

NORTHERN TERRITORY OF AUSTRALIA
ASSEMBLY MEMBERS AND STATUTORY OFFICERS (REMUNERATION
AND OTHER ENTITLEMENTS) AMENDMENT ACT 2011

Act No. 1 of 2011

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 1 of 2011

An Act to amend the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act*

[Assented to 4 March 2011]
[Second reading 1 December 2010]

The Legislative Assembly of the Northern Territory enacts as follows:

1 Short title

This Act may be cited as the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Amendment Act 2011*.

2 Act amended

This Act amends the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act*.

3 Section 2 amended

- (1) Section 2, before the definition *administrative guidelines*
insert
2009 Tribunal determination, see section 3A(6).
- (2) Section 2
insert (in alphabetical order)
additional salary of office, see section 3A(6).

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.

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).

4 Section 3 amended

(1) Section 3(3)

omit, insert

(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).

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- (2) Section 3(5), definitions *agreement year*, *annual rate*, *NTPS employees*, *pre-existing basic salary* and *prescribed agreement*

omit

- (3) Section 3(5)

insert (in alphabetical order)

agreement year means 2013 or a calendar year after 2013.

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

5 Section 3A inserted

After section 3

insert

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).

6 Section 4 amended

- (1) Section 4, heading, after "**powers**"

insert

except for basic salary or additional salary of office

- (2) Section 4(1), after "basic salary"

insert

or additional salary of office

- (3) Section 4(1B)

omit

an additional salary of office and

7 Section 5 amended

Section 5(1), after "basic salary"

insert

or additional salary of office

8 Part 6 heading replaced

Part 6 heading

repeal, insert

Part 6 Transitional matters for later enactments

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

9 Part 6, Division 2 inserted

After section 30

insert

**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.

10 Schedule 2 inserted

After Schedule 1

insert

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