

- (d) is required to perform duty on a Saturday, Sunday, public holiday or rostered day off (in addition to their normal weekly hours of duty) extending beyond a meal break and is not entitled to payment for that meal break,

shall be paid a meal allowance, in addition to overtime (if any), at such rate as determined by the Commissioner.

- 25. (3) The Chief Executive Officer shall not approve a meal allowance under clause (2) unless the Chief Executive Officer is satisfied that the employee cannot reasonably be expected to return home for a meal during the meal break.

By-law 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, 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 including any Northern Territory Allowance or district allowance; or
- (b) any other person approved by the Commissioner 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 clauses (7) or (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 Chief Executive Officer may, after considering all the circumstances -
 - (a) determine whether that family member shall be regarded as a dependent for the purpose of this By-law, and
 - (b) shall not approve recognition of a dependent under paragraph (a) where there is reason to believe that residence elsewhere is not of a temporary nature.

- 26 (5) A de facto relationship must have been in existence for a minimum period of 6 months before dependency, as a result of that relationship, can be recognised.
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 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 shall 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 clause (9) applies, and who is permanently stationed in a locality specified below, shall 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
Roper Valley	
Ganjarani (McArthur River)	Timber Creek
Humbert River	Top Springs (including Montejinni, Killarney)
Innesvale	
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 Chief Executive Officer 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 7 day week basis;
 - (b) is not payable during any period of leave without pay that is in excess of one day;
 - (c) is included in payment in lieu of recreation leave and additional recreation leave; and
 - (d) is payable under certain circumstances for Long Service Leave in accordance with By-law 8.

REVIEW OF ENTITLEMENT

26. (13) Agencies shall conduct a review of Northern Territory Allowance, to assess their 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.

By-law 27 - Relocation Expenses - Appointment or Transfer

ENTITLEMENT ON APPOINTMENT

27. (1) Where a person is permanently appointed to the Public Sector, and the place where that person is required to perform duty is not the place from which they were recruited and the appointment necessitates removal to commence duty, the Chief Executive Officer may, having regard for all relevant circumstances of the appointment, authorise payment to the person of -
- (a) an amount equal to the cost of conveyance of the person, family members (if any) and reasonable household furniture and effects; or
 - (b) provide a lesser allowance as determined by the Chief Executive Officer to assist the person to relocate,

but shall not authorise payment of salary or any allowance based on salary in respect of any period of travel occurring prior to commencement of duty.

ENTITLEMENT ON TRANSFER

27. (2) Where an employee is transferred as a result of action in respect of promotion, transfer or secondment authorised under Part 5, 6 or 7 of the Act, a Chief Executive Officer may apply the provisions of this By-law.
27. (3) An employee who requests and is permitted to voluntarily transfer from one district or place to another, and the request is not deemed to be a transfer to which clause (2) should apply, shall have no entitlement to this By-law and shall bear all costs of their removal.
27. (4) An employee who is transferred as a result of any action authorised under Part 8 of the Act, shall pay the whole cost of transfer except where the transfer is arranged -
- (a) by the Chief Executive Officer either within the Agency or between Agencies, in accordance with section 35 of the Act, in which case the Chief Executive Officer may determine to what extent relocation expenses shall be met by the Agency; or