

NORTHERN TERRITORY OF AUSTRALIA

ASSEMBLY MEMBERS AND STATUTORY OFFICERS (REMUNERATION AND OTHER ENTITLEMENTS) ACT 2006

As in force at 27 April 2006

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(Remuneration and Other Entitlements) Act
2006**

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 27 April 2006

ASSEMBLY MEMBERS AND STATUTORY OFFICERS (REMUNERATION AND OTHER ENTITLEMENTS) ACT 2006

**An Act to provide for the remuneration and other entitlements of
Assembly members and statutory officers, and for related purposes**

Part 1 Introduction

1 Short title

This Act may be cited as the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act 2006*.

2 Definitions

In this Act, unless the contrary intention appears:

administrative guidelines means the administrative guidelines made under section 13.

Assembly means the Legislative Assembly.

Assembly member means a member of the Assembly.

basic salary, for an Assembly member, has the meaning in section 3.

chairperson, of a statutory body, means the presiding officer of that body (whether called the chairperson or not).

class, for statutory bodies, means a class of statutory bodies specified in the classification determination.

classification determination means the determination made under section 9 that is in force.

classification structure has the meaning in section 8(2).

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

member, of a statutory body, means a member of that body (whether called a member or not), and includes the chairperson of that body.

responsible Minister, for a statutory body, means the Minister administering the law that establishes the body.

statutory body means a body (whether incorporated or not) established by a law of the Territory for a public purpose.

statutory officer means:

- (a) a Magistrate appointed under section 4(3) of the *Magistrates Act*; or
- (b) a member of a statutory body; or
- (c) a person holding or occupying an office established by a law of the Territory.

Tribunal means the Remuneration Tribunal established by section 17(1).

Part 2 Entitlements of Assembly members

3 Basic salary

- (1) An Assembly member is entitled to be paid a basic salary at an annual rate equal to so much of the annual rate of the salary for a member of the House of Representatives as reduced by \$3 000.
- (2) For subsection (1), the salary of a member of the House of Representatives does not include any additional salary for that member (for example, additional salary as a Minister).

4 Other entitlements

- (1) The Tribunal must, on the Administrator's request, inquire into, or inquire into and 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 in the Assembly;
 - (iv) a Minister;
 - (v) a member of the Executive Council.
- (2) The request may relate to:
 - (a) an inquiry for a specified time; or
 - (b) inquiries for specified intervals.
- (3) The Tribunal must prepare a report for each inquiry conducted under subsection 1).
- (4) The report:
 - (a) if the Tribunal is requested to inquire into and determine an entitlement – must include a determination of the entitlement; or
 - (b) otherwise – may include recommendations on the entitlement to which the inquiry relates.
- (5) The Tribunal must give the Administrator and the Minister a copy of the report as soon as practicable after the report is made.
- (6) The Minister must table a copy of the report in the Assembly within 6 sitting days after receiving it.

5 Minister's power

- (1) The Minister may determine an entitlement (other than the basic salary) of an Assembly member referred to in section 4(1) if no determination for that entitlement has been made under that section.
- (2) The determination ceases to have effect when a determination under section 4 for that entitlement takes effect.
- (3) The Minister must table a copy of each determination under subsection (1) in the Assembly within 6 sitting days after making the determination.

Part 3 Entitlements of statutory officers

Division 1 Magistrates

6 Application

This Division applies to Magistrates appointed under section 4(3) of the *Magistrates Act*.

7 Entitlements

- (1) Subject to section 6(2) of the *Magistrates Act*, the Tribunal must, at least once a year, inquire into and determine the entitlements of Magistrates.

Note for subsection (1):

Section 6(2) of the Magistrates Act provides that the salary, allowances and other benefits to which a Magistrate is entitled under a determination under this section must not be altered to the Magistrate's detriment during the Magistrate's term of office.

- (2) The Tribunal must prepare a report for each inquiry conducted under subsection (1).
- (3) The report must include a determination of the entitlements.
- (4) The Tribunal must give the Minister a copy of the report as soon as practicable after the report is made.
- (5) The Minister must table a copy of the report in the Assembly within 6 sitting days after receiving it.

Division 2 Members of statutory bodies

8 Tribunal's power

- (1) The Tribunal must, on the Administrator's request, inquire into and make recommendations on any of the following matters as specified in the request:
 - (a) the classification structure for statutory bodies;
 - (b) a matter relating to the entitlements of members of statutory bodies.
- (2) The classification structure for statutory bodies is a set of provisions that specify the following without specifying any individual statutory body:
 - (a) classes of statutory bodies;

- (b) the entitlements of members of statutory bodies for any of the classes.
- (3) A request under subsection (1) may relate to:
 - (a) an inquiry for a specified time; or
 - (b) inquiries at specified intervals.
- (4) The Tribunal must prepare a report for each inquiry conducted under subsection (1).
- (5) The report must include any recommendations made by the Tribunal on the matter specified in the request for the inquiry.
- (6) The Tribunal must give the Administrator and Minister a copy of the report as soon as practicable after the report is made.
- (7) Without limiting subsection (1)(b), the Administrator may specify any of the following inquiries for subsection (1)(b):
 - (a) an inquiry into the level of entitlements of members of statutory bodies;
 - (b) an inquiry into the legislative framework for the entitlements of members of statutory bodies.

9 Administrator's power

- (1) The Administrator may determine the classification structure for statutory bodies (whether or not as a result of an inquiry under section 8).
- (2) In providing for an entitlement in relation to a class of statutory bodies, the determination may:
 - (a) specify the amount of the entitlement; or
 - (b) specify a range of amounts from which the amount of the entitlement for a particular statutory body must be decided by a responsible Minister under section 10(1)(b).
- (3) The determination may apply, adopt or incorporate the whole or part of a document as in force or existing at a particular time or from time to time.
- (4) The determination does not have effect in relation to a statutory body until a decision under section 10(1) for that body takes effect.

10 Responsible Minister's power

- (1) The responsible Minister for a statutory body must, in accordance with the classification determination, decide:
 - (a) the class of statutory bodies to which the body belongs; and
 - (b) if the determination provides for the responsible Minister to decide the amount of an entitlement as referred to in section 9(2)(b) – the amount of the entitlement.
- (2) The responsible Minister must do so having regard to:
 - (a) the administrative guidelines; and
 - (b) any recommendations made by the Minister administering this Act.
- (3) The responsible Minister must notify the Minister administering this Act of each decision under subsection (1) as soon as practicable after the decision is made.
- (4) This section has effect subject to the law establishing the statutory body.

11 Special power of Administrator

- (1) The Administrator may determine the entitlements of a member of a statutory body.
- (2) To the extent to which the determination is inconsistent with any of the following provisions, the determination has effect and that provision does not have effect:
 - (a) a provision in the classification determination;
 - (b) a provision in a decision for members of the statutory body under section 10(1);
 - (c) a provision in the administrative guidelines.
- (3) The determination may apply, adopt or incorporate the whole or part of a document as in force or existing at a particular time or from time to time.
- (4) This section has effect subject to the law establishing the statutory body.

12 Publication

- (1) The Minister must, in a manner that the Minister considers appropriate, publish a document that incorporates so much of the following as is in force:
 - (a) the classification determination;
 - (b) each decision under section 10(1);
 - (c) each determination under section 11(1);
 - (d) each provision in force under section 29.
- (2) The Minister must update the document as soon as practicable after a determination or decision referred to in subsection (1)(a), (b) or (c) is made, amended or revoked.
- (3) Without limiting subsection (1), the Minister may publish the document in an electronic form.

13 Administrative guidelines

- (1) The Minister may make administrative guidelines for this Division.
- (2) Without limiting subsection (1), the guidelines may provide for the matters that should be taken into account in making a decision under section 10(1).

Division 3 Other statutory officers

14 Application

This Division:

- (a) applies to a statutory officer whose entitlements are not provided under Division 1 or 2; and
- (b) has effect subject to the law establishing the office held or occupied by the officer.

15 Entitlements

- (1) The Tribunal must, on the Administrator's request, inquire into and make recommendations on an entitlement of a statutory officer to whom this Division applies as specified in the request.
- (2) The request may relate to:
 - (a) an inquiry for a specified time; or

- (b) inquiries for specified intervals.
- (3) Without limiting subsection (1), an inquiry covered by that subsection may be:
 - (a) an inquiry into the level of the entitlement; or
 - (b) an inquiry into the legislative framework for the entitlement.
- (4) The Tribunal must prepare a report for each inquiry conducted under subsection (1).
- (5) The report must include any recommendations made by the Tribunal on the matter specified in the request for the inquiry.
- (6) The Tribunal must give the Administrator and Minister a copy of the report as soon as practicable after the report is made.
- (7) The Minister must table a copy of the report in the Assembly within 6 sitting days after receiving it.

16 Administrator's power

- (1) If no provision is made under a law of the Territory for an entitlement of a statutory officer to whom this Division applies, the Administrator may determine that entitlement.
- (2) The determination ceases to have effect when a provision for that entitlement takes effect under another law of the Territory.
- (3) The determination may apply, adopt or incorporate the whole or part of a document as in force or existing at a particular time or from time to time.

Part 4 Administration

17 Establishment of Tribunal

- (1) The Remuneration Tribunal is established.
- (2) The Tribunal may be constituted by one member, or 2 or 3 members, appointed by the Administrator.
- (3) A member holds office for a period of 5 years and is eligible for re-appointment.
- (4) A member may resign the office by writing given to the Administrator.

- (5) The Administrator may remove a member from office:
 - (a) for incompetence or misbehaviour; or
 - (b) for mental or physical incapacity to carry out the member's duties satisfactorily.
- (6) The office of a member becomes vacant if the member:
 - (a) dies; or
 - (b) completes a term of office and is not re-appointed; or
 - (c) resigns the office; or
 - (d) is removed from office under subsection (5); or
 - (e) is convicted in the Territory of an offence punishable by imprisonment for 12 months or more or is convicted elsewhere of an offence that, if committed in the Territory, would be an offence so punishable; or
 - (f) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with the member's creditors or makes an assignment of the member's remuneration for their benefit.
- (7) The Administrator may appoint a person to act as a member during a period or all periods when:
 - (a) the member's office becomes vacant; or
 - (b) the member is absent from duty or from the Territory; or
 - (c) the member is unable to perform the member's duties.

18 Chairperson of Tribunal

- (1) The Administrator must appoint a member of the Tribunal to be the chairperson of the Tribunal if the Tribunal has more than one member.
- (2) The chairperson must preside at all meetings of the Tribunal.
- (3) The chairperson holds office for the period specified in the appointment.
- (4) The chairperson may resign the office by writing given to the Administrator.

- (5) The Administrator may appoint a member of the tribunal to act as the chairperson during a period or all periods when:
- (a) the chairperson's office becomes vacant; or
 - (b) the chairperson is absent from duty or from the Territory; or
 - (c) the chairperson is unable to perform the chairperson's duties.

19 Tribunal's power to inquire or determine

In inquiring into or determining a matter under this Act, the Tribunal may also inquire into or determine (as the case may be) another matter that relates to the matter.

20 Determinations by Tribunal

A determination by the Tribunal under this Act may apply, adopt or incorporate the whole or part of a document as in force or existing at a particular time or from time to time.

21 Tabling and disallowance of determinations

- (1) This section applies to a determination by the Tribunal under this Act.
- (2) The Minister must give a copy of the determination to each person whose entitlements are affected by the determination:
 - (a) within 14 days after the Minister receives a copy of the determination under this Act; and
 - (b) before the Minister tables a copy of the determination in the Assembly under this Act.
- (3) The Assembly may pass a resolution (the **disallowance resolution**) disallowing all or part of the determination within 10 sitting days after a copy of the determination is tabled in the Assembly under this Act.
- (4) Except as provided by subsection (5) or (6), the determination has no effect before the end of those sitting days.
- (5) If no disallowance resolution for the determination is passed within those days, the determination has effect as specified in the determination (including having effect from a date before the end of those days).

- (6) If a disallowance resolution for the determination is passed within those days:
- (a) so much of the determination as is disallowed does not have any effect; and
 - (b) so much of the determination as is not disallowed has effect as specified in the determination (including having effect from a date before the end of those days).
- (7) To avoid doubt, the Assembly's power to disallow a part of a determination includes a power to specify the extent to which a provision of the determination is disallowed.

Example for subsection (7):

If a provision of a determination revokes the whole of another determination, the Assembly may specify that the provision is disallowed to the extent to which it revokes a part of that other determination.

22 Conduct of inquiry

- (1) The Tribunal is not required to conduct an inquiry in a formal manner.
- (2) In conducting an inquiry, the Tribunal:
- (a) is not bound by the rules of evidence; and
 - (b) may inform itself in any manner it considers appropriate; and
 - (c) may receive any written or oral submissions.

23 Assistance

The Minister may appoint a public sector employee to assist the Tribunal in performing its functions.

24 Regulations

The Administrator may make regulations, not inconsistent with this Act, prescribing matters:

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Part 5 Repeals and transitional matters for Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act 2006

25 Repeal of Acts

The Acts specified in Schedule 1 are repealed.

26 Definitions

In this Part:

commencement means the commencement of the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act 2006*.

existing Tribunal means the Remuneration Tribunal existing under the *Remuneration Tribunal Act* immediately before the commencement.

new Tribunal means the Remuneration Tribunal established by section 17(1).

27 Remuneration Tribunal

- (1) A person who is a member of the existing Tribunal immediately before the commencement is taken to have been appointed as a member of the new Tribunal under section 17(2).
- (2) However, section 17(3) does not apply to that member.

28 Determinations under *Remuneration Tribunal Act*

- (1) A determination made by the existing Tribunal and in force under the *Remuneration Tribunal Act* immediately before the commencement continues in force.
- (2) The determination may be amended or revoked by the new Tribunal as if:
 - (a) for a determination applying to an Assembly member – it had been made under section 4(1) of this Act; or
 - (b) for a determination applying to a Magistrate – it had been made under section 7(1) of this Act.

29 Determinations under *Remuneration (Statutory Bodies) Act*

A provision in a determination in force under the *Remuneration (Statutory Bodies) Act* immediately before the commencement that provides for an entitlement of a member of a statutory body continues to be in force until the commencement of a provision for an entitlement of that member under sections 9 and 10 of this Act.

Schedule 1 Repealed Acts

section 25

<i>Remuneration (Statutory Bodies) Act 1979</i>	Act No. 9 of 1980
<i>Remuneration Tribunal Act 1981</i>	Act No. 28 of 1981
<i>Remuneration Tribunal Amendment Act 1985</i>	Act No. 15 of 1985
<i>Remuneration Tribunal Amendment Act 1991</i>	Act No. 29 of 1991
<i>Remuneration Tribunal Amendment Act 2004</i>	Act No. 51 of 2004

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

***Assembly Members and Statutory Officers (Remuneration and Other Entitlements)
Act 2006 (Act No. 7, 2006)***

Assent date	26 April 2006
Commenced	26 April 2006

3 LIST OF AMENDMENTS

pt 6 hdg	exp No. 7, 2006, s 31
ss 30 – 31	exp No. 7, 2006, s 31
sch 2	exp No. 7, 2006, s 31