

NORTHERN TERRITORY OF AUSTRALIA

REMUNERATION TRIBUNAL

REPORT

and

DETERMINATION No. 2 of 2007

MEMBERS OF THE LEGISLATIVE ASSEMBLY

REMUNERATION TRIBUNAL REPORT

COVERING DETERMINATION NO. 2 OF 2007

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 new Act) requiring the Tribunal to, on or before 31 October each year, inquire into and determine the entitlements (other than basic salary) of Assembly 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. Section 9 of the *Remuneration Tribunal Act* (the repealed Act) contained provision for the Tribunal to be requested by the Administrator to determine:

“... the remuneration and allowances to be paid, and the other entitlements to be granted, to persons in respect of their services as -

 - (c) members of the Legislative Assembly (other than basic salary, within the meaning of section 9A, of such members);
 - (d) members of the Executive Council; or
 - (e) Ministers of the Territory,”
4. Section 4 of the new Act empowers the Administrator to require the Tribunal to determine:

“an entitlement (other than the basic salary) of an Assembly member for -

 - (a) performing the functions of an Assembly member; or
 - (b) performing a function for the Assembly; or

(c) holding or occupying any of the following offices:

- (i) the Speaker of the Assembly;
- (ii) the Leader of the Opposition;
- (iii) any other office of the Assembly;
- (iv) a Minister;
- (v) a member of the Executive Council.

5. Section 2 of that new Act says:

" "entitlement" includes a salary, an allowance and any other remuneration or benefit; "

6. The request referred to in paragraph 1 above covers all entitlements to be granted to the Members specified in Section 4 of the new Act.

7. Under the repealed Act, Tribunal determinations could be made for entitlements other than remuneration and allowances for Members providing services both as Members and as Ministers. Over the years the Tribunal chose not to determine any differentiating entitlements for Ministers in their Executive capacity, the Speaker and the Leader of the Opposition (apart from additional salary rates and travel matters). The Chief Minister, who had reserve power to make Determinations under the Act, made no determinations either. Such capacity entitlements enabling these Office Holders to do their important work were supplied under administrative discretion. In 2005 the relevant Department submitted that it would be preferable for these capacity entitlements to be determined by the Tribunal, and in its 2005 Report the Tribunal said that it would take advice and submissions to this end.

8. Legal advice was sought prior to the 2006 inquiry, but necessarily in the context of the changed expression of Tribunal powers in the new Act. The Tribunal asked, in rather too closed a way as it turns out:

"Can Assembly members obtain entitlements only by way of a Determination made by this Tribunal?"

9. The advice¹ was:

"No. Members can only obtain "remuneration, allowance or honorarium" in accordance with an

¹ Dated 10 October 2006.

enactment that provides for such payments in respect of their services, and, apart from superannuation, the only enactment making such provision is the (new) Act ... Therefore, Members can only be paid "remuneration" and "allowances" by way of a determination made by the Remuneration Tribunal.

Whilst the Legislative Assembly also has the power to provide for "other entitlements" in legislation, the provision of "other entitlements" is not in my view restricted under the *Northern Territory (Self-Government) Act 1978 (Commonwealth)* to enactments."

10. It was still not clear to the Tribunal whether the provision of these "other entitlements" by the Legislative Assembly had to be through some specific power to make them contained in an Act. As there was no other Act providing discretion (apart from Appropriation) the Tribunal considered including a power in its forthcoming determination allowing executive discretion over these other entitlements. Supplementary advice was sought to more clearly define the existing foundation of powers to create entitlements, specifically office holder entitlements to staff, office equipment and similar matters.
11. The advice was not received in time to meet Tribunal deadlines. The Tribunal made no change to previous practice in the scope of its 2006 Determination but recommended in the accompanying Report that certain entitlements should be provided under separate legislation.
12. The advice² was

" Legislative Assembly practices have been established as to the matters of accommodation and staff and the revenue has been appropriated to pay for these matters. They are not 'benefits' to be set by the Tribunal but are confided to the discretion of the appropriate Minister. It is a matter for the Legislative Assembly to decide whether the 'benefits' need to be set out in legislation or organised administratively."

13. As the tabling of the Determination had not occurred, the Tribunal informed the Government that as a

² Dated 31 October 2006.

consequence of this advice the validity of its clause 7 (office space, equipment, and staff for all Members) should be specifically confirmed, and if found to be beyond Tribunal powers it should be either disallowed or highlighted as being ineffective.

14. When the Report and Determination was tabled on 28 November 2006, the Minister mentioned the uncertain situation and informed the House that specific supplementary legal advice had been sought.
15. Consistent with the earlier advice, that advice³ was that clause 7 was of no legal effect, as the Tribunal had no jurisdiction to determine it, and the clause should be formally disallowed. It stated further that:

"The entitlement (to be determined by the Tribunal) is payment for performing the functions of a Member etc not the provision of facilities to perform the functions of a Member".

16. Disallowance occurred following debate in the House on 21 February 2007. During that debate the Chief Minister tabled Administrative Arrangements she had made for the continuation of the clause 7 benefits at her ongoing discretion. The rest of the Determination survived the disallowance period.
17. The Tribunal wrote to the Chief Minister expressing two concerns:

(1) as to the desirability of effectively converting what were Member entitlements under the repealed Act for electorate offices and staff to discretionary matters; and

(2) as to the validity of other significant clauses of the Determination in the light of the advice on clause 7,

and suggesting that the new Act be amended to restore the previous determinative powers until specific legislation is enacted for parliamentary staff and logistics.

18. Because of the remaining doubtful effectiveness and validity issues raised by the Tribunal, the Government itself sought definitive advice. That advice⁴ has now been provided.

³ Dated 22 January 2007.

⁴ Dated 4 October 2007

19. The advice follows on from the conclusion reached in the earlier advice (see paragraph 15 above), stating:

the Tribunal is correct in its assessment that provision for matters such as travel, telephone connections to electorate offices and electorate office cleaning is properly characterised as provision to enable a Member to perform the functions of a Member, and therefore beyond its power."

20. The advice is founded on the common thread through all the advices that, in context with the *Northern Territory (Self-Government) Act*⁵ and in recognition of the *ejusdem generis* rule of interpretation, the definition of "entitlements" (see paragraph 5 above) is not extended beyond personal remuneration and allowances to Members' job capacity provision by the words "and any other remuneration or benefit".

21. In principle it is now clear that what the Member gets as a net return for his/her work and responsibility level is for the Tribunal to decide. The Legislative Assembly decides what the capacity of a Member is to be to enable performance of his/her role. The distinction is made between personal recompense and job capacity.

22. This principle is accepted as the basis for the powers of the Tribunal under its new Act.

Entitlements beyond and within the Tribunal's power

23. In accordance with this principle, the following capacity granting categories (included as entitlements in the 2006 Determination) have not been considered or included this time:

Travel (except personal expenses)

Government supplied motor vehicle or allowance

office space and equipment

communications and postage

child care allowance

24. Entitlements within the Tribunal's power to determined are:

⁵ Paragraph 21(2)(e) of which stipulates that payments or benefits can only be received by Members if allowed by or under an enactment.

personal costs while travelling

additional salary of office

any new personal allowances

general matters

Doubtful entitlement

25. The determination of an electorate allowance entitlement for Members is, on the face of it, beyond the power of the Tribunal but it has been determined in any event for reasons described under that heading.

Conduct of this Inquiry

26. Advertisements were placed in the main Territory newspapers to draw attention to the inquiry and to request submissions. Individual letters were sent to all Members, the leaders of the political parties and to the Department of the Legislative Assembly.

27. The Tribunal received the following written submissions:

- the Government (2)

28. The Tribunal took evidence in Darwin from 9 October to 12 October 2007, meeting with the Leader of the Opposition, three Members, and Departmental representatives. Following consideration of the legal advice of 4 October 2007, the Tribunal sent a letter to all Members, informing them of the forthcoming loss of enforceable entitlements and their probable replacement by discretionary benefits.

29. The Tribunal has reviewed all emerging issues and circumstances, and has carefully considered all submissions and representations and advice it has received.

Electorate allowance

30. There is one possible effect of this Determination that will have to receive more urgent attention than others.

31. An electorate allowance has previously been determined for each Member following assessment of the costs of servicing their constituents. It has been defined as:

"'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;"

and as such is clearly a capacity matter and may now be beyond the powers of the Tribunal to determine. However, the Tribunal has made a determination of it as a continuing entitlement, increasing the variable elements of the amounts by the June to June CPI rate for Darwin.

32. Under the relevant Tax Ruling, electorate allowances are assessable income. Consequently any of the amount received by a Member that is not covered by authorised deductions is taxed as additional income for the Member.
33. As this allowance has been provided so far under the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act* the situation where a Member obtains extra remuneration for himself or herself by underspending the electorate allowance in any year does not cause the seat to be vacated automatically under *Northern Territory (Self-Government) Act*.
34. If further advice confirms that the new Act does not and never did allow electorate allowance to be determined, any Member who did not spend his or her allowance fully in the last financial year, taking the balance as a personal benefit, may have now automatically vacated his or her seat.

Travelling allowance

35. In the 2006 Determination, the default condition for cost coverage while travelling (except to Darwin) was direct payment by Government to suppliers or by actual cost reimbursement by Government to Members. Receipt in advance of travelling allowance instead was an option for Members.
36. It is no longer possible for the Tribunal to determine that the Government will provide any particular instances or annual blocks of travel or will meet

directly the travel costs of Members. This will now be a matter for Ministerial discretion under separate arrangements.

37. The Tribunal can still provide the travelling allowance option and has done so. However, if under the separate arrangements covering travel capacity matters the Minister provides that the Government will pay all travel costs directly to the suppliers or by reimbursement to the Member concerned, then an option for travelling allowance in this Determination will be redundant. In order that the optional take-up of travelling allowance is preserved across the transition into the newly defined authorisation streams it is presumed that the Minister will allow the option to remain, except perhaps for Ministers themselves operating under a current direction by the Chief Minister.
38. Members should not remain out of pocket where only part of their expenses incurred while travelling are met by the Government. For example, as may occur where only accommodation is paid directly. A new entitlement, called a travel cost allowance, has been created to indemnify Members in this situation.
39. Rates of travelling allowance have been increased generally in line with the amounts determined by the Commonwealth Remuneration Tribunal for Federal politicians. It should be noted that the power of the Tribunal to determine a different rate of travelling allowance for Office Holders is uncertain, because Section 4(c) of the new Act does not comprehend the performance of functions by them, rather, restricting their entitlements to those arising out of their simply holding their office, e.g. additional salary of office. The Tribunal is recommending that the Act be amended to remove this uncertainty (see later paragraph 70).

Additional salary of office

40. The base salary remuneration of Members has been set by legislation since 1991 as \$3,000 less than that paid to a Federal Member of Parliament. In recent years that remuneration element has changed automatically each 1 July via that link. This base salary is not subject to review by this Tribunal.
41. The base salary of Federal Members of Parliament was increased by 6.7% on 1 July 2007. In all States, except the ACT, Western Australia, and the Northern Territory, this percentage increase automatically flows on not only

to the base salary of Members but also to any additional salary of office.

42. That automatic flow-on occurred in all those States except for Victoria, where the legislation was changed to reduce the increase for both base and additional salary to 3.25% (the State wages policy rate) on 1 July 2007. Western Australia increased base salary and additional salary by 4.5% from 1 September 2007, and the ACT increased base salary and additional salary by 6% on 1 July 2007.
43. The only submission received during this inquiry on the level of additional salary of office was from the Government. It pointed out that whilst the annual CPI increase for Darwin to June 2007 was 3.7% this was greater than the anticipated rise for the year ahead (3%) upon which forward estimates based on wage policy are set. In the absence of any detectable mood in current economic circumstances for the Tribunal to determine an increase beyond that level, additional salary in Schedule 2 has been increased by 3.0%.
44. Following this increase, the base salaries of Parliamentarians in Australia are now as follows:

Tasmania	\$101,334
ACT	\$108,211
Victoria	\$121,327
Western Australia	\$123,780
Northern Territory	\$124,060
South Australia	\$125,060
Queensland	\$126,560
New South Wales	\$126,560
Commonwealth	\$127,060

45. After the Northern Territory increase, Ministers in the States and Territories are paid as follows⁶:

	<u>Salary for</u> <u>Ministership</u>	<u>Total</u> <u>per annum</u>
Tasmania	\$70,934	\$172,268
Northern Territory	\$58,304	\$182,364
ACT	\$75,748	\$183,959
Queensland	\$86,354*	\$212,914
Western Australia	\$99,024	\$222,804
South Australia	\$99,545*	\$224,605
Victoria	\$112,834*	\$234,161
New South Wales	\$117,701*	\$244,261

⁶ Figures should not be relied upon without confirming the latest available with the respective jurisdiction.

* Includes a general expenses allowance

46. The Government has submitted that the Government and Opposition Whips have a similar responsibility to Chairs of Assembly Committees. After the current increase the Additional Salary for Whips will be \$14,578 and for Chairs \$19,434. No material was provided to show that the responsibilities of Whips in the Northern Territory is any different to the responsibility of those in other jurisdictions.

47. In the various Australian jurisdictions Whips receive additional annual salary during 2007/08 (including the 3% increase for the Northern Territory) as follows:

Tasmania	\$6,080
ACT	\$10,822
Northern Territory	\$14,578
Queensland	\$14,805
Victoria	\$21,839
Western Australia	\$22,280
South Australia	\$22,511
New South Wales	\$25,312

48. Back in 2001, the Tribunal determined additional salary for Office Holders as a percentage of base salary for the first time. Those percentages provided for a 1.38% increase in these additional salaries over the previous year. This Determination was disallowed by the Assembly because of the rise occurring in a context of the generally poor fiscal condition of the Northern Territory Government at the time. The Tribunal went back to determining additional salary as a money amount.

49. In the disallowed Determination the Tribunal assessed that the additional salary for Whips should be 13.7% of base salary. With the reversion to money amounts, and a keener recognition of Government public sector wages policy each year since then, there has been a progressive decline in the percentage of base salary payable to all Office Holders. The percentage for Whips is now down to 11.7%. The percentage for Chairs is down from 18.2% to 15.7%.

50. As the Government submits that the Whips be released from the application of its general wages policy, the Tribunal has determined that the additional annual salary payable to them should revert to an amount reflecting the percentage applying before that constraint applied. That amount is \$17,000. As will be noted from the comparisons in paragraph 47 above, this puts the remuneration for the Territory positions ahead of their Queensland counterparts, however, the

Queensland rate stands out as an anomaly in the sequence.

Motor Vehicles

51. Members have been entitled, since 1996, to a Government supplied private plated motor vehicle, for parliamentary and electorate business and with private usage rights (Ministers had cars supplied before this). The Government meets all running and maintenance costs for this vehicle. Members not taking up this entitlement were entitled to an annual allowance of \$11,500.
52. The main reason for providing Members with a car is to improve their capacity to represent and inform their constituents, and to attend to parliamentary business.
53. Members are, both in their representative role and any Office Holder role, on call for the whole of their terms of service. Private use of the vehicle provided to them under previous arrangements is a very small residual component of total use, and that component is not intended to be a remuneration entitlement. Consequently creating an entitlement for provision a car for the purposes stated, or for payment for its running costs and servicing, is beyond the powers of this Tribunal.
54. The quantum of an allowance payable to a Member not taking a Government car is arrived at following the same capacity granting considerations, so creating an entitlement for this allowance is also beyond the powers of this Tribunal.
55. The Tribunal cannot know whether the Government will continue to provide either a motor vehicle or the motor vehicle allowance via executive discretion.
56. If the Government does not supply a car or allowance, there could be occasions where Members are required, authorised or expected to travel at their own expense, e.g. Members who have until now travelled to attend formal meetings in their Government supplied car, say from Katherine to Darwin.
57. As an associated issue, there may also be situations where Members having to travel to Darwin (or elsewhere) on official business need to use taxis or hire cars for part of the journey. The previous travel entitlement shielding Members from such costs is no longer an entitlement (though it may be continued at discretion).
58. As a safety net provision, the Tribunal has now determined a per kilometre allowance entitlement for

authorised use of private cars, and a right to have the cost of hired transport reimbursed, in certain circumstances.

Resettlement Allowance

59. In July 2001 the Commonwealth deferred the payment of retiring allowances to senators and members under their indexed pension scheme until they attained the age of 55 years⁷. Senators and members who were elected at or after the general election held in October 2004 are not entitled to participate in that superannuation scheme. Rather, they are entitled to a Commonwealth contribution of 15.4% of their salary into their own superannuation fund⁸.
60. At the end of 2006 the Commonwealth Remuneration Tribunal determined⁹ a resettlement allowance to ease the transition of ex senators and members into other occupations where they suffer involuntary retirement, i.e. those who simply retire do not get this allowance. It is set at 12 weeks of final salary, irrespective of an eligible Member's length of service.
61. That resettlement allowance is not available to any senator or member who at the time of exit can access a pension or superannuation benefit relating to his or her parliamentary service. Generally this will mean that the allowance will only be paid to qualifying senators and members who are under age 55, whether they are under the old superannuation scheme or the new guarantee scheme.
62. Queensland followed suit (with the same conditions) in March of this year.
63. The Government has asked this Tribunal to consider introducing the same entitlement for Territory Members. If it is introduced under the same conditions applying in the Commonwealth, the allowance would only be accessible for eligible Members who were:
 - (a) elected at or after the 2005 election and are not yet aged 55; and

⁷ See the *Parliamentary Contributory Superannuation Amendment Act 2001*.

⁸ See the *Parliamentary Superannuation Act 2004*.

⁹ See consolidated Determination 2006/18.

(b) in the superannuation scheme but have not reached the qualifying two terms because of defeat at the next election (maximum of 5 Members in this position)¹⁰.

Members in the superannuation scheme who have served more than two terms receive a pension immediately at the end of their service as well as a lump sum that cannot be accessed until they are aged 55.

64. In its 2005 Report (paragraphs 37-40) the Tribunal voiced its concern about the effects of the superannuation disparity on the attraction of candidates to public office. The disparity caused by the closing of the relatively generous superannuation scheme to newly elected Members is much greater in the Territory than it is in the Commonwealth, because new Territory Members receive a Government contribution of only 9% of salary into their own fund.
65. Introduction of a lump sum resettlement allowance will go some way to reducing this disparity. It will also ease the transition of younger Members into other vocations. The resettlement allowance has been determined on the same conditions as apply in the Commonwealth and in Queensland.

The effect of this Determination

66. The legal advice referred to in paragraph 18 above makes the important point that provision of benefits to Members that are not reserved to the exclusive discretion of the Tribunal may be provided under Ministerial discretion under delegated legislated authority (specifically under the *Appropriation Act*). The Tribunal is advised that creating a requirement to table a schedule of those discretionary benefits in the Assembly within some period would not be necessary or desirable, in a legal sense, to enhance their validity. Also, delegation of powers to the Speaker within any schedule of such benefits is not in breach of any constitutional convention, because the Speaker is a member of the Government.
67. The advice confirms the power of the Chief Minister to reintroduce all of the previous entitlements that are no longer established as such in this Tribunal Determination. Those that are reintroduced will, at least until some legislative change, remain discretionary benefits. Simply tabling them from time to time does not introduce certainty that changes have

¹⁰ The lump sum benefit these Members become entitled to must be preserved to age 55.

not been made to them since such tabling, or that differential treatment has not been privately afforded to any individual Members or groups of Members. As the Assembly has a vital interest in ensuring the uniform capacity of its Members to perform their duties, it is for it to decide if establishing these benefits should continue to be considered only in terms executive decision within the global annual budget appropriation made by the Assembly for them, and, if so, what measures should be taken to ensure that they are known.

68. **Recommendation 1**

Ultimately, benefits providing Members with the capacity to fulfil their responsibilities should be set out in or under an enactment. That enactment should be complemented by an annual enactment granting appropriation directly to the Legislative Assembly as a fuller expression of the convention of the separation of powers¹¹.

69. **Recommendation 2**

In the interim, Member capacity benefits provided by the Chief Minister should be signed off in handbook form under an undertaking that they may be relied on as current and complete, and that this handbook as amended from time to time should be publicly available on the Legislative Assembly web page.

70. **Recommendation 3**

Section 4 of the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act* should be amended to include the words "performing functions by reason of holding" to replace "holding or occupying" in Section 4(c).

71. The Tribunal's Determination No. 2 of 2007 follows.

¹¹ As for example under Section 20 of the *Constitution of Queensland Act*

O. Alder

Member of the
Northern Territory Remuneration Tribunal
30 October 2007

NORTHERN TERRITORY OF AUSTRALIA

REMUNERATION TRIBUNAL

DETERMINATION No. 2 OF 2007

**MEMBERS OF THE LEGISLATIVE ASSEMBLY
MEMBERS OF THE EXECUTIVE COUNCIL
MINISTERS OF THE TERRITORY**

Under section 4 of the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act*, the Tribunal determines as follows, effective from 31 October 2007:

Definitions

1.1 In this Determination:

'Capital City' means locations within a radius of ten kilometres from the General Post Office or five kilometres from the major airport servicing the city.

'Chief Executive Officer' means the Chief Executive Officer of the Agency administering an entitlement.

'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.

'home base', for a Member, means:

(a) a place of residence of the Member nominated by the Member to the Speaker; or

(b) if the Member has not nominated a place - the principal place of residence of the Member.

'Member' means a member of the Assembly.

'Office Holder' means a Minister, the Speaker of the Assembly, the Leader of the Opposition and the Deputy Leader of the Opposition.

'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) hire cars, taxis or ferries;
- (d) 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 accompanying person authorised to travel incurs during travel at Government expense.

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 expenses within Australia

- 3.1 Where a Member travels within Australia, but not to Darwin, and the Government does not directly pay all or some of his or her accommodation meal or incidental costs, the Member is entitled to either:
 - (a) travel cost allowance; or
 - (b) travelling allowance.
- 3.2 For the purpose of establishing the level of the travel cost allowance, the Member shall provide to the Chief Executive Officer, within 60 days of the conclusion of the travel, tax invoices for any accommodation, meal costs, or transport costs claimed, and substantiation for the cost of any car use claimed.

- 3.3 In assessing, and if necessary adjusting for, the reasonableness of costs claimed, the Chief Executive Officer shall have regard for:
- (a) the accommodation and meal allowances for the location as determined by the Commonwealth Remuneration Tribunal from time to time for the comparable category of parliamentary member;
 - (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.
- 3.4 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.
- 3.5 Where the Member makes an election under subclause 3.4, or for travelling to Darwin, travelling allowance for each overnight stay, at the applicable rate provided in Schedule 1, is payable to a Member travelling at Government expense. Where such travel is by scheduled passenger carriage service, overnight stay includes any overnight stay required at the place of departure or en route.
- 3.6 Except as provided in subclause 3.7 travelling allowance is not payable to a Member for an overnight stay within the Member's own electorate or within the electorate which contains the home base of the Member.
- 3.7 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 provided in 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;
- 3.8 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 is payable at the Office Holder rate provided in Schedule 1.

- 3.9 Members are not entitled to receive travel cost allowance or travelling allowance if the costs are met or provided for by any other entity.
- 3.10 Entitlement to the Commercial Accommodation rate in Schedule 1 is established by production of a tax invoice or certification that a tax invoice can be produced on demand.
- 3.11 The Darwin rate in Schedule 1 is payable to a Member whose home base is located outside Darwin during travel to Darwin at Government expense.
- 3.12 Subject to the same overnight stays limitation for the Member's own travel, if any, a Member is entitled to be paid the accompanied person rate in 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.
- 3.13 Subject to any conditions imposed by the Speaker, 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*.

Travel expenses overseas

- 4.1 A Member travelling overseas at Government expense is entitled to be paid travelling allowance for a maximum of 21 overnight stays at the applicable rate provided in 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 together for the overnight stays concerned.

Additional Salary of Office

- 5.1 A Member appointed to those Ministerial and Parliamentary positions in Schedule 2 is entitled to an Additional Salary of Office at the annual rate specified for the position.
- 5.2 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.

Resettlement Allowance

- 6.1 Subject to clauses 6.2 and 6.3, a Member who retires involuntarily from the Assembly is entitled to a resettlement allowance equal to 12 weeks of basic salary.
- 6.2 Members eligible for the resettlement allowance are those who:
- (a) were elected at or since the general election in 2005; and
 - (b) are not able to access a pension or superannuation benefit (related to their service in the Assembly) immediately upon ceasing to be a Member of the Assembly; and
 - (c) have retired involuntarily through:
 - (i) electing not to stand for re-election following loss of party endorsement, for reasons other than misconduct; or
 - (ii) defeat at an election (including defeat at an election where he or she has campaigned to be elected to represent a different electorate).
- 6.3 The resettlement allowance is payable at the rate of basic salary that is current on the date he or she ceases to be a Member.

General

- 7.1 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.

- 7.2 For the purposes of establishing entitlements under this Determination 'year' means the twelve month period from 1st January to 31st December.
- 7.3 The Speaker may make procedural rules to give full effect to all entitlements set out in this Determination.
- 7.4 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 Seven.

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	\$190	\$190	\$60
Alice Springs	\$319	\$216	\$90
Jabiru	\$329	\$308	\$90
Katherine	\$319	\$200	\$90
Yulara	\$452	\$431	\$90
Elsewhere in the NT	\$319	\$200	\$90
Capital City; Brisbane	\$355	\$297	\$90
Capital City; Perth	\$352	\$295	\$90
Capital City; Canberra	\$334	\$263	\$90
Capital City; Hobart	\$334	\$246	\$90
Capital City; Adelaide	\$334	\$273	\$90
Capital City; Melbourne	\$404	\$287	\$90
Capital City: Sydney	\$404	\$318	\$90
Elsewhere in Australia	\$319	\$207	\$90
Overseas	\$360	\$300	\$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 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 \$60 for a single qualifying
accompanying person.

All other locations

- (iv) Where the Office Holder or Member does not
stay in Commercial Accommodation, one third of
the applicable rates in A above;
- (v) The rate of \$60 for a single qualifying
accompanying person.

Schedule 2

Rates per annum of Additional Salary of Office

	<u>Rate</u> \$
MINISTERIAL POSITIONS	
Chief Minister	114,219
Deputy Chief Minister	79,925
Leader of Government Business	72,457
Other Ministers	58,304
PARLIAMENTARY POSITIONS	
Speaker	58,304
Leader of the Opposition	58,304
Deputy Leader of the Opposition	29,151
Chairman of Committees	19,434
Chairman of the Public Accounts Committee	19,434
Chairman of the Legal and Constitutional Affairs Committee	19,434
Chairman of the Select Committee on Substance Abuse	19,434
Chairman of the Environment and Sustainable Development Committee	19,434
Chairman of the Sport and Youth Committee	19,434
Government Whip	17,000
Opposition Whip	17,000

Schedule 3

Rates per annum of Electorate Allowance

Electorates	Rate
Araluen	\$27,234
Blain	
Braitling	
Brennan	
Casuarina	
Drysdale	
Fannie Bay	
Greatorex	
Johnston	
Karama	
Millner	
Nightcliff	
Port Darwin	
Sanderson	
Wanguri	
Katherine	\$29,219
Nelson	\$36,219
Arafura	\$47,947
Nhulunbuy	
Goyder	\$48,990
MacDonnell	\$49,554
Arnhem	\$51,715
Barkly	
Daly	\$56,308
Stuart	\$63,623