

NORTHERN TERRITORY OF AUSTRALIA

Public Sector Employment and Management Act 1993

DETERMINATION NUMBER 1022 OF 2023

**OVERTIME AND TOIL FOR EMPLOYEES – NTG DECLARED EMERGENCY
POWER AND WATER CORPORATION**

I, VICKI TELFER, the Commissioner for Public Employment under section 14(2) of the *Public Sector Employment and Management Act 1993*, and with reference to section 13(a) of that Act, and in accordance with clause 72 of the *2018 – 2021 Power and Water Enterprise Agreement* (the Agreement) or a successor Agreement, determine that:

1. Employees employed under the Agreement paid a salary that exceeds the overtime barrier, shall be entitled to overtime payments in accordance with clause 72 of the Agreement, provided that:
 - (a) the extra duties performed are part of the required duties associated with the emergency response (including planning and recover operations) to an Northern Territory Government (NTG) Declared Emergency (i.e. emergency situation, state of emergency or state of disaster), as declared under Part 3 – Emergency management mechanisms of the *Emergency Management Act 2013*;
 - (b) where time off in lieu (TOIL) or other flexible work arrangements are unavailable or unable to be used, overtime payments may be authorised;
 - (c) the overtime was approved in advanced by the Chief Executive Officer or delegate, as applicable; and
 - (d) the payment of overtime shall be at the employee's actual classification.
2. Employees that receive Extra Duty Allowance (EDA) shall only be entitled to the arrangements in clause 1 when they exceed their additional hours component as outlined in clause 53.3 of the Agreement.
3. Technical Coordinators and Senior Technical Coordinators shall only be entitled to the arrangements in clause 1 when their additional hours worked exceeds 265 hours per annum as outlined in clause 43 of the Agreement.
4. The period of the recovery operations will not exceed 3 weeks from the expiry or revoking of the declaration for the specific event under the *Emergency Management Act 2013*, refer paragraph 1(a) above.
5. Advice on the expiry or revoking of the declaration for an NTG Declared Emergency to be confirmed with the Incident Controller, NT Police.
6. The Determination will cease to have effect from 15 July 2026, unless revoked earlier.

Dated 11 April 2023



VICKI TELFER PSM
Commissioner for Public Employment