

Serial 144  
Assembly Members and Statutory Officers (Remuneration and Other  
Entitlements) Amendment Bill 2010  
Mr Henderson

A Bill for an Act to amend the *Assembly Members and Statutory Officers  
(Remuneration and Other Entitlements) Act*

NORTHERN TERRITORY OF AUSTRALIA  
ASSEMBLY MEMBERS AND STATUTORY OFFICERS (REMUNERATION  
AND OTHER ENTITLEMENTS) AMENDMENT ACT 2010

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Act No. [ ] of 2010

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# NORTHERN TERRITORY OF AUSTRALIA

Act No. [ ] of 2010

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

[Assented to [ ] 2010]  
[Second reading [ ] 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 2010*.

## 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).

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**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

Section 3(5), definitions **annual rate**, **NTPS employees** and **prescribed agreement**

*omit*

#### 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:

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- (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*

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*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**

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**9 Part 6, Division 2 inserted**

After section 30

*insert*

**Division 2 Assembly Members and Statutory Officers  
(Remuneration and Other Entitlements)  
Amendment Act 2010**

**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.

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**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