder	Member
<u>Northern Territory</u>			
Darwin	\$415	\$301	\$90
Alice Springs	\$340	\$242	\$90
Jabiru	\$348	\$329	\$90
Katherine	\$340	\$241	\$90
Yulara	\$480	\$462	\$90
<u>Elsewhere in the NT</u>			
All places	\$340	\$329	\$90
<u>Capital Cities other Jurisdictions</u>			
Brisbane	\$386	\$364	\$90
Perth	\$425	\$342	\$90
Canberra	\$380	\$314	\$90
Hobart	\$345	\$281	\$90
Adelaide	\$359	\$314	\$90
Melbourne	\$415	\$328	\$90
Sydney	\$415	\$356	\$90
<u>Elsewhere in Australia</u>			
All places other than above centres	\$340	\$241	\$90
<u>Overseas</u>			
Rates to be paid in accordance with <i>Taxation Determination TD 2009/15</i> or any subsequent taxation determination made in substitution of this determination			\$90

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

Darwin

- (i) Where the office holder or member stays in accommodation that he or she owns, or holds under a formal lease with at least one month of the term of the lease remaining, he or she shall be paid at the rate of \$195 per day.

Darwin and other locations

- (ii) Where the office holder or member does not stay in commercial accommodation or accommodation covered by B(i), one third of the applicable rates in A above.
- (iii) The rate of \$60 for a single qualifying accompanying person.

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

	Office holder	Assembly member
Breakfast	\$26	\$25
Lunch	\$37	\$35
Dinner	\$63	\$48
Incidentals	\$24	\$24

## Schedule 2

### Rates per annum of Additional Salary of Office

	<u>Rate</u> \$
<b>MINISTERIAL POSITIONS</b>	
Chief Minister	121 758
Deputy Chief Minister	85 200
Leader of Government Business	77 239
Other Ministers	62 152
<b>PARLIAMENTARY POSITIONS</b>	
Speaker	62 152
Leader of the Opposition	62 152
Deputy Leader of the Opposition	31 075
Chairperson of Committees	20 716
Chairperson of the Public Accounts Committee	20 716
Chairperson of the Legal and Constitutional Affairs Committee	20 716
Chairperson of the Select Committee on Substance Abuse	20 716
Chairperson of the Environment and Sustainable Development Committee	20 716
Chairperson of the Sport and Youth Committee	20 716
Chairperson of the Council of Territory Cooperation	20 716
Government Whip	18 122
Opposition Whip	18 122

### Schedule 3

Electoralates	Rate
Araluen	\$29 577
Blain	
Braitling	
Brennan	
Casuarina	
Drysdale	
Fannie Bay	
Greatorex	
Johnston	
Karama	
Fong Lim	
Nightcliff	
Port Darwin	
Sanderson	
Wanguri	
Katherine	\$39 080
Nelson	
Goyder	
Daly	\$48 160
Arnhem	\$48 898
Nhulunbuy	\$49 587
Arafura	\$51 483
MacDonnell	\$54 458
Barkly	\$58 353
Stuart	\$78 185



## Schedule 4

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

- Long range fuel tanks;
- Additional spare wheel with or without swing away carrier;
- up to two spotlights to a rating of 130 watts with protective covers;
- bulbar;
- towbar;
- air cleaner snorkel;
- dual battery system;
- electric winch;
- roof rack with or without ladder;
- tonneau cover (4x4 utility vehicle);
- mobile telephone hands free facility; and
- St John Ambulance First Aid Kit – suitable for outdoors. \*Initial kit to be provided to members, with future replenishments to be undertaken at the member's expense.

All other vehicles:

- towbar;
- mobile telephone hands free facility;
- roof rack/ski bars;
- tonneau cover (4x4 utility vehicle);
- cargo barrier (station wagons only); and
- St John Ambulance First Aid Kit or equivalent. \*Initial kit to be provided to members, with future replenishments to be undertaken at the member's expense.