

# **NORTHERN TERRITORY OF AUSTRALIA**

## **ASSEMBLY MEMBERS AND STATUTORY OFFICERS (REMUNERATION AND OTHER ENTITLEMENTS) ACT**

As in force at 6 October 2014

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 6 October 2014

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

**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*.

#### 2 Definitions

In this Act:

**2009 Tribunal determination**, see section 3A(6).

**additional salary of office**, see section 3A(6).

**administrative guidelines** means the administrative guidelines made under section 13.

**annual rate** means the rate of increase that takes effect in relation to the pay of NTPS employees during a calendar year, as stated in a prescribed agreement.

**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 (including, for example, a reimbursement of expenses incurred, and the provision of goods, services, facilities and any other assistance).

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

**NTPS employees** means public sector employees who hold the classification of administrative officer.

**prescribed agreement** means an enterprise agreement approved under the *Fair Work Act 2009* (Cth) that applies to NTPS employees.

**prescribed office**, see section 3A(6).

**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 of Assembly members to be tied to annual rate of increases in pay of NTPS employees**

- (1) An Assembly member is entitled to be paid a basic salary worked out under this section.

- (2) On and after 1 October 2009 until the date an entitlement takes effect under subsection (3), the basic salary is the amount worked out by increasing the pre-existing salary by 2.5%.
- (3) Subject to subsection (3A), the basic salary for each of the following periods is:
  - (a) on and after 19 August 2010 until 18 August 2011 – the amount worked out by increasing the existing basic salary as worked out under subsection (2) by 3%;
  - (b) on and after 19 August 2011 until 15 August 2012 – the amount worked out by increasing the existing basic salary as worked out under paragraph (a) by 3%;
  - (c) on and after 16 August 2012 until the date in 2013 that the first increase of the basic salary takes effect under subsection (4) – the amount worked out by increasing the existing basic salary as worked out under paragraph (b) by 3%.

*Note for subsection (3)(a)*

*The existing basic salary as worked out under subsection (2) is the pre-existing salary increased by 2.5%. It is the result of that calculation to which the 3% increase would apply for the period 19 August 2010 until 18 August 2011.*

- (3A) If an amount worked out for a period under subsection (3) would be more than the reduced MHR salary at the start of the period:
  - (a) the amount of the basic salary for that period is to be decreased to the reduced MHR salary; and
  - (b) the amount of the reduced MHR salary, as mentioned in paragraph (a), is taken to have been worked out under the relevant paragraph of subsection (3).
- (4) On and after the date an increase in the pay of NTPS employees takes effect under a prescribed agreement in an agreement year until the date an increase in the pay of NTPS employees takes effect under a prescribed agreement in the immediately following agreement year, the basic salary is:
  - (a) the amount worked out by increasing the existing basic salary by the annual rate for the agreement year; or
  - (b) if the amount worked out under paragraph (a) is more than the reduced MHR salary at the time the amount is worked out – the amount worked out by decreasing the amount worked out under paragraph (a) to the reduced MHR salary.

(5) In this section:

**agreement year** means 2013 or a calendar year after 2013.

**basic salary** means the salary of an Assembly member, but does not include any additional salary for the member, including, for example, additional salary as a Minister.

**existing basic salary**, for working out an entitlement under this section, means the basic salary to which an Assembly member is entitled under this section immediately before the date the increase, that is being worked out, is to take effect.

**pre-existing salary** means the basic salary to which an Assembly member is entitled under this Act on 30 September 2009.

**reduced MHR salary** means the annual rate of salary for a member of the House of Representative (not including any additional salary for the member, including, for example, additional salary as Minister) as reduced by \$3 000.

**3A Additional salary of office to be tied to annual rate of increase in pay of NTPS employees**

(1) For any period during the 2011 calendar year after the commencement of this section that an Assembly member holds or occupies a prescribed office mentioned in Schedule 2 as in force on the commencement, the Assembly member is entitled to an additional salary of office worked out by:

- (a) increasing the annual amount of the additional salary of office for the prescribed office, under the 2009 Tribunal determination, by 3%; and
- (b) apportioning the resultant amount worked out under paragraph (a) to the period that the Assembly member holds or occupies the prescribed office.

*Note for subsection (1)*

*Section 31 deals with entitlements relevant to the application of subsection (1).*

(2) For any period during a calendar year after the 2011 calendar year that an Assembly member holds or occupies a prescribed office, the Assembly member is entitled to an additional salary of office worked out by:

- (a) increasing the annual amount of the additional salary of office for the prescribed office for the immediately preceding calendar year by the annual rate applicable to the pay of NTPS employees, as stated in a prescribed agreement, in

relation to that immediately preceding calendar year; and

- (b) apportioning the resultant amount worked out under paragraph (a) to the period that the Assembly member holds or occupies the prescribed office.
- (3) If, during any period, an Assembly member holds or occupies 2 or more prescribed offices:
- (a) the Assembly member is only entitled to an additional salary of office for holding or occupying a single prescribed office; and
  - (b) the entitlement is for the prescribed office that yields the greater or greatest amount payable to the Assembly member for the period.
- (4) The Administrator may, by regulation, amend Schedule 2 by inserting an office if the Administrator considers the office performs a specified function for the Assembly or is an office mentioned in a determination under section 4(1) because of section 4(1)(c)(iii).
- (5) If Schedule 2 is amended as mentioned in subsection (4):
- (a) the Administrator must (also by regulation) declare the annual amount of the additional salary of office for the prescribed office for the calendar year in which it was inserted into Schedule 2; and
  - (b) subsection (2) first applies in relation to the prescribed office in the calendar year immediately after the calendar year in which it was inserted into Schedule 2; and
  - (c) section 43 of the *Interpretation Act* does not apply in relation to the exercise of power under subsection (4).

*Note for paragraph (c)*

*If a specified office is inserted into Schedule 2, the office cannot be omitted by a further amendment of the regulations but may be omitted by an Act.*

- (6) In this section:

**2009 Tribunal determination** means the *Determination of Entitlements of Assembly Members* determined by the Tribunal on 30 October 2009.

*Note for definition 2009 Tribunal determination*

*The 2009 Tribunal determination forms part of the Tribunal's Report on the Entitlements of Assembly Members and is also referred to as Determination No 1 of 2009.*

**additional salary of office** means an entitlement for an Assembly member to be paid an amount in addition to basic salary because the Assembly member holds or occupies a prescribed office.

**prescribed office** means an office mentioned in Schedule 2, including Schedule 2 as amended by regulation as mentioned in subsection (4).

**4 Tribunal's powers except for basic salary or additional salary of office**

- (1) The Tribunal must, on the Administrator's request, inquire into, or inquire into and determine, an entitlement (other than the basic salary or additional salary of office) 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.
- (1A) In addition, the Tribunal must, on the Administrator's request, inquire into, or inquire into and determine, an entitlement for a former Assembly 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, 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.
- (1C) However, the Tribunal does not have power to inquire into, or inquire into and determine, an entitlement for a matter prescribed by regulation.
- (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 or additional salary of office) 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 and Magistrates who hold a statutory office in addition to that of a Magistrate.

*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.

*Note for subsection (4)*

*See section 10A.*

## **10                Responsible Minister's power**

- (1) The responsible Minister for a statutory body may, 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.

## **10A              Decision under section 10 to continue in some circumstances**

- (1) The purpose of this section is to provide for what happens in relation to a statutory body if:
- (a) a classification determination (***applying determination***) has effect in relation to the body as mentioned in section 9(4) because a decision, that applies to the body, has taken effect under section 10 (***applying decision***); and
  - (b) after the applying determination has effect in relation to the body, it is amended by a further classification determination or replaced by another classification determination (the result of either the amendment or the replacement being a ***new determination***).

- (2) Subject to subsection (3), after the new determination is made but until it takes effect in relation to the statutory body as mentioned in section 9(4), both the applying determination and applying decision continue to have effect in relation to the body.
- (3) If the new determination increases the amount of the entitlement as mentioned in section 9(2)(a) for the class of statutory bodies to which the statutory body belongs under the applying decision, the change of the amount (as specified in the new determination) takes effect in relation to the body on the starting date for the new determination despite section 9(4).
- (4) For subsection (3), the **starting date**, for a new determination, is:
  - (a) the date specified in the new determination as the date the new determination is to start operating in relation to statutory bodies that are already the subject of an applying decision; or
  - (b) if no date is specified under paragraph (a) – the date the new determination is made.
- (5) Subsections (2) and (3) apply even if the new determination also changes other matters in the applying determination.

## **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**

- (1) 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.
- (2) A determination by the Tribunal under this Act may provide for:
  - (a) the following to be decided by a person specified in the determination:
    - (i) an administrative matter;
    - (ii) an alternative to an entitlement because of special circumstances, to avoid hardship or for another reason specified in the determination; or
  - (b) an entitlement to be subject to approval by, or notice to, a specified person (however the approval or notice is described in the determination).

## **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.

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- (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 under 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.

**Part 6 Transitional matters for later enactments**

**Division 1 Assembly Members and Statutory Officers  
(Remuneration and Other Entitlements)  
Amendment Act 2009**

**30 Administrative arrangements continue**

- (1) An existing administrative arrangement for an entitlement of an Assembly member continues to have effect until a determination under section 4 for the entitlement takes effect.
- (2) In this section:

***existing administrative arrangement***, for an entitlement of an Assembly member, means the administrative arrangement relating to the entitlement:

- (a) made by the Chief Minister, and tabled in the Legislative Assembly, on 21 February 2007; or
- (b) made by the Chief Minister, and tabled in the Legislative Assembly, on 29 November 2007.

**Division 2 Assembly Members and Statutory Officers  
(Remuneration and Other Entitlements)  
Amendment Act 2011**

**30A Further amount of basic salary for period on and after  
19 August 2010 until commencement**

- (1) This section applies to a person who:
- (a) was, on 19 August 2010, an Assembly member or, after 19 August 2010, became an Assembly member; and

- (b) is, immediately before the commencement, an Assembly member.
- (2) In addition to any amount previously paid to the person as basic salary in relation to the relevant period, the person is entitled to be paid a further amount of basic salary for the relevant period.
- (3) The further amount of basic salary is worked out by:
  - (a) calculating the amount to which the person would have been entitled as basic salary for the relevant period if section 4 of *the Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Amendment Act 2011* had been in force on 19 August 2010; and
  - (b) subtracting the amount of basic salary paid to the person for the relevant period from the amount calculated under paragraph (a).
- (4) In this section:

**commencement** means the commencement of this section.

**relevant period**, in relation to a person, means the period as mentioned in subsection (1) (starting on or after 19 August 2010 and ending immediately before the commencement) for which the person was an Assembly member.

### 31 Additional salary of office for 2011 calendar year

- (1) Subsection (2) applies to an Assembly member if:
  - (a) on or after 1 January 2011 but immediately before the commencement of this section (the **interim period**) – the Assembly member was entitled to be paid an amount of additional salary of office for an office under the 2009 Tribunal determination for the interim period (the **first entitlement**); and
  - (b) on the commencement – the office is a prescribed office.

*Note for subsection (1)*

*On the commencement, entitlements for additional salary of office for any period in 2011 but after the interim period are to be worked out under section 3A.*

- (2) The Assembly member is entitled to be paid a further amount for the office for the interim period worked out by:
  - (a) calculating the amount to which the Assembly member would have been entitled for the office for the interim period if section 3A had been in force on 1 January 2011 (the **second entitlement**); and
  - (b) subtracting the first entitlement from the second entitlement.
- (3) For applying section 3A(1) to the prescribed office of Member of the Council of Territory Cooperation:
  - (a) subsection 3A(1) applies to any period during the 2011 calendar year (including before the commencement of that subsection); and
  - (b) the 2009 Tribunal determination is taken to have provided for an additional salary of office for such a Member with an annual amount equal to 50% of the annual amount to which the Chairperson of the Council of Territory Cooperation was entitled under that determination.

## **32 Stopping operation of 2009 Tribunal determination**

If a part of the 2009 Tribunal determination is in force immediately before the commencement of this section, the part ceases to be in force on the commencement.

## **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

## **Schedule 2 Prescribed offices**

section 3A

1. Chief Minister
2. Deputy Chief Minister
3. Leader of Government Business
4. Any other Minister other than the Chief Minister or Deputy Chief Minister
5. Speaker
6. Leader of Opposition
7. Deputy Leader of Opposition
8. Chairperson of Committees
9. Chairperson of the Public Accounts Committee
10. Chairperson of the Legal and Constitutional Affairs Committee
11. Chairperson of the Environment and Sustainable Development Committee
12. Chairperson of the Council of Territory Cooperation
13. Government Whip
14. Opposition Whip
15. Member of the Council of Territory Cooperation



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## ENDNOTES

### 1 KEY

Key to abbreviations

<b>amd</b> = amended	<b>od</b> = order
<b>app</b> = appendix	<b>om</b> = omitted
<b>bl</b> = by-law	<b>pt</b> = Part
<b>ch</b> = Chapter	<b>r</b> = regulation/rule
<b>cl</b> = clause	<b>rem</b> = remainder
<b>div</b> = Division	<b>renum</b> = renumbered
<b>exp</b> = expires/expired	<b>rep</b> = repealed
<b>f</b> = forms	<b>s</b> = section
<b>Gaz</b> = <i>Gazette</i>	<b>sch</b> = Schedule
<b>hdg</b> = heading	<b>sdiv</b> = Subdivision
<b>ins</b> = inserted	<b>SL</b> = Subordinate Legislation
<b>lt</b> = long title	<b>sub</b> = substituted
<b>nc</b> = not commenced	

### 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

***Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Amendment Act 2009 (Act No. 27, 2009)***

Assent date	1 September 2009
Commenced	30 September 2009 ( <i>Gaz</i> G39, 30 September 2009, p 5)

***Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Amendment Act (No. 2) 2009 (Act No. 28, 2009)***

Assent date	11 November 2009
Commenced	1 October 2009 (s 2)

***Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Amendment Act 2011 (Act No. 1, 2011)***

Assent date	4 March 2011
Commenced	4 March 2011

***Statute Law (Miscellaneous Provisions) Act 2011 (Act No. 44, 2011)***

Assent date	21 December 2011
Commenced	27 January 2012 ((other than amdts to <i>Darwin Port Corporation Act</i> and <i>Marine Act</i> listed in the Sch to Act) <i>Gaz</i> S3, 27 January 2012))

***Northern Territory Civil and Administrative Tribunal Act 2014 (Act No. 28, 2014)***

Assent date	4 September 2014
Commenced	6 October 2014 ( <i>Gaz</i> S95, 6 October 2014)

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### 3 LIST OF AMENDMENTS

s 2	amd No. 27, 2009, s 4; No. 1, 2011, s 3
s 3	sub No. 28, 2009, s 4 amd No. 1, 2011, s 4
s 3A	ins No. 1, 2011, s 5
s 4	amd No. 27, 2009, s 5; No. 1, 2011, s 6
s 5	amd No. 1, 2011, s 7
s 7	amd No. 28, 2014, s 157
s 9	amd No. 44, 2011, s 5
s 10	amd No. 44, 2011, s 6
s 10A	ins No. 44, 2011, s 7
s 20	amd No. 44, 2011, s 8
s 24	sub No. 27, 2009, s 6
pt 6 hdg	exp No. 7, 2006, s 31 ins No. 27, 2009, s 7 sub No. 1, 2011, s 8
pt 6	
div 1 hdg	ins No. 1, 2011, s 8
s 30	exp No. 7, 2006, s 31 ins No. 27, 2009, s 7
pt 6	
div 2 hdg	ins No. 1, 2011, s 9
s 30A	ins No. 1, 2011, s 9
s 31	exp No. 7, 2006, s 31 ins No. 1, 2011, s 9
s 32	ins No. 1, 2011, s 9
sch 2	exp No. 7, 2006, s 31 ins No. 1, 2011, s 10