

26. NORTHERN TERRITORY ALLOWANCE

Interpretation

26.1 For the purposes of this by-law:

“dependent” in relation to an employee means:

- (a) an employee's spouse, including de facto partner, and children under the age of 18 years, who permanently reside with the employee and who are not in receipt of income in excess of the weekly minimum adult wage as advised by the Commissioner, including any Northern Territory Allowance or district allowance; or
- (b) any other person approved by the CEO for that purpose.

Entitlement and establishment of dependents

26.2 An employee is not eligible for Northern Territory Allowance where he or she does not have any resident family members, except as provided under by-laws 26.7 or 26.8.

26.3 An employee with family members who resides in the Northern Territory may lodge a claim to have those family members assessed as dependents under this by-law and may be eligible for payment of Northern Territory Allowance at the rate determined by the Commissioner.

26.4 Where an employee's family member, who is normally permanently resident with the employee, is temporarily not resident with the employee (eg at boarding school), the CEO may, after considering all the circumstances:

- (a) determine whether that family member will be regarded as a dependent for the purpose of this by-law; and
- (b) will not approve recognition of a dependent under by-law 26.1(a) where there is reason to believe that residence elsewhere is not of a temporary nature.

26.5 Where an employee is employed in the Public Sector under two (2) or more separate contracts of employment at the same time in accordance with section 38A of the Act

- (a) the employee is entitled to make a claim for Northern Territory Allowance under each contract in accordance with this by-law for his or her dependents; and
- (b) total payment of Northern Territory Allowance for the employee's dependents (i.e. same family members) must not exceed the full-

time employee equivalent per annum regardless of the number of contracts.

- 26.6 It is the responsibility of the employee to advise the employer of any change in dependency arrangements.

Established dependency

- 26.7 Where one (1) partner has established responsibility for the family unit, regardless of whether that partner is an employee, the other partner would not be entitled to claim recognition of the family unit as dependents for Northern Territory Allowance.

- 26.8 If the circumstances of the family unit have changed to the extent that there has been a change in responsibility for the family unit, an employee may claim for Northern Territory Allowance.

Special provisions prior to 31 July 1987

- 26.9 An employee who was recruited on or before 31 July 1987 will be entitled to Northern Territory Allowance at the rates as notified by the Commissioner, conditional upon:

- (a) the designation of the employee;
- (b) whether the employee has dependents or not; and
- (c) the location at which the employee is stationed.

- 26.10 An employee to whom by-law 26.9 applies, and who is permanently stationed in a locality specified below, will be paid Northern Territory Allowance at a higher rate as notified by the Commissioner.

Localities where the above rate applies:

Alexandria	Mallapunya
Alroy	Mamaruni (Croker Island)
Alyangula	Maningrida
Angurugu	Milingimbi
Anthony Lagoon	Mittiebah
Auverne	Moolooloo
Benmara	Moroak
Birrindudu	Mountain Valley
Borrooloola	Mt Sanford
Brunette Downs	Murganella

Bullo River	Nabarlek
Calvert Hills	Newry
Camfield	Ngukurr (Roper River)
Cattle Creek	Numbulwar
Coburg Peninsula (including Cape Don)	Nutwood Downs
Cresswell Downs	Oenpelli
Delamere	Port Keats (Wadderr or Wadeye)
Eva Downs	Robinson River
Galiwinku (Elcho Island)	Rockhampton Downs
Ganjarani (McArthur River)	Roper Valley
Humbert River	Timber Creek
Innesvale	Top Springs (including Montejinni, Killarney)
Inverway	Umbakumba
Kalkaringi (Wave Hill)	Urapunga (Roper Bar)
Kidman Springs	Victoria River Downs
Kirkimbie	Walhallow
Lajamanu (Hooker Creek)	Warruwi (Goulburn Island)
Legune	Willeroo
Limbunya	Wollogorang
Mainoru	

Payment of allowance

- 26.11 The CEO may approve payment of Northern Territory Allowance:
- (a) to an employee from the date on which the employee signs a statutory declaration seeking payment of the allowance; and
 - (b) where sufficient cause can be demonstrated, retrospective to the date of the statutory declaration. Failure to notify the agency would not normally warrant retrospective approval and in all cases it would be expected that approval would not be granted past the last annual review date.
- 26.12 Northern Territory Allowance:
- (a) is paid on a seven (7) day week basis;

(Note: One (1) day's allowance is one fourteenth of the fortnightly rate and any adjustment shall be calculated accordingly)

- (a) is not payable during any period of leave without pay that is in excess of one (1) day;

(Note: No deduction of Northern Territory Allowance during leave without pay of up to one day.)

- (a) is included in payment in lieu of recreation leave and additional recreation leave; and
- (b) is payable under certain circumstances for Long Service Leave in accordance with by-law 8.

Review of entitlement

- 26.13 Agencies will conduct a review of Northern Territory Allowance, to assess an employee's eligibility to the allowance, on at least an annual basis and, where an employee refuses or fails to provide information as requested by the review, payment of the allowance is to cease or revert to the without dependent rate, whichever is applicable.