

PART 3 - ALLOWANCES

By-law 22 - Loss or Damage to Clothing or Personal Effects

ENTITLEMENT

- 22 (1) An employee may be reimbursed the cost of clothing or personal effects that are lost or damaged if the loss or damage -
- (a) results from an act or omission of another employee arising in the course of that other employee's employment with the Territory;
 - (b) is caused by a fault or defect in goods, building or property belonging to or occupied by the Territory;
 - (c) occurs while the employee is protecting, or attempting to protect, property of the Territory; or
 - (d) is caused by or occurs in circumstances which in the opinion of the Chief Executive Officer can reasonably be considered to be incidental to the employment of the employee,
- provided that the loss or damage is attributable to the service of the employee, the employee took reasonable precautions to avoid the loss or damage and the employee cannot reasonably be expected to take legal action to recover the amount of the loss or damage from a person who may be liable to pay compensation for that loss or damage.
22. (2) The Chief Executive Officer shall not approve reimbursement for the loss or damage to clothing or personal effects in the following circumstances -
- (a) the clothing or personal effects were left on Government premises, including in official vehicles and the loss or damage did not arise in circumstances specified in clause (1);
 - (b) the property in relation to which the claim is made (eg calculators, drafting instruments, radios, photographic equipment, etc) is used and owned by the employee for the convenience of the employee whether or not the loss or damage arises in the course of the employee's employment, except where the employing Agency has specifically requested the employee to use that personal equipment;
 - (c) the loss or damage occurs in the course of a journey to or from the employee's place of employment;

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- (d) the loss or damage is caused by fire, flood, theft or some other usually insurable risk, but not arising in circumstances specified in clause (1);
- (e) the loss or damage is due to or substantially due to the negligence or carelessness of the employee, provided that reimbursement of the amount of the loss or damage can be reduced, depending upon the degree of contribution of the negligence;
- (f) the loss is a loss or theft of cash belonging to the employee or to any association of employees such as tea clubs or collections for employees;
- (g) the employee is entitled to recover or has recovered the amount of the loss or damage sustained from a person liable for such loss or damage or under a contract of insurance.

APPLICATION PROCEDURE

22. (3) An application for reimbursement under this By-law shall be made in the manner approved by the Chief Executive Officer who in assessing the application shall consider -
- (a) the costs of replacing the clothing or personal effects in question, less any amounts considered relevant in respect of depreciation, residual value and the negligence of the employee;
 - (b) whether or not the costs of replacement can be avoided by the repair of the clothing or personal effects in question, up to the equivalent replacement costs under paragraph (a).

By-law 23 - Higher Duties

INTERPRETATION

23. (1) For the purpose of this By-law -
- “higher duties” is defined as temporary performance of the duties of a designation which has a higher attainable maximum: salary than the substantive designation occupied;
- “higher duties allowance” means the difference in salary between the incremental point of the salary range applicable to the substantive designation and the minimum incremental point of the salary range applicable to the higher duty designation or the applicable incremental point determined in accordance with clauses (2) to (5);

“substantive designation” means the designation to which an employee has been appointed, permanently transferred or permanently promoted.

HIGHER DUTIES ALLOWANCE

23. (2) The Chief Executive Officer may direct an employee to perform higher duties.
23. (3) An employee who is paid salary in respect of age and who performs the duties of a higher designation shall -
- (a) be paid higher duties allowance of an amount equal to the difference between the salary rate for age at the substantive designation and the salary rate for age in the higher designation where age rates are prescribed for that higher designation; or
 - (b) be paid a higher duties allowance in accordance with the provisions of this By-law where an age rate is not prescribed for the higher designation.

INCREMENTS

23. (4) The amount of allowance payable to an employee temporarily performing higher duties shall be adjusted to equal the difference between the appropriate increment points of the higher and lower ranges where higher duties have been performed -
- (a) for a continuous period of 12 months; or
 - (b) non continuously for a period which aggregates in total a period of 12 months within 24 months, and
- a second or subsequent increment shall not be payable unless a previous increment as provided at paragraph (a) or (b) has been received for a period of 12 months.
23. (5) The period of employment at a higher duty designation shall count for incremental purposes at a substantive designation; and service towards increments applicable to a higher duty designation will be recognised if the employee is subsequently permanently promoted to the relevant higher designation or to a designation which is higher than the employee’s substantive designation but equal to or lower than a higher duty designation to which the increment has been applied.

OTHER CONDITIONS

23. (6) An employee temporarily performing the duties of a designation, the conditions of service of which differ from those of the designation normally held by the employee, shall be subject to the conditions of service of that designation as though the permanent holder of that designation.

23. (7) An employee who temporarily performs the duties of a designation, the salary range for which includes a barrier point determined by the Commissioner or in the relevant Award, must meet the criteria for advancement beyond the point before an allowance may be paid to raise salary beyond the barrier.

ALLOWANCE NOT PAYABLE IN CERTAIN CIRCUMSTANCES

23. (8) An employee is not entitled to receive a higher duties allowance unless -
- (a) other than an employee referred to at paragraph (b), the employee performs the duties of a higher designation for a period in excess of 4 hours on one day ;
 - (b) in the case of an employee employed in a teaching capacity, the employee performs the duties of a higher designation for a period of 5 days or more.
23. (9) Without affecting clause (1), where the maximum salary payable in relation to a designation exceeds the maximum salary payable in relation to the designation of Administrative Officer 6 (AO6), an employee who performs in that designation is not entitled to be paid a higher duties allowance where the period is less than one week unless the Commissioner determines otherwise.

PARTIAL PAYMENT OF ALLOWANCE

23. (10) Where an employee performing higher duties does not perform all the duties applicable to that designation the Chief Executive Officer shall determine the higher duties allowance payable, calculated as a percentage of the duties performed, and subject to such conditions as the Chief Executive Officer approves.

PAYMENT ON LEAVE

23. (11) An employee who, immediately before proceeding on paid leave was receiving higher duties allowance, shall continue to be paid such a higher duties allowance at the same rate which would have applied if not on leave and to the extent that the Chief Executive Officer certifies that the higher duties allowance would have been payable but for the grant of leave.

ALLOWANCE AS SALARY

23. (12) An allowance payable under this By-law shall be regarded as salary for the purposes of calculating payment for overtime and excess travelling time.

By-law 24 - Low Flying Allowance

ENTITLEMENT

24. (1) An employee (other than an employee who is a “flight crew member” as defined in Regulation 5 (1) of the Air Navigation Regulations) who is required to perform duties in an aircraft which for all or any part of the flight is required to fly at a height of 700 metres or less above ground level for the purpose of the operation on which it is engaged to enable those duties to be performed, shall be entitled to be paid an allowance at a rate as determined by the Commissioner, for each hour or part of an hour for the whole of the time for such flight.
24. (2) An allowance under clause (1) shall not be paid where take-offs and landings are the only part of a flight where the aircraft is at or below 700 metres regardless of how many landings and take-offs are made during the journey, and the employee is not required to perform duty specifically during those take-offs or landings.

By-law 25 - Meal Allowance

INTERPRETATION

25. (1) For the purpose of this By-law -

“meal break” means a break from duty occurring during one of the following periods:

7.00 am	to	9.00 am
12 noon	to	2.00 pm
6.00 pm	to	7.00 pm
Midnight	to	1.00 am.

ENTITLEMENT

25. (2) An employee who -
- (a) after the completion of ordinary time for the day is required to perform extra duty up to the completion of or beyond the meal period next occurring, without a meal break;
 - (b) is required after the completion of ordinary time for the day to perform extra duty after a meal break which occurs after that completion and is not entitled to payment for that break;
 - (c) is required before the commencement of ordinary time for the day to perform extra duty before a meal break which occurs before that commencement and is not entitled to payment for that break; or

- (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

- (b) between Agencies as a result of a direction of the Commissioner, in which case the Commissioner may determine to what extent relocation expenses shall be payable.

INSURANCE LIABILITY

- 27. (5) An employee may arrange insurance on household furniture and effects to be removed and the cost of that insurance may form part of the amount authorised for reimbursement under this By-law, but does not include insurance payable for -
 - (a) collections or valuables; and
 - (b) motor vehicles,

nor will any liability for loss or damage in respect of removal of items under paragraph (a) and (b) be accepted by the Territory.
- 27. (6) An employee shall not be entitled to any compensation from the Territory for losses or damages arising from removal, except where removal is performed by the Agency and loss or damage occurs, in which case compensation may be allowed under such conditions approved by the Chief Executive Officer.

OTHER ENTITLEMENTS

- 27. (7) An employee to whom this By-law applies, other than an employee referred to under clause (4), may be entitled to the provisions of By-law 28.
- 27. (8) Any payment made under this By-law is in addition to any payment made under By-law 28.

By-law 28 - Relocation Allowance

ELIGIBILITY

- 28. (1) Where on permanent appointment, promotion or transfer, it is necessary for an employee to move from one location to another to take up duty and the cost of so moving is at the expense of the Territory, the employee may be paid a relocation allowance for the purpose of assisting the employee with their immediate accommodation needs.

RELOCATION ALLOWANCE

- 28. (2) The rate of relocation allowance shall be determined by the Commissioner in respect of -
 - (a) an employee only; and
 - (b) in respect of an employee with a resident family unit.

28. (3) For the purpose of this allowance, the resident family unit rate is applicable where the employee's spouse, children or any other person who resided with the employee as part of the employee's family unit prior to relocation, accompanied the employee upon relocation and for whom the cost of that relocation was met by the Territory.

PAYMENT OF THE ALLOWANCE

28. (4) Where an employee is provided with accommodation by the Territory the Chief Executive Officer may approve payment of a relocation allowance, referred to under this By-law -
- (a) of a once only payment of one fortnight's allowance, irrespective of whether an accommodation cost is incurred; or
 - (b) where that accommodation is temporarily unavailable the lesser of
 - (i) 6 fortnights allowance; or
 - (ii) until the accommodation provided by the Territory is available,irrespective of the type of accommodation obtained by the employee.
28. (5) Where an employee is not provided with accommodation by the Territory the Chief Executive Officer may approve payment of a relocation allowance, referred to under clause (4) for a period of six fortnights irrespective of the type of accommodation obtained by the employee.

By-law 29 - Temperate Clothing Allowance

INTERPRETATION

29. (1) For the purpose of this By-law -
- “temperate location” means a place south of the Tropic of Capricorn or north of the Tropic of Cancer.

ENTITLEMENT

29. (2) If an employee whose normal place of employment is not in a temperate location, is directed to travel to a temperate location for the purpose of official duty, the Chief Executive Officer may approve reimbursement of the cost of temperate clothing purchased.
29. (3) A temperate clothing allowance shall not exceed the maximum amount determined by the Commissioner.

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29. (4) The Chief Executive Officer shall determine the conditions applicable to his or her Agency, in relation to the payment (ie purchases and/or hiring) and the extent of clothing necessary for temperate climates.

By-law 30 - Travelling Allowance

GENERAL

30. (1) An employee shall not be paid an allowance in respect of accommodation and/or meals provided under clause (3), where the employee chooses to utilise other services.
30. (2) Travelling Allowance is not payable where the employee is absent -
- (a) from the temporary duty locality during any period of leave, whether paid or unpaid; or
 - (b) during any period of unpaid leave.

ELIGIBILITY AND PAYMENT - OVERNIGHT TRAVEL

30. (3) Where an employee, in the course of employment, is required to travel away from headquarters which extends overnight the Chief Executive Officer may -
- (a) provide at no cost to the employee, reasonable accommodation or meals, or both accommodation and meals; or
 - (b) pay a travelling allowance to the employee, as determined by the Commissioner, in respect of accommodation or meals, or both accommodation and meals; or
 - (c) where the allowance determined by the Commissioner is not considered appropriate in respect of a particular travel situation, the Chief Executive Officer may substitute a greater or lesser amount of allowance,

and, in addition, pay an allowance as determined by the Commissioner for incidental expenses incurred or likely to be incurred by the employee.

PAYMENT WHERE TRAVEL IS NOT OVERNIGHT

30. (4) Where an employee, in the course of employment, is required to travel away from headquarters which does not extend overnight, the Chief Executive Officer may -
- (a) reimburse an employee costs necessarily incurred; or
 - (b) provide a travelling allowance for meals taken away from headquarters due to that travel.

30. (5) This By-law does not apply in circumstances where the travel undertaken is normal to the duties usually undertaken by the employee which are regularly performed away from headquarters.

By-law 31 - Camping Allowance

ELIGIBILITY

31. (1) Where an employee in the course of employment is required to camp out overnight using makeshift accommodation such as a swag or tent, the Chief Executive Officer may approve payment of a camping allowance at a daily rate, to compensate for the physical discomfort of camping and for reasonable provisioning.
- (2) Camping Allowance under this By-law is not payable during any period of leave whether paid or unpaid, except sick leave while remaining in a camping situation.

PAYMENT OF ALLOWANCE

31. (3) The camping allowance payable is -
- (a) such amount as determined by the Commissioner; or
 - (b) where the amount determined by the Commissioner is not appropriate having regard to the circumstances of a particular case, the Chief Executive Officer may substitute a greater or lesser amount of allowance, or if more appropriate may apply the provisions of By-law 30.

By-law 32 - Vehicle Allowance

APPROVAL REQUIRED FOR USE OF PRIVATE VEHICLE

32. (1) A private vehicle shall not be used for official purposes without the approval of the Chief Executive Officer.
32. (2) The Chief Executive Officer may authorise the use of a private vehicle for official purposes provided that the Chief Executive Officer is satisfied that -
- (a) the use of the private vehicle in the circumstances is, or is likely to be, more economical than the use of an official vehicle;
 - (b) the employee has given a written indemnity that is signed and witnessed indemnifying the Territory against all claims that may arise due to the use of the private vehicle.
32. (3) An authorisation under clause (2) may be given in respect of the use of a private vehicle -
- (a) in the course of an employee's employment;
 - (b) to tow a caravan or trailer owned by the Territory, or to carry tools, goods or materials owned by the Territory, or to carry passengers who would otherwise be transported at the expense of the Territory;

- (c) for the purpose of travel where an employee is entitled to the cost of conveyance following permanent appointment, promotion or transfer.

ALLOWANCES FOR THE USE OF PRIVATE VEHICLE

32. (4) Where the Chief Executive Officer has given approval under this By-law an employee may be paid an allowance at a rate determined by the Commissioner, in respect of each kilometre travelled.
32. (5) Where the chief Executive Officer has given approval under this By-law, an employee may be paid an additional allowance at a rate determined by the Commissioner, in respect of any one of the following -
- (a) passengers carried (regardless of the number of passengers);
 - (b) towing an Agency's trailer or caravan,
 - (c) carriage of an Agency's tools, goods or equipment provided that the mass of the items carried exceeds 100 kilograms.

PART 4 - OTHER ENTITLEMENTS

By Law 33 - Air Fares

INTERPRETATION

33. (1) For the purposes of this By-law -
- “Dependent”, in relation to an employee, means -
- (a) an employee's spouse, including de facto spouse, and children over the age of 3 years, who:
 - (i) reside permanently with the employee;
 - (ii) are not in receipt of income, the weekly average of which over the 6 month period immediately preceding the date of accrual of an air fare and over the 6 month period immediately preceding the date of air fare utilisation, exceeds the weekly minimum adult wage; and
 - (iii) are not eligible for fares assistance as a term or condition of service from any other source; and
 - (b) any other person approved by the Commissioner for that purpose.

ESTABLISHED DEPENDENCY

33. (1A) 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 air fares.
33. (1B) 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 air fares.

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