

**NORTHERN TERRITORY OF AUSTRALIA**

**REMUNERATION TRIBUNAL ACT**

As in force at 20 October 2004

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 20 October 2004

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## REMUNERATION TRIBUNAL ACT

**An Act to establish a tribunal in relation to the remuneration, allowances and entitlements payable to certain persons, and for other purposes**

### **Part I Preliminary**

#### **1 Short title**

This Act may be cited as the *Remuneration Tribunal Act*.

#### **2 Commencement**

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

#### **3 Repeal**

The Acts specified in the Schedule are repealed.

#### **4 Savings**

Notwithstanding the repeal effected by section 3, a determination made under the *Legislative Assembly (Remuneration, Allowances and Entitlements) Act* and in force immediately before the commencement of this Act, shall continue in force as if made under this Act.

#### **5 Definitions**

In this Act, unless the contrary intention appears:

***inquiry*** means an inquiry conducted by the Tribunal under section 9(1), 9B(2) or 10(1).

***member*** means a member of the Tribunal.

***Tribunal*** means the Remuneration Tribunal established by section 6(1).

## **Part II                    Remuneration Tribunal**

### **6                    Establishment of Remuneration Tribunal**

- (1) There is hereby established a Tribunal to be known as the Remuneration Tribunal.
- (2) The Tribunal shall consist of not more than 3 members appointed by the Administrator.
- (3) A member shall hold office for such period as is specified in the instrument of his appointment or, if no such period is specified, at the pleasure of the Administrator.

### **7                    Members, Chairman of Tribunal**

- (1) The Tribunal may be constituted by the appointment of one member.
- (2) Where, in pursuance of section 6(2), more than one member is appointed, the Administrator shall appoint one member to be the Chairman of the Tribunal.
- (3) The Chairman shall preside at all meetings of the Tribunal.

### **8                    Resignation**

A member may resign his office by writing under his hand delivered to the Administrator.

### **9                    Powers in relation to member of Legislative Assembly, &c.**

- (1) The Administrator may, by notice in writing, request the Tribunal to, or from time to time to:
  - (a) inquire into and report with recommendations on; or
  - (b) inquire into and determine,  
  
the remuneration and allowances to be paid, and the other entitlements to be granted, to persons in respect of their services as:
    - (c) members of the Legislative Assembly (other than the basic salary, within the meaning of section 9A, of such members);
    - (d) members of the Executive Council; or
    - (e) Ministers of the Territory,

and, the Tribunal shall carry out the inquiry and make the report or determination accordingly.

- (2) A report or determination made under subsection (1) shall be tabled in the Legislative Assembly within 6 sitting days next following the receipt of the report or determination by the Administrator.
- (3) Subject to subsection (4), a determination shall come into operation, or shall be deemed to have come into operation, on such date as the Tribunal specifies in the determination.
- (4) Where the Legislative Assembly, within 10 sitting days after the tabling of a determination made by the Tribunal under subsection (1), passes a resolution disapproving the determination or any part of the determination, the determination or that part of the determination disapproved of, shall not come into operation or, if the determination is in operation, the determination or that part shall not have any force or effect on and from the day on which the resolution is passed.
- (5) The passing of a resolution in accordance with subsection (4) shall have the effect, where the resolution relates to a determination or part of a determination which has come into operation, of reviving, on and from the date of the resolution, the determination or the relevant part of the determination, as the case may be, in force immediately before the coming into operation of the determination or the part of the determination disapproved of.

#### **9A Basic salary payable to members of Legislative Assembly**

Notwithstanding this or any other Act, a member of the Legislative Assembly shall be paid a basic salary at an annual rate equal to the amount of the annual allowance by way of salary from time to time payable under the law of the Commonwealth to a Member of the House of Representatives who is not entitled to any additional salary, less \$3,000.

#### **9B Powers in relation to Magistrates**

- (1) This section applies subject to section 6(2) of the *Magistrates Act*.
- (2) At least once in each year, the Tribunal must inquire into and determine the salary, allowances and other benefits that persons are entitled to receive in respect of their services as Magistrates appointed under section 4(3) of the *Magistrates Act*.
- (3) Section 9(2) to (5) (inclusive) applies as if references to a determination were references to a determination under subsection (2).

**10 Powers in relation to other persons**

- (1) The Administrator may, by notice in writing, request the Tribunal to, or from time to time to, inquire into and report with recommendations on the remuneration and allowances to be paid to a person or class of persons, and the other entitlements to be granted in respect of services by that person or class of persons and the Tribunal shall carry out that inquiry and make the report accordingly.
- (2) A request under subsection (1) shall name the person or class of persons or otherwise identify the class of persons, to whom the report is to relate.
- (3) A report shall be tabled in the Legislative Assembly within 6 sitting days next following the receipt of the report by the Administrator.

**11 Extent of inquiry**

Where the Tribunal carries out an inquiry the Tribunal may also inquire into and report on or determine, as the case may be, any matter that is, or is considered by it to be, related to the remuneration, salary, allowances, entitlements or benefits the subject of the inquiry.

**12 Conduct of inquiry**

In relation to an inquiry, the Tribunal:

- (a) may inform itself in such manner as it thinks fit;
- (b) may receive written or oral statements;
- (c) is not required to conduct its proceedings in a formal manner;  
and
- (d) is not bound by the rules of evidence.

**Part III Miscellaneous****13 Assistance to Tribunal**

The Minister may, if he thinks fit, appoint an employee, as defined in the *Public Sector Employment and Management Act*, to assist the Tribunal in any inquiry.

**14 Interim orders**

- (1) Where no determination has been made or deemed to have been made under this Act, or a determination that has been made or deemed to have been made under this Act, makes no provision for or in relation to a particular allowance or entitlement, the Minister may make an interim order, relating only to that allowance or entitlement, determining that that allowance shall be paid to persons or that that entitlement shall be granted to persons, in respect of their services as:
- (a) members of the Legislative Assembly;
  - (b) members of the Executive Council; or
  - (c) Ministers of the Territory.
- (2) An interim order made under subsection (1) ceases to have effect upon the coming into operation of a determination made under section 9(1)(b), being a determination that makes provision for or in relation to the allowance or entitlement provided by the interim order.

**Schedule**

Section 3

ACTS REPEALED

*Legislative Assembly (Remuneration, Allowances and Entitlements) Act 1978*  
(No. 103 of 1978)

*Legislative Assembly (Remuneration, Allowances and Entitlements) Act*  
(No. 2) 1978 (No. 118 of 1978)



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**ENDNOTES**
**1****KEY**

Key to abbreviations

amd = amended  
 app = appendix  
 bl = by-law  
 ch = Chapter  
 cl = clause  
 div = Division  
 exp = expires/expired  
 f = forms  
 Gaz = Gazette  
 hdg = heading  
 ins = inserted  
 lt = long title  
 nc = not commenced

od = order  
 om = omitted  
 pt = Part  
 r = regulation/rule  
 rem = remainder  
 renum = renumbered  
 rep = repealed  
 s = section  
 sch = Schedule  
 sdiv = Subdivision  
 SL = Subordinate Legislation  
 sub = substituted

**2****LIST OF LEGISLATION*****Remuneration Tribunal Act 1981 (Act No. 28, 1981)***

Assent date 25 March 1981  
 Commenced 1 June 1981 (*Gaz S6*, 1 June 1981)

***Remuneration Tribunal Amendment Act 1985 (Act No. 15, 1985)***

Assent date 23 May 1985  
 Commenced 23 May 1985

***Statute Law Revision Act 1987 (Act No. 59, 1987)***

Assent date 31 December 1987  
 Commenced 31 December 1987

***Remuneration Tribunal Amendment Act 1991 (Act No. 29, 1991)***

Assent date 17 June 1991  
 Commenced 1 July 1991 (*Gaz S35*, 1 July 1991)

***Public Sector Employment and Management (Consequential Amendments) Act 1993 (Act No. 28, 1993)***

Assent date 30 June 1993  
 Commenced 1 July 1993 (s 2, s 2 *Public Sector Employment and Management Act 1993* (Act No. 11, 1993) and *Gaz S53*, 29 June 1993)

***Remuneration Tribunal Amendment Act 2004 (Act No. 51, 2004)***

Assent date 13 September 2004  
 Commenced 20 October 2004 (*Gaz G42*, 20 October 2004, p 3)

**3****SAVINGS AND TRANSITIONAL PROVISIONS**

s 7 of the *Remuneration Tribunal Amendment Act 2004* (Act No. 51, 2004)

**4** **GAZETTE NOTICES**

*Gaz S37, 8 May 1987*

**5** **LIST OF AMENDMENTS**

It amd No. 15, 1985, s 3  
s 5 amd No. 51, 2004, s 4  
s 9 amd No. 15, 1985, s 4; No. 59, 1987, s 5; No. 29, 1991, s 3  
s 9A ins No. 15, 1985, s 5; No. 29, 1991, s 4  
rep *Gaz S37*  
s 9B ins No. 51, 2004, s 5  
s 11 amd No. 51, 2004, s 6  
s 13 amd No. 28, 1993, s 3