



Northern Territory of Australia

# Government Gazette

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## General information

The Gazette is published by the Office of the Parliamentary Counsel.

The Gazette will be published every **Wednesday**, with the closing date for notices being the previous Wednesday at 4.00 pm.

Notices not received by the closing time will be held over until the next issue.

Notices will not be published unless a Gazette notice request form together with a copy of the signed notice and a clean copy of the notice in Word or PDF is emailed to [gazettes.dcm@nt.gov.au](mailto:gazettes.dcm@nt.gov.au)

Notices will be published in the next issue, unless urgent publication is requested.

## Availability

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Unauthorised versions of *Northern Territory Acts* and Subordinate legislation are available online at <http://www.legislation.nt.gov.au>

Northern Territory of Australia

*Waste Management and Pollution Control Act*

Appointment of Authorised Officer

The NT EPA, under section 70(1)(a) of the *Waste Management and Pollution Control Act*, appoints Lauren Nicole Cooper to be an authorised officer for the purposes of the Act.

Dated 4 February 2015

Northern Territory Environment Protection Authority  
Common Seal of the Northern Territory Environment Protection Authority affixed

Northern Territory of Australia

*Crown Lands Act*

Notice of Determination of Grant  
Estate in Fee Simple in Crown Land

Notice is given, under section 12(6) of the *Crown Lands Act*, that the Minister for Lands, Planning and the Environment determined under section 12(3) of the Act to grant an estate in fee simple in Crown land, details of which are specified in the Schedule.

Dated 11 February 2015

Sharon Lesley Jones  
A/Director Land Administration  
Department of Lands, Planning and the Environment

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Schedule

Details of Determination

Description of Crown land the subject of the proposed grant	:	Section 5717 Hundred of Bagot
Person to whom proposed grant is to be made	:	Land Development Corporation (ABN: 11 768 147 358)
Price	:	Pursuant to an Agreement
Proposed Development	:	Facilitate the development of major strategic industries including gas based, road, rail or port related industries

Northern Territory of Australia  
*Information Act*  
*Public Interest Disclosure Act*

Appointment of Information Commissioner and  
Commissioner for Public Interest Disclosures

I, John Laurence Hardy, Administrator of the Northern Territory of Australia:

- (a) under section 85(2) of the *Information Act*, appoint Brenda Louise Monaghan to be the Information Commissioner for 5 years on and from 26 February 2015; and
- (b) under section 39(2) of the *Public Interest Disclosure Act*, appoint Brenda Louise Monaghan to be the Commissioner for Public Interest Disclosures for 5 years on and from 26 February 2015; and
- (c) under section 90(2) of the *Information Act* and section 40(2) of the *Public Interest Disclosure Act*, determine that the appointee will hold both offices concurrently on the terms and conditions (including conditions as to remuneration, expenses and allowances) set out in the Schedule.

Dated 12 February 2015

J. L. Hardy  
Administrator

By His Honour's Command

J. W. Elferink  
Attorney-General and Minister for Justice

Schedule

Information Commissioner  
and  
Commissioner for Public Interest Disclosures  
Terms and Conditions of Appointment

**A. REMUNERATION**

1. Pursuant to section 90(2) of the *Information Act* and section 40(2) of the *Public Interest Disclosure Act*, the **Commissioner** is entitled to an annual **Total Remuneration Package** at the mid-point rate applicable from time to time to an Executive Contract Officer 2 under an Executive Contract of Employment made pursuant to the *Public Sector Employment and Management Act*.
2. The total remuneration will be equal to the Total Remuneration Package. The Total Remuneration Package incorporates the **Salary Component** and the **Employment Benefits**.
3. The Commissioner shall be entitled to access and arrange the Total Remuneration Package in accordance with this Schedule.
4. The Commissioner will elect, by written notice to the **Employer** within 14 days from the commencement of appointment, what the proportion of the Total Remuneration Package she elects to receive as Employment Benefits and what proportion is to be paid to her as **Salary**.
5. If the Commissioner has not made the election referred to in paragraph 4 within the period referred to in that paragraph, the Commissioner will, subject to paragraph 6, be deemed to have elected to take the percentage of the Total Remuneration Package as salary determined by the Employer to be appropriate having regard to any Employment Benefits being conferred, or required to be conferred, under paragraphs 9 to 22.
6. If, during a term of office, there is a significant change to the Commissioner's superannuation contributions or to the value of the Total Remuneration Package, the Commissioner may by notice in writing request a change to the percentage taken as Employment Benefits and/or salary to reflect the change.
7. Fortnightly payment of salary will be calculated in accordance with the following formula:

$$\frac{\text{Annual Salary}}{313} \quad \text{multiplied by } 12$$

**B. EMPLOYMENT BENEFITS**

8. Any difference between the Commissioner's Total Remuneration Package and the amount taken as Employment Benefits will be provided to the Commissioner as salary.
9. The Commissioner may elect to salary package Employment Benefits as approved by the Commissioner for Public Employment from time to time and the proportion of the Total Remuneration Package to be paid to her as Salary will be adjusted to reflect the value of the Employment Benefits received.

10. Administration fees for salary packaging for benefit items in addition to those specified in this Schedule will be on the same terms as those applying generally to employees of the Northern Territory Public Sector.
11. In making a claim for payment for any Employment Benefit, the Commissioner will make an appropriate declaration as required for taxation purposes. If such declaration is found to be incorrect, the Commissioner agrees to indemnify and reimburse the Employer for any additional tax or penalties imposed by the Australian Taxation Office.

### **Motor Vehicle**

12. The Commissioner may elect to have the use of a motor vehicle fitted with incognito plates supplied by the Employer, on the same terms and conditions applied to Executive Contract Officers in the Northern Territory Public Sector from time to time.
13. The choice of vehicle is at the discretion of the Commissioner, from those approved by the Commissioner for Public Employment from time to time, relevant to the designation of Executive Contract Officer 2.
14. Use of the vehicle will be in accordance with the NT Fleet Driver Handbook guidelines and related NT Fleet policies.
15. The Commissioner will pay a contribution amount for the personal use of the motor vehicle at a rate determined from time to time by the Commissioner for Public Employment.

### **Superannuation – Complying Superannuation Fund**

16. The Employer will make superannuation contributions from the Commissioner's Total Remuneration Package to a **Complying Superannuation Fund** of an amount sufficient to meet the minimum employer contribution requirements under the *Superannuation Guarantee (Administration) Act 1992* (Commonwealth) as amended from time to time.
17. The Commissioner will advise the Employer in writing within 14 days of the commencement of her appointment of the Complying Superannuation Fund in which contributions under paragraph 16 are to be made. Where she does not provide this advice to the Employer, the Employer will make the contributions to the Northern Territory Government default Complying Superannuation Fund.
18. The Commissioner may elect to discontinue membership of a Complying Superannuation Fund at any time by notice in writing to the Employer and advise the Employer of the new Complying Superannuation Fund to which the Employer will make superannuation scheme contributions in accordance with paragraph 16.

### **Superannuation – Defined Benefit Scheme**

19. Where the Commissioner is a member of a **Defined Benefit Scheme** prior to commencing office, she may elect in writing to the Employer to continue membership of that scheme.
20. Where the Commissioner elects to continue membership of a Defined Benefit Scheme:
  - 20.1 the contribution salary will be based on the rate of 65% of the Commissioner's Total Remuneration Package;

20.2 the Employer will make sufficient contributions from the Commissioner's Total Remuneration Package to fund the employer component of the scheme benefits; and

20.3 the Commissioner will make contributions to the scheme in accordance with the rules of the scheme and any determinations made by the **Commissioner of Superannuation**.

21. Subject to satisfying conditions for cessation and the endorsement of the Commissioner of Superannuation, the Commissioner may apply in writing to discontinue her membership of a Defined Benefit Scheme and the provisions of paragraphs 16 to 18 will then apply.

### **Salary Sacrifice for Employer Superannuation**

22. The Commissioner may also request in writing for the Employer to make additional contributions from her Total Remuneration Package to a Complying Superannuation Fund by way of a salary sacrifice arrangement in accordance with Northern Territory Government policy, the rules relevant to the respective schemes and any legislative requirements of the Australian Taxation Office.

## **C. OTHER CONDITIONS**

### **Personal / Carer's Leave**

23. The Commissioner progressively accrues three (3) **weeks** of personal / carer's leave per **Employment Year**, and this leave accumulates from year to year.

24. The Commissioner may access personal / carer's leave without providing medical / documentary evidence, up to a maximum of five (5) days per Employment Year, provided no more than three (3) of those days are consecutive.

25. Paid personal / carer's leave can be taken by the Commissioner for a personal illness or injury or where the Commissioner is required to provide care and support for a member of her immediate family or household because of illness, injury or an unexpected emergency affecting the member.

26. The Commissioner must make all reasonable effort to advise the Employer as soon as reasonably practicable on any day of absence from her employment.

27. Where the Commissioner's paid personal / carer's leave has been exhausted she may take up to two (2) days unpaid leave to care for an immediate family or household member.

28. The Commissioner may elect to access personal leave at half the Total Remuneration Package rate where the absence is at least one (1) day.

### **Compassionate Leave**

29. The Commissioner is entitled to take up to three (3) days of paid compassionate leave in the event of a death or a serious illness posing a threat to the life of the Commissioner's immediate family or household member.

30. The Employer may require the Commissioner to produce documentary evidence of the need for compassionate leave.

### **Recreation Leave**

31. The Commissioner progressively accrues five (5) weeks paid recreation leave per Employment Year.
32. The Employer may, on application in writing by the Commissioner, grant leave for recreation purposes, subject to the office's operational requirements.
33. The Commissioner must take a minimum of three (3) weeks recreation leave within each Employment Year unless otherwise approved by the Employer.
34. The Commissioner will not carry forward in excess of six (6) weeks recreation leave within each Employment Year unless otherwise approved by the Employer.
35. The Employer may direct the Commissioner to take a period of paid recreation leave where she has accrued in excess of ten (10) weeks recreation leave, or where the office's enterprise is shut down for a period, e.g. between Christmas and New Year.
36. The Employer may agree to the Commissioner cashing out an amount of recreation leave provided she retains at least four (4) weeks accrued leave.
37. If the Commissioner elects to take recreation leave in cash, such payment will be in addition to, and will not form part of, the Total Remuneration Package.
38. Subject to the rules of the Australian Taxation Office as varied from time to time, and with the agreement of the Employer, the Commissioner may salary sacrifice a future recreation leave accrual as a lump sum payment for superannuation purposes provided she retains at least four weeks accrued leave.
39. The Employer will pay to the Commissioner any unused period of accrued recreation leave on completion or termination of the appointment.
40. Payments under paragraphs 36 to 39 will be at the rate of the Commissioner's Total Remuneration Package.

### **Recreation Leave at Half Pay**

41. Subject to the approval of the Employer, the Commissioner may utilise one (1) or more weeks of her recreation leave at half the Total Remuneration Package rate, in order to double the period of leave. Half-pay recreation leave cannot be used where the Commissioner has entered into a purchased leave arrangement under paragraph 43.
42. Where the Commissioner utilises an amount of recreation leave at half pay, all leave entitlements will accrue as if the Commissioner had utilised the first half of the leave at the full Total Remuneration Package rate; and the second half of the period of the leave will not count as service and service based entitlements will be adjusted accordingly.

### **Purchase of Additional Leave**

43. Subject to the approval of the Employer, the Commissioner who has completed **12 months** continuous service may purchase between one (1) and six (6) weeks additional leave per year in accordance with the same terms applying to an ongoing Senior Administrative Officer 2 in the Northern Territory Public Sector.



### **Community service leave**

44. The Commissioner is entitled to take paid community service leave for the purposes of jury service or a voluntary emergency activity as approved by the Employer.
45. The Commissioner's salary will be reduced by the total amount of jury service pay received by her.

### **Long Service Leave**

46. The Commissioner will be entitled to three (3) calendar months long service leave after completion of ten (10) years continuous service plus an additional nine (9) calendar days for each subsequently completed year of service.
47. The Employer may, on application in writing by the Commissioner, approve a period of long service leave, subject to the office's operational requirements.
48. Subject to paragraph 49, the Commissioner is required to use her entitlement to long service leave within three (3) years of the ten (10) year and 20 year entitlement accruing, unless the Employer approves a temporary deferral on the utilisation of the leave.
49. The Commissioner will not be required to use her entitlement where she was of an age no less than ten (10) years younger than the minimum retirement age of 55 years as at 7 March 1999, and she was then employed in the Northern Territory Public Sector and remained in that employment.
50. Where the Commissioner has not obtained approval from the Employer to temporarily defer the utilisation of her long service leave beyond the three (3) year limit under paragraph 48, she will:
  - 50.1 be directed by the Employer to utilise the long service leave credit from a date which suits the needs of the office; or
  - 50.2 have the long service leave credit cashed out from the date determined in sub-paragraph 50.1.
51. Long service leave will be granted in minimum blocks of seven (7) calendar days, and then multiples of three (3) calendar days.
52. When using a long service leave entitlement, the Commissioner may elect:
  - 52.1 to be paid at the rate of the Total Remuneration Package for the full period of the leave; or
  - 52.2 to take half the entitlement approved as leave and the balance paid-in-lieu of leave at the Total Remuneration Package rate; or
  - 52.3 subject to the approval of the Employer, to utilise her entitlement to long service leave at half the Total Remuneration Package rate, provided that the period of leave taken will not exceed twice the entitlement accrued under paragraph 46.
53. Where the Commissioner is approved to utilise an amount of long service leave in accordance with sub-paragraph 52.3, all leave entitlements will accrue as if the Commissioner had utilised the leave at the full Total Remuneration Package rate.
54. The Commissioner may at any time elect to cash up a minimum of one (1) month of long service leave at the Total Remuneration Package rate.

55. If the Commissioner elects to take a long service leave entitlement in cash, such payment will be in addition to, and will not form part of, the Total Remuneration Package.
56. Subject to the rules of the Australian Taxation Office as varied from time to time, the Commissioner may salary sacrifice a future long service leave accrual as a lump sum payment for superannuation purposes at the Total Remuneration Package rate.

### **Payment-in lieu of Long Service Leave**

57. For less than ten years (10) continuous service, on completion or termination of the appointment, the Commissioner will receive payment in lieu of pro-rata long service leave at the rate of twenty two and one half (22 ½) calendar days for seven (7) completed years of continuous service, and a further twenty two and one half (22 ½) calendar days for each of the eighth (8th) and ninth (9th) completed years of continuous service.
58. Provided the Commissioner had at least one (1) year of service, on death her estate will be entitled to receive payment in lieu of any long service entitlement, to be paid at the Total Remuneration Package rate.
59. For ten (10) years' service or more, on completion or cessation of the appointment, the Commissioner will be entitled to receive payment in lieu for any unused and pro-rata long service leave at the Total Remuneration Package rate.

### **Recognition of Prior Service for Long Service Leave Purposes**

60. On request, the Employer may recognise the Commissioner's prior service with a recognised employer for the purposes of long service leave. Such recognition will be in accordance with the provisions applying to Senior Administrative Officer 2 in the Northern Territory Public Sector.

### **Special Leave**

61. Where the Commissioner has exhausted relevant leave entitlements, the Employer may, where exceptional circumstances exist, approve special leave with or without pay.
62. Leave without pay approved under paragraph 61 will not count as service for any purpose.

### **Parental Leave**

63. Parental leave provisions for the Commissioner will be those that apply to a Senior Administrative Officer 2 in the Northern Territory Public Sector.

### **Requests for Flexible Working Arrangements to Care for a Child**

64. Provisions for flexible working arrangements to care for a child will be those that apply to a Senior Administrative Officer 2 in the Northern Territory Public Sector.

### **Working Environment**

65. The Commissioner may be required, during the term of the appointment, to travel to and from, and work at, any location or place where the Employer requires.
66. Where the Commissioner is required under paragraph 65 to relocate from one place to another, the Commissioner may be paid removal and relocation expenses in accordance with paragraph 68.

## **Travelling Allowance**

67. Subject to agreement with the Employer, where the Commissioner in the course of her appointment is required to travel away from headquarters which extends overnight, the Commissioner will be entitled to travel allowance and other relevant arrangements applicable to a Senior Administrative Officer 2 in the Northern Territory Public Sector.

## **Removal and Relocation Expenses**

68. Subject to agreement with the Employer, where the Commissioner is required to relocate from one place to another to take up duty in accordance with the requirements of office, the Commissioner may receive payment of reasonable relocation and travel expenses, and relocation allowances, in accordance with the relocation expenses and relocation allowance provisions that apply to a Senior Administrative Officer 2 in the Northern Territory Public Sector.
69. Subject to paragraphs 70 and 71, on completion or cessation of office, the Employer will meet reasonable relocation and travel expenses associated with returning the Commissioner, recognised dependants, if any, and any of the Commissioner's furniture and personal and household effects, from the place where the Commissioner resided during the period of appointment to the place from which the Commissioner was recruited, or such other place of equal or lesser distance, as nominated by the Commissioner, and at the discretion of the Employer.
70. Paragraph 69 will have effect only where:
- 70.1 in the case of the office of the Commissioner ceasing, where that cessation occurs within three (3) months of the last day of office as specified in the instrument of appointment; and
  - 70.2 the departure of the Commissioner and the Commissioner's dependants occurs within 30 days of the completion or cessation of the appointment, unless otherwise approved by the Employer; and
  - 70.3 the removal of the effects of the Commissioner and the Commissioner's recognised dependants occurs within 90 days of the completion or cessation of appointment, unless otherwise approved by the Employer.
71. Where the Commissioner's period of office is completed or ceases and the Commissioner was recruited from the place at which she resided during the period of appointment, or she advises the Employer that she will continue to reside within the Northern Territory, paragraph 69 will be of no effect, unless the Commissioner was relocated from within the Northern Territory under paragraph 68.
72. The Employer may authorise the deduction from the Commissioner's final Salary payment to recover relocation expenses associated with the recruitment of the Commissioner under paragraph 68 if the appointment ceases within 12 months of being made.
73. Paragraph 72 will not apply where:
- 73.1 the Employer and the Commissioner mutually agree to cease the appointment; or
  - 73.2 the Employer decides that special circumstances apply.

## **Workers' Compensation**

74. The Commissioner, if an injury as defined in the *Workers Rehabilitation and Compensation Act* is sustained, will be entitled to receive:
- 74.1 during the period of office, *Workers Rehabilitation and Compensation Act* income based benefits based on the Salary Component at the time of injury. In addition, the Employer will continue to provide the same level of Employment Benefits in accordance with this Schedule; or
  - 74.2 on completion or termination of office, compensation in accordance with the *Workers Rehabilitation and Compensation Act*.

## **D. CONFIDENTIALITY AND NON-COMPETITION**

75. In appointing the Commissioner to the office, the Employer is exposing the Commissioner to confidential information and trade secrets, and information and documents which it considers and treats as confidential, including such things as Cabinet documents, submissions, draft reports, commercial information supplied to the Employer, draft legislation, and, particularly in the case of government business enterprises, the identity of suppliers and customers and prices charged to customers and by suppliers (except where that information is in the public domain). In consideration of the Commissioner being appointed and therefore exposed to that information, the disclosure of which will damage the Employer, the Commissioner agrees by accepting the appointment to office to be subject to the following conditions:
- 75.1 the Commissioner will not either during or after the course of her employment and, except in the proper course of her duties, divulge to any person, and she should use her best endeavours to prevent the publication or disclosure of, any confidential information or trade secrets of the Employer and without limiting the generality of that expression any trade secret or process or information concerning the same or the business of the Employer or of any of its dealings, transactions or affairs which may come to her knowledge during and as a result of or out of her employment, other than where that information or process is part of the public domain;
  - 75.2 during her appointment, the Commissioner will not be concerned or involved directly or indirectly whether as principal, agent, servant, consultant, Commissioner or shareholder in connection with any business, or the promotion of any business similar to and in competition with that conducted by the Employer, except as a shareholder in a Company listed on the Stock Exchange in Australia;
  - 75.3 the Commissioner will not, for the following periods after the date of the termination of a period of office for any cause whatsoever, solicit any customer who is an existing customer of the Employer at the time of the termination of office:
    - 75.3.1 six (6) months;
    - 75.3.2 a further six (6) months in addition to the period specified in 75.3.1; and
    - 75.3.3 an additional six (6) months in addition to the period specified in 75.3.2.

- 75.4 Each of these periods are separately agreed to despite any overlap of the Commissioner's obligations, and if one or more of these periods is or are found to be unenforceable, then that or those periods will be severed and the remaining period or periods will still apply;
- 75.5 In this paragraph, "Employer" includes the Northern Territory of Australia and any government business enterprise conducted by the Northern Territory of Australia, including without limitation any company, joint venture or partnership.
- 75.6 Provided that the Minister may, by instrument in writing, exempt the Commissioner from any or all of the obligations in sub-paragraphs 75.2 and 75.3 of this paragraph.

#### **E. OWNERSHIP OF MATERIAL AND INTELLECTUAL PROPERTY**

76. On completion or cessation of office, the Commissioner will return to the Employer all correspondence, documents, papers and property relating to duties performed during the period of an office.
77. Any intellectual property invented or created by the Commissioner as a result of her holding the office of the Commissioner will remain the property of the Employer, unless otherwise agreed in writing by the parties.

#### **F. CONFLICT OF INTEREST**

78. The Commissioner must disclose in writing to the Employer where a potential conflict between her personal interest and official duty, whether real or apparent, has arisen or is likely to arise.
79. The Employer may take any action, or direct the Commissioner to take any action the Employer considers necessary, to ensure there is no potential conflict between the Commissioner's personal interest and her official duty. This paragraph does not operate in a way that will or may interfere with the exercise of the independent functions of the Commissioner.

#### **G. DECLARATION OF PRIVATE FINANCIAL AND OTHER INTERESTS**

80. The Employer may require the Commissioner to make a declaration of any private financial or other interests, including with respect to immediate family members (and other relevant persons), which might result in a conflict with her official duty.
81. The Employer may take any action, or direct the Commissioner to take any action the Employer considers necessary, to ensure there is no potential conflict between the Commissioner's private financial interests, including with respect to immediate family members (and other relevant persons), and her official duty.

#### **H. TRANSITION PROVISIONS**

82. A Commissioner who was, immediately prior to her appointment as Commissioner or subsequent appointment (howsoever described), an ongoing or fixed period employee employed in accordance with the *Public Sector Employment and Management Act* or any other Northern Territory legislation approved by the Commissioner for Public Employment, will have:
- 82.1 accrued recreation leave to a maximum of four (4) weeks credit carried forward into her appointment;
- 82.2 accrued personal / carer's leave credits carried forward into her appointment;
- 82.3 continuity of service for the purpose of long service leave accrual;

82.4 continuity of service for the purpose of parental leave.

#### **I. PERFORMANCE REVIEW**

83. The Commissioner is expected to possess and demonstrate the capabilities required of an Executive Contract Officer within the meaning of the *Public Sector Employment and Management Act*, as specified by the Commissioner for Public Employment from time to time.
84. The Minister shall, at the Minister's discretion, review the Commissioner's performance by conducting a performance appraisal process from time to time.
85. A review conducted under paragraph 84 must not include any review or assessment of the exercise by the Commissioner of independent statutory powers and discretions which she has under the *Information Act* or the *Public Interest Disclosure Act* or at general law by reason that she holds the office of Information Commissioner or Commissioner for Public Interest Disclosures.

#### **J. MEDICAL EXAMINATION**

86. The Employer may direct the Commissioner to attend an examination by a registered medical practitioner(s) or other persons having relevant qualifications where the Employer believes the Commissioner's efficiency or work performance is affected by illness or injury.

#### **K. COMPLETION OF A PERIOD OF OFFICE**

87. Where the Commissioner has completed the period specified in the instrument of appointment, she will be entitled to payment of:
- 87.1 accrued recreation leave in accordance with paragraph 39;
  - 87.2 accrued and pro-rata long service leave in accordance with paragraph 57 or 59;
  - 87.3 payment of reasonable removal and travel expenses in accordance with paragraphs 69 to 71; and
  - 87.4 superannuation benefits where applicable.

#### **Payment following Cessation of Office**

88. If the Commissioner -
- 88.1 resigns from office under section 40 of the *Public Interest Disclosure Act* or section 93 of the *Information Act*; or
  - 88.2 is retired from office under section 40 of the *Public Interest Disclosure Act*; or
  - 88.3 is terminated from office under section 42 of the *Public Interest Disclosure Act* or section 91 of the *Information Act*;
- the Commissioner will be entitled to payment, as at the date of cessation, of:
- 88.4 accrued recreation leave in accordance with paragraph 39;
  - 88.5 accrued and pro-rata long service leave in accordance with paragraph 57 or 59;
  - 88.6 payment of reasonable removal and travel expenses in accordance with paragraphs 69 to 71; and

88.7 superannuation benefits where applicable.

## **L. RE-APPOINTMENT**

89. At least six (6) months prior to the expiration of office, the Employer and the Commissioner shall discuss whether the Commissioner will be re-appointed for a further period and, if so, on what terms.
90. The Employer will advise the Commissioner in writing of the decision on reappointment no later than three (3) months prior to the expiry of the Commissioner's appointment.
91. Where the Commissioner is advised that her appointment to office will not be renewed, such advice does not amount to a termination of the appointment. If the appointment is not renewed, the period of office will terminate by operation of the law.
92. Any further reappointment to the office of Commissioner will be in accordance with the relevant Act.
93. In the event that the Commissioner is re-appointed for a further period as Commissioner, and where there is no break in service, the previous service as Commissioner will be recognised under the new appointment.
94. Any accrued or pro-rata recreation leave and personal / carer's leave and continuity of service for the purpose of long service leave due to the Commissioner at the termination or completion of a period of office will be carried forward into any new appointment.
95. In some circumstances, completion or termination of a term of office by the Commissioner may represent voluntary retirement for superannuation purposes provided that the Commissioner does not remain in employment in the Public Sector of the Northern Territory.

## **M. MISCELLANEOUS**

### **Rules from Time to Time**

96. The Commissioner will familiarise herself with and abide by any policies and NT public sector legislated requirements, rules and regulations in force in the Northern Territory of Australia relevant to the administration of Agencies. This paragraph does not operate in a way that will or may interfere with the independent exercise of the powers, discretions and functions of the Commissioner or the office.

### **Independent Advice**

97. By accepting the appointment as Commissioner, the Commissioner confirms that she has taken (or has chosen to waive the opportunity to obtain) independent advice as to the implications of the appointment and agrees to be bound by the terms and conditions imposed by the appointment and this Schedule.

### **Continuation of Terms and Conditions**

98. If the Commissioner is required to change her duties in any way during the term of the appointment as Commissioner, the terms and conditions of this Schedule will continue to apply.

## N. DEFINITIONS

99. In this Schedule, unless otherwise stated or the context otherwise indicates:

**"Commissioner"** means the person appointed to be the Information Commissioner, and concurrently the Commissioner for Public Interest Disclosures, under the instrument to which this Schedule is attached;

**"Commissioner for Public Employment"** means a person appointed under section 8 of the *Public Sector Employment and Management Act* as the Commissioner for Public Employment;

**"Commissioner of Superannuation"** means the Commissioner of Superannuation appointed under the *Superannuation Act 1986*;

**"Complying Superannuation Fund"** has the meaning given in section 7 of the *Superannuation Guarantee (Administration) Act 1992* (Cth), and for the purposes of this Schedule does not include the Commonwealth Superannuation Scheme, Northern Territory Government and Public Authorities Superannuation Scheme or the Northern Territory Supplementary Superannuation Scheme;

**"Defined Benefit Scheme"** for the purpose of this Schedule means the following:

- a) Commonwealth Superannuation Scheme;
- b) Northern Territory Government and Public Authorities Superannuation Scheme;  
and
- c) Northern Territory Supplementary Superannuation Scheme.

**"Employer"** means the Northern Territory of Australia;

**"Employment Benefit(s)"** means a non-salary benefit approved and provided by the Employer in accordance with this Schedule, and at the request of the Commissioner in accordance with this Schedule;

**"Employment Year"** means each consecutive twelve (12) month period of service from the date of commencement of an appointment;

**"month(s)"** means a calendar month;

**"Salary"** means assessable income within the meaning of section 995-1 of the *Income Tax Assessment Act 1997* (Cth);

**"Salary Component"** means that portion of the Total Remuneration Package which is payable as salary and allowances in accordance with paragraphs 2, 5 and 9 or as adjusted in accordance with paragraph 7;

**"Total Remuneration Package"** means the annual total of the Salary Component and the Employment Benefits specified in paragraph 1 of this Schedule to which the Commissioner is entitled, as adjusted from time to time; and

**"week"** means five (5) working days unless otherwise specified.