

**ANNUAL REPORT AND DETERMINATION OF ADDITIONAL
ENTITLEMENTS FOR MEMBERS OF THE PARLIAMENT OF
NEW SOUTH WALES**

by the

PARLIAMENTARY REMUNERATION TRIBUNAL

pursuant to the

Parliamentary Remuneration Act 1989

31 MAY 2002

PARLIAMENTARY REMUNERATION ACT 1989
REPORT PURSUANT TO SECTION 13(1) OF THE ACT

1. INTRODUCTION

Section 11 of the Parliamentary Remuneration Tribunal Act 1989 ("the Act") prescribes that the Parliamentary Remuneration Tribunal ("the Tribunal") shall make an annual Determination as to the additional entitlements for Members and Recognised Office Holders (as defined under the Act) on or before 1 June in each year or on such later date as the President of the Industrial Relations Commission of New South Wales determines.

Section 13 (1) of the Act requires that the Tribunal make a report to the President of the Industrial Relations Commission of New South Wales for each Determination made by the Tribunal. The President is then required, as soon as practicable after receipt of the report, to forward it to the Minister (see section 13(2)).

On 15 March 2002 the Tribunal commenced proceedings in relation to the annual Determination required for the year 2002 by writing to all Members and inviting submissions.

The Tribunal received submissions from the Presiding Officers, the major political parties and some individual Members. The Tribunal also met with those Members who specifically requested to meet and discuss their submissions. The meetings proved very useful for the Tribunal in gaining a greater understanding of the matters raised.

Because of the diverse range of matters canvassed in the submissions the Tribunal does not intend to discuss all in their entirety. As has been the previous practice the Tribunal has made changes to the Determination without the need for detailed separate reasons being provided. Such changes reflect, in general, minor wording changes to give greater consistency to the Determination.

In a number of cases the submissions have repeated matters previously raised without providing any additional information for consideration by the Tribunal. Where the Tribunal has dealt with such matters in earlier Reports and Determinations no further consideration has been given in the present review.

The submissions have, however, also raised a number of substantive issues which, in the Tribunal's view, merit further consideration.

2. GENERAL MATTERS RAISED

Record Keeping Requirements

The Tribunal has been advised that the level of detail contained in the Determination coupled with the administrative arrangements to give effect to the Determination has resulted in an unacceptable level of record keeping by Members, way beyond what could reasonably be expected to meet the accountability requirements of the Act and the Determination. In part this has been attributed to the Guidelines the Tribunal includes in each Determination.

The current format of the Determination was first introduced in the Tribunal's 2000 Determination. The reasons for this were state in the 2001 Report (p4)

"...it must be noted that the 2000 Determination does contain a significant amount of detail as to the administration and management of the scheme for additional entitlements. This has been brought about, in part due to the legislative requirements which impose a greater degree of accountability on Members. It has also come about because of specific requests for the Presiding Officers to introduce new rules and guidelines which, on the one hand, are designed to enhance accountability and/or transparency in the use of entitlements by Members and, on the other, seek to have the Tribunal simply resolve a range of what might be described as ordinary administrative issues.

The Tribunal is of the view that it is not its role to determine the minutiae of each entitlement. The Tribunal's role is to determine the rules and guidelines which meet the statutory need and community expectation for accountability and transparency in the use of public funds. It is then a matter for the Presiding Officers to develop the administrative policies which are consistent with those rules. As the Tribunal stated in the 2001 Report (p4):

"In many instances, once the conditions applicable to particular general entitlements and conditions have been determined administrative procedures in relation to these matters should be left to the Presiding Officers who are the administrators of the scheme. For example, the Tribunal has required that Members provide evidence of their attendance in Sydney on parliamentary business to receive the Sydney Allowance. It has, however, left the type of evidence required at the discretion of the Presiding Officers to give effect to this rule."

Members must accept that a higher level of record keeping is now essential to meet the increased accountability standards. The level of detail required to meet those standards was left to the Presiding Officers. If these standards are proving onerous, difficult to manage or are considered by Members to need simplification then it is a matter for discussion with the Presiding Officers in the

first instance. For its part, the Tribunal would be prepared to assist, provided the overall integrity of the entitlements scheme is not compromised.

Interpretations of the Tribunal's Determinations.

Since the making of the 2001 Determination the Presiding Officers have, on occasion, sought interpretations from the Tribunal whether Members can use their Logistic Support Allocation (LSA) for the purchase of particular items which are not contained in the List of items and services contained at page 16 of the 2001 Determination.

In addition the Presiding Officers, as part of their 2002 submission to the Tribunal, provided a list of items and services which they had approved as appropriate expenditure under the LSA. These items included, newspaper and journal purchase, advertisements for staff, company searches, transport and freight charges and photography. The Tribunal agrees that the goods and services itemised on the list submitted by the Presiding Officers are appropriate activities for which the LSA can be used. The Tribunal does not propose to add these items to the List contained in the Determination.

One of the reasons why capped budgets were introduced was to avoid prescriptive lists of goods and services. The Legislative basis of the scheme is that Members are provided with additional entitlements to facilitate the efficient performance of parliamentary duties.

The requirement that Members manage their LSA provides them with greater flexibility to expend their entitlements as is appropriate to their particular electorate or constituent needs. It is up to Members to determine how best to serve their constituents. Because Members' needs are varied, diverse and in some cases exclusive, the compilation of an ever growing list of "approved goods and services" will not serve any useful purpose or meet every Members' needs. For this reason the Tribunal has provided guidelines on the types of items or services for which the LSA can be used and has prepared an indicative list of the types of items and services that may be procured from Members' LSA accounts. The list is not exhaustive but it is not intended to be used as an ever increasing list of approved items.

The Tribunal is of the view that Members should exercise the necessary fiscal discipline to use their entitlements for the purposes which they were intended. There is sufficient oversight of the entitlements scheme and severe sanctions for Members who misuse their entitlements.

Provided Members can satisfy statutory requirements that expenditure was for parliamentary duties and provided they have sufficient funds in their LSA then they should be given the flexibility to decide upon what goods and services they should spend their allocations. The Tribunal will be clarifying this in the Determination.

By adopting this approach, questions such as whether country based Members can use their entitlements to install 1800 numbers or whether Members can use their funds to pay for morning tea for school children visiting Parliament or purchase particular types of software, do not require the approval of the Tribunal. Decisions such as these should be left to Members. It would then be up to the Member to justify the expense as being for parliamentary duties. If there are matters for which Members do require clarification then the Presiding Officers should provide the relevant clarification. The Presiding Officers, for example, are best placed to determine which personal development courses are appropriate for Members to undertake and fund from their LSA.

There are, however, matters that the Tribunal will need to consider in detail. These matters deal with procurement of equipment and, in particular, computer equipment. The Tribunal does not intend to limit the equipment a Member can purchase but rather limit the amount that can be expended on such equipment given the Treasury's requirement on how such items are to be treated for accounting purposes. The Tribunal has been informed that computer purchases of \$5,000 and over are treated as Capital items that require different accounting mechanisms.

The current scheme places the onus on Members to ensure they exercise appropriate financial discipline and manage their affairs within their budgets. A key feature of the scheme is that each Member is provided with an annual budget. Members are given flexibility to expend funds within that budget and also to use their electoral allowance if there is a shortfall. They are also able to carry forward unspent amounts from their LSA to subsequent financial years.

The Tribunal has made very clear that if Members over-expend their entitlements there will be no supplementation. Under no circumstances can Members borrow against future allocations, not only because it is not a sound accounting practice, but because there is no future allocation from which a Member could borrow.

Shadow Ministers

The Tribunal has again received submissions seeking additional staffing resources for Shadow Ministers and additional staff for Legislative Council Members.

The Tribunal determined additional entitlements for Shadow Ministers for the first time in the 2000 Annual Determination. The Tribunal's view at that time was that:

"...Shadow Ministers do serve a critical function in a parliamentary democracy and it is the Tribunal's view that they should be eligible for additional entitlements to carry out the extra workload inherent in such positions."

The Tribunal determined that Shadow Ministers should receive additional Travel and Printing and Stationery entitlements.

For the 2001 annual review submissions regarding Shadow Ministers revolved around additional entitlements and, in particular, additional staff. It was contended that Independent Members had an additional Member of staff whereas Shadow Ministers were not provided with additional resources notwithstanding their additional responsibilities.

The Tribunal considered the submissions but made no changes to entitlements, in part because no quantifiable data was provided to substantiate claims for additional travel warrants or additional Logistic Support Allocations.

In respect of additional staff, however, the Tribunal noted that:

"...In order to assess the submissions made in relation to this matter the Tribunal has examined the duties and obligations of Shadow Ministers when compared with Independent Members. It is apparent, from that review, that, prima facie, an anomaly exists between staffing levels afforded Shadow Ministers and those afforded Independent Members. However, given the relative paucity of submissions received in support of this claim, it is difficult to determine precisely the extent of such anomaly and what specific relief should be given to rectify it."

There are a range of issues which need to be addressed in order for the Tribunal to resolve this issue. The first question which arises is what is the appropriate number of staff to be provided to the Shadow Ministry. Should Shadow Ministers be provided with one staff Member each or a pool of staff (less than a one for one allocation)? In addition, there are related issues such as appropriate remuneration for such staff and a question as to their accommodation. Finally, a question arises as to the appropriate operative date for any staff changes.

In the result the Tribunal it would not seem realistic to make a Determination on this matter in the annual Determination. An alternative course may be to have the matter considered as a special Determination. Should such a special Determination be required the Tribunal will seek submissions at that time. However, whether or not a special Determination is made there is nothing to preclude the Government from providing these additional resources in a manner similar to the approach for Ministers and the Leaders of the Opposition. In any event, the Presiding Officers and Shadow Ministers should discuss the claim in relation to the issues raised above."

Submissions for the current review have again sought additional staff for Shadow Ministers but again insufficient information has been provided to support a Determination at this time.

In 2001 the Tribunal recommended that a special reference be given to the Tribunal to review this matter thoroughly. Such a reference was not provided. The Tribunal considers that a strong prima facie case exists for the provision of additional staff to Shadow Ministers. Accordingly, the Tribunal will write to the Premier to provide such a reference. In this regard the Tribunal notes that the Presiding Officers have also supported a special reference in regard to additional staff for Shadow Ministers. At the same time the Tribunal could also review the staffing arrangements for Members of the Legislative Council.

While the Tribunal is prepared to undertake such a review, it does reiterate that the Presiding Officers and/or the Government can provide additional resources to Members or Shadow Ministers. Section 15A of the Act provides that:

- (1) *Nothing in this Act is to be construed as preventing Members or recognised office holders from being provided with entitlements apart from this Act, including for example:*
 - (a) *offices and facilities at Parliament House, or*
 - (b) *offices and facilities for Ministers elsewhere, or*
 - (c) *travel by Ministers.*

3. REVIEW OF ADDITIONAL ENTITLEMENTS

Electoral Allowance

The Tribunal received submissions seeking an increase in the Electoral Allowance over and above the normal Consumer Price Index (CPI) movement to compensate for the decrease in the number of electorates. No quantifiable data has been provided to substantiate the level of increase being sought.

The Tribunal reviewed this matter in its 2001 annual Determination and decided that a specific increase to compensate for the smaller number of electorates was unwarranted. The Tribunal noted that it:

"... has also considered submissions dealing with a variety of other matters such as the reconstitution of electorates. However, these considerations need to be balanced against the already substantial averaging undertaken in the assessment of the electoral allowance and the contentions advanced by Members as to potential losses occasioned by any repayment provisions in relation to the electoral allowance.

The Tribunal concluded that it was prepared to consider, on a case by case basis, any particular circumstances which might warrant an adjustment to electoral allowances for a particular Group or Zone.

Such circumstances would need to be supported by conclusive documentary evidence that the electoral allowance is insufficient for the purposes for which it is provided.

The Tribunal has not received information which would warrant an increase in electoral allowances on this occasion. In future the Tribunal intends to examine closely the use of the electoral allowance and will be seeking from Members details of the types of expenses and amounts to substantiate any future increases.

Sydney Allowance

The Tribunal received a number of submissions from Members in respect of the Sydney Allowance. Some submissions contended that the Sydney Allowance should be increased in recognition of

increased costs and to reflect comparable overnight travelling allowances to Sydney. Suggested rates range from \$210 to \$259.40 for overnight stays.

As noted in the 2000 and 2001 determinations, the Sydney Allowance is set at a rate lower than comparable overnight travelling allowances to Sydney. In those determinations the Tribunal outlined the historical underlying principle governing the determination of this allowance:

"...members will be required to spend a considerable period of time each year in Sydney on parliamentary business, and as such should be making longer term accommodation arrangements. The rate determined is lower than the ad hoc overnight rate (where commercial hotel accommodation is envisaged), because it is expected that Members will find cheaper accommodation when in Sydney."

In recent determinations, the Tribunal has made adjustments to this allowance based on movements in the CPI. The rate was increased by 2.1 per cent in the initial determination, 3.2 per cent in the 2000 determination and a further 6 per cent in the 2001 determination.

As with previous submissions Members have complained about the inadequacy of this allowance but have provided no details of actual costs incurred to substantiate their claims.

There are approximately 65 Members from both Houses who are eligible to receive the Sydney Allowance, each of whom makes his/her own accommodation arrangements. To ensure the Tribunal has more meaningful data upon which to consider the adequacy of the Sydney Allowance, the Tribunal will, for the 2003 review, seek the assistance of the Presiding Officers to obtain details of the types of accommodation arrangements Members make while staying in Sydney. In the meantime the Tribunal will continue the previous practice and increase the Sydney Allowance by the Consumer Price Index ie 2.9 per cent.

Logistic Support Allocation (LSA)

The Tribunal introduced the LSA in 2000 as a means of grouping a broad range of entitlements formerly available to Members in various forms. To simplify these entitlements the Tribunal determined a monetary value for each entitlement and grouped them into four broad areas of activity. Each Member was allocated an LSA account to which various expenditures incurred under the four broad areas would be debited.

LSA budgets were based on electorate Groupings for the Legislative Assembly and Zones for the Legislative Council. Budgets were based on actual expenditure figures obtained from the Legislature.

Members were given the flexibility to use the LSA to meet their particular needs in the performance of their parliamentary duties. Members are able to carry forward unspent entitlements and may manage the funds as they deem appropriate. Accountability and transparency in the use of the LSA are provided through the rules imposed by the Tribunal including an annual audit requirement.

Assessment of future increases was to be based, in part, on actual expenditure obtained from the Legislature. Figures were not available for the 2001 review hence the Tribunal relied in part on CPI movements in the various LSA categories which resulted in an increase to the LSA of approximately 9 per cent.

For the 2002 annual review the Tribunal received numerous submissions as to various aspects of the LSA. Many of the changes sought by the Presiding Officers and individual Members concerned particular conditions applicable to various components of the LSA. Where the Tribunal has considered such changes do not alter the substance of the Determination the Tribunal has made the changes without further comment.

Submissions were received supporting an increase in travel allowances for Members. The increase sought was to bring Members travel allowance rates in line with those for the NSW public sector.

Members are currently entitled to claim actual meal and accommodation allowances when travelling on parliamentary duties. The Tribunal has set an upper limit of \$203 per night in capital cities and \$131 per night for other areas. This amount is lower than the current public service rates and as such, where a Member travels on official business with a member of his/her staff, the staff member is entitled to claim a higher rate of travel allowance than the Member.

The Tribunal notes that the Premier's Department publishes from time to time travel allowance rates for officers in the public sector and that the rates are higher than those available to Members. The Tribunal considers this a genuine anomaly and will amend the Determination to ensure that the upper limit of travel allowance that can be claimed by the Member is consistent with rates applicable in the NSW public sector.

Submissions to the Tribunal have also sought increases to the quantum of the various components of the LSA. The submissions have provided what the Tribunal can only consider anecdotal evidence to support such claims. No quantifiable data was provided upon which the Tribunal could make a reasoned decision.

At the specific request of the Tribunal, the Legislature was able to provide annual LSA expenditure figures for Members based on Electorate Groups. These figures relate to the 2001 calendar year and all electorate Groups show under-expenditure in the LSA. The same has occurred with the Legislative Council Members.

On the basis of this advice the Tribunal does not consider that an increase in the LSA is warranted. Whilst the Tribunal accepts that with a total of 145 Members there will always be a few for whom the allocation is insufficient, the Tribunal does not consider this as justification to provide a general increase for all Members, particularly when no information has been provided as to the circumstances which have led to such over-expenditure. The Tribunal reminds Members that they may use their electoral allowance to overcome any potential shortfall.

Electorate Mailout Account

Following a special reference from the Premier, the Tribunal determined that Members of the Legislative Assembly should be provided with an Electorate Mailout Account to communicate directly with their constituents biannually.

The Tribunal's Determination included the full year allocation and is included in this Determination. Because of the specific conditions applicable to this entitlement it is inappropriate to include it as part of the LSA. The Electorate Mailout Account will form a separate and new entitlement with its own unique conditions and rules. It will also be subject to the general conditions applicable to Members' entitlements.

Committee Allowance

The purpose of this Allowance is to remunerate Members serving as Chairpersons on Committees for the extra time and effort required to carry out this role. In previous Determinations this allowance has been increased in line with Members' salary increases.

There has been no increase in Members' salaries since 1 July 2001 therefore, in accordance with normal practice the Committee Allowance has not been increased.

Reimbursement of Expenses for Charter Transport for Members of the Legislative Assembly

Electorate charter transport allowances for Members of the Legislative Assembly were reviewed in 1999 and 2000 when the Tribunal provided for increases of 2.1 per cent and 3.2 per cent respectively to reflect general increases in the CPI. This year, in response to submissions received, the Tribunal has undertaken a review of these costs.

As part of this review, the Tribunal has undertaken a survey of fees charged by air charter transport operators. The results of the survey indicate that since 1998, when such a survey was last conducted, fees have increased by approximately 20 per cent. Air charter operators have attributed the large increase to the impact of the GST and increased fuel, insurance and landing costs. The Tribunal also notes the overall decline in rural commercial air services in NSW.

Having regard to the above, including previous increases based on CPI, the Tribunal has determined that an increase of 15 per cent is warranted in the maximum amount reimbursable for charter transport for Members of the Legislative Assembly. Actual amounts and conditions applying in respect of charter transport allowances are specified in the annual Determination.

Travelling allowances for Recognised Office Holders and Shadow Ministers

The Tribunal has undertaken a review of the travelling allowances paid to Recognised Office Holders and Shadow Ministers. The Tribunal's Determination is based on those rates provided to NSW Public Servants and those deemed "reasonable" by the Australian Taxation Office. In accordance with conditions applicable to other NSW public officials, Recognised Office Holders and Shadow Ministers will only be able to claim actual expenditure for absences from Sydney or their usual place of residence where an overnight stay is involved.

For absences that do not involve an overnight stay Recognised Office Holders and Shadow Minister may claim reasonable actual expenses. The Tribunal has provided indicative upper limits for travel expenditure. It is proposed that these allowances will be adjusted annually in line with movements to the public sector rates.

Electorate to Sydney Travel Warrants

The Tribunal has received submissions seeking additional electorate to Sydney travel warrants. The reasons provided centre on the increased Committee work by Members, which requires them to be in Sydney more often than has hitherto been the case. Again, no quantifiable data was provided to the Tribunal to substantiate the need for additional warrants, nor were any details provided as to how many Members were affected.

At the commencement of each financial year the non-metropolitan based Members are provided with 104 single journey air travel warrants for the purposes of travelling to and from Sydney to attend Parliament and for other parliamentary duties. The allocation is sufficient for a Member to make a return trip to Sydney for each week of the year.

The Tribunal has obtained details from the Legislature on the use of electorate to Sydney travel warrants by Members. Based on these figures, which indicate that the vast majority of Members have ample warrants for the rest of the current financial year, the Tribunal sees no reason why the allocation should be increased.

The Tribunal reminds Members that if their warrants are insufficient for their needs then they can use the LSA or their electoral allowance to meet the shortfall.

Under existing arrangements Members can drive from their electorate to Sydney in lieu of using their air travel warrant. Members surrender a travel warrant and receive appropriate mileage rates.

The Presiding Officers have requested that where a Member does drive to or from their electorate (or Zone in the case of Legislative Council Members) the amount that can be reimbursed for such travel should be limited to the cost of the appropriate commercial flight.

The Tribunal has considered this request as reasonable and will be making the appropriate adjustment in the Determination.

4. SUMMARY OF 2002 DETERMINATION

Electoral Allowance	No increase
Sydney Allowance	2.9 percent increase (CPI)
Logistic Support Allocation	No increase
Electorate Mailout Account	No increase
Committee Allowance	No increase
Electorate Charter Allowance	15 per cent increase.
Travel Allowances	Increased generally to Public Sector rates (actual costs only)

Significant Changes to Conditions

- ❖ Cost of travel from electorate to Sydney limited to the value of commercial flight (air warrant).
- ❖ Greater flexibility in types of expenditure allowed under the LSA.
- ❖ Staff travel costs can be met from LSA.
- ❖ Increase in limit for purchase of minor office equipment from \$2,000 to \$2,500.
- ❖ Purchases of Computer hardware limited to \$4,999.

Dated this 31st day of May 2002

The Honourable Justice R Boland

THE PARLIAMENTARY REMUNERATION TRIBUNAL

THE DETERMINATION OF THE PARLIAMENTARY REMUNERATION TRIBUNAL

THE DETERMINATION

Pursuant to section 10 (2) and 11(1) of the *Parliamentary Remuneration Act, 1989* (the Act), the Tribunal makes the Determination appearing hereunder.

With effect on and from 1 July 2002, and pursuant to section 10 (6) of the Act, all previous Determinations of the Tribunal are revoked. This Determination shall constitute the annual Determination and shall operate on and from 1 July 2002.

DEFINITIONS

Member or *Members* refers to a duly elected Member or Members of the Parliament of New South Wales (referred to hereinafter in this Determination as "*the Parliament*").

In this Determination the expression *Additional entitlements* is to be understood in the sense used in Part 3 of the Act.

Parliamentary duties has the meaning attributed to it by section 3 of the Act,

"*Electoral groups*" are the groups of electorates specified in Schedule 1.

For the purpose of the Additional Entitlements Account for Members of the Legislative Council "*Zones*" shall be those areas described in Schedule 2A.

"*Shadow Ministers*" are defined as those officers nominated by the Leader of the Opposition who undertake the role of opposition spokesperson on behalf of particular Ministerial portfolios and shall include Leader and Deputy Leader of the Opposition. The minimum number of Shadow Ministers qualifying for additional entitlements shall be equivalent to the number of Ministers in the first Ministry immediately following a State general election or such lesser number of Shadow Ministers as may from time to time be nominated by the Leader of the Opposition. The number of Shadow Ministers shall increase from this number only with comparable increases in the number of Ministers. The Leader of the Opposition is to advise the Tribunal of the Members who will act as Shadow Ministers

and their particular portfolio/s. These Members, as advised to the Tribunal, will, subject to this Determination, be eligible for additional entitlements. Until the declaration of the next State Election and an appointment of the Ministry of Government thereafter, the Shadow Ministry shall (for the purpose of additional entitlements) be treated as consisting of 21 Shadow Ministers (including the Leader and Deputy Leader of the Opposition).

GUIDELINES AND GENERAL CONDITIONS REGARDING ADDITIONAL ENTITLEMENTS FOR MEMBERS IN CONNECTION WITH PARLIAMENTARY DUTIES.

1. Guidelines

Every class of “additional entitlements” described in this Determination is provided pursuant to section 10 (1) (a) of the Act “for the purpose of facilitating the efficient performance of the Parliamentary duties of Members.” The following guidelines shall apply to the receipt, use and operation of additional entitlements.

1. Circumstances upon which the additional entitlements may be used for Parliamentary Duties.

1.1 Additional entitlements are provided to facilitate the efficient performance of the following particular Parliamentary duties of Members as follows:

1.1.1 Activities undertaken in representing the interests of constituents, but excluding activities of a direct electioneering or political campaigning nature.

1.1.2 Performing electorate work for a Member’s electorate and participation in official and community activities to which the Member is invited because of the Member’s status as a Parliamentary representative.

1.1.3 Attending and participating in sessions of Parliament.

1.1.4 Participation in the activities of Parliamentary committees.

1.1.5 Attending Vice-Regal, Parliamentary and State ceremonial functions.

1.1.6 Attending State, Commonwealth and Local Government functions.

- 1.1.7 **Attending official functions to which a Member is invited because of the Member's status as a Parliamentary representative, eg. receptions and other community gatherings hosted by Members of the diplomatic corps, educational and religious institutions, community and service organisations, business associations, sporting bodies or other special interest groups.**
- 1.1.8 **Participation in the activities of recognised political parties, including participation in national, State and regional conferences, branch meetings, electorate council meetings, executive meetings, committee meetings, and meetings of the Members of the Parliamentary political party, its executive and committees.**
- 1.1.9 *For a Member elected to the Parliament as an independent, participation in activities that are reasonable alternatives to participation in the activities of recognised political parties.*
- 1.1.10 **A Member who is elected to the Parliament as a representative of a recognised political party and who subsequently resigns from that party Membership and thereafter sits as an independent Member, howsoever described, shall continue to receive the same entitlements as they received as a Member of the party prior to resignation and not the additional entitlements provided to elected independents. The Member is also not entitled to the benefit of the rule in Clause 1.1.9 above.**
- 1.1.11 **Participation within Australia in the activities of the Commonwealth Parliamentary Association as well as activities outside Australia organised by the Commonwealth Parliamentary Association provided such activities arise directly from Membership of the New South Wales Branch and officially endorsed by the Branch (exclusive of air travel).**
- 1.1.12 **Participation in a Parliamentary Group such as the Asia Pacific Friendship Group; provided that, such group is approved in writing by the President of the Legislative Council and the Speaker of the Legislative Assembly. Such written approval shall be forwarded to the Tribunal.**

2. Where any additional entitlement fixed by this Determination is to be used for the purpose of facilitating Members' participation in the activities of recognised political parties, the Tribunal sets out the following guidelines as to the use of that additional entitlement:
 - 2.1 Parties registered under the *Parliamentary Electorates and Elections Act 1912*, and included in the register of parties maintained by the Electoral Commissioner, are to be treated as recognised political parties.
 - 2.2 Additional entitlements should not be used to fund:
 - 2.2.1 activities such as those associated with party Membership drives;
 - 2.2.2 mail distributions for non-electorate or non-Parliamentary activities;
 - 2.2.3 costs associated with election campaigning for an individual Member;
 - 2.2.4 fund raising for other party political Members (such as the purchase of raffle tickets, raffle prizes or tickets to attend functions, etc); and
 - 2.2.5 costs previously borne by political parties which are not principally related to a Member's Parliamentary or electorate duties.
 - 2.3 The electorate office provided for a Member of the Legislative Assembly is not to be used as an election campaign office.
3. The Tribunal sets out the following additional and general guidelines:
 - 3.1 Some intermingling of a Member's Parliamentary duties and private activities is in practical terms not always easily avoided, but the onus is always on the Member to show that any expenditure or any claim for reimbursement relates to Parliamentary duties, or to the Parliamentary duties component of costs incurred for intermingled Parliamentary duties and private purposes.
 - 3.2 *In the case of electorate work, any activities within the electorate, and in respect of which a Member's involvement may reasonably be regarded as deriving from the Member's status as the Parliamentary representative for the electorate, should be treated as Parliamentary duties.*
 - 3.3 *In the case of Parliamentary work, any activities in which a Member's involvement may reasonably be regarded as deriving from the Member's*

responsibilities as a Parliamentary representative should be treated as Parliamentary duties.

- 3.4 In the case of a Member's activities within the broader community outside the Member's electorate, activities that may reasonably be regarded as deriving from the Member's status as a Parliamentary representative should be treated as Parliamentary duties.

2. Conditions

The following general conditions will apply to all additional entitlements determined hereunder. These conditions are in addition to any special conditions attaching to the provision of allowances or other benefits (as specified later in this Determination):

1. All procurement by Members will be in accordance with the Parliament's purchasing policies.
2. Members must ensure that they have sufficient funds to meet the costs associated with their Parliamentary duties.
3. Each Member shall have, in addition to payments of the Electoral and Sydney Allowance, an account entitled the "Logistic Support Allocation" which shall cover expenditure in the areas of transport (excepting for electorate to Sydney travel), communications, printing and stationery.
4. The Logistic Support Allocation shall be established and maintained by the Clerks of the Parliament. Members should be advised by the Clerks each month as to the balance of their Logistic Support Allocation
5. The funds in the Logistic Support Allocation shall only be used by the Member to carry out the purpose for which the allowance is established, but otherwise may, subject to these conditions, manage the funds as he/she thinks appropriate.
6. Nothing shall prevent the use of the Electoral Allowance for legitimate electorate expenses which might also fall within the categories of expenses covered by the Logistic Support Allocation.
7. All accounts and Members' claims must be submitted to the Legislature for payment within 60 days of receipt or occurrence of the expense.
8. All Members' additional entitlements in the nature of fixed allocations and Sydney allowance provided to Members shall be audited annually for compliance. In addition to any internal audit conducted by the Parliament, Members' additional entitlements in the

nature of fixed allocations and the Sydney allowance provided to Members shall be the subject of an external audit conducted by the Auditor-General of NSW. The cost of any audit shall be met by the Parliament. Members should ensure they maintain appropriate records of expenditure for the purpose of any audit.

9. Expenditure is only to be incurred in connection with the Parliamentary duties of Members (and in this respect the Member should refer to the guidelines in this Determination).

10. The various allowances determined here, as well as the Logistic Support Allocation are for the sole use of the Member and are not to be transferred between Members. The Member may use his/her entitlements to meet official costs of the spouse approved relative and/or staff employed by the Parliament when that expenditure is in connection with official Parliamentary duties.

ADDITIONAL ENTITLEMENTS IN THE NATURE OF ALLOWANCES

1. Electoral Allowance

Purpose and Operation of the Provision

The allowance is based upon those factors which have historically been taken into account in assessing the quantum of the allowance (including the additional costs associated with the performance by Members of their Parliamentary duties in their electorates) and such other factors as may be determined from time to time as appropriate to be taken into account by the Tribunal under the Act.

Entitlement

The allowances shall be paid as follows:

- a) Each Member of the Legislative Assembly and the Legislative Council shall receive an electoral allowance. The quantum of that allowance shall be fixed in accordance with the electoral grouping for the electorate of the Member.
- b) The allowance payable for each electorate group shall be as follows:

<u>Electorate Group</u>	<u>Allowance</u>
Group 1	\$32,615
Group 2	\$38,195
Group 3	\$45,015
Group 4	\$49,140
Group 5	\$52,275
Group 6	\$57,300
Group 7	\$60,165
Group 8	\$67,015

- c) The electoral allowance for each Member of the Legislative Council shall be \$38,195.

2. Sydney Allowance

Purpose and Operation of the Provisions

The Sydney allowance is provided to Members who reside in non-metropolitan electorates to compensate for the additional costs including commercial accommodation, meals and incidental costs associated with staying in Sydney to attend sessions of Parliament, meetings of Parliamentary committees or other Parliamentary business.

For the purpose of this allowance the non-metropolitan electorates (Electorate Groups 2-8) have been divided into two categories based on distance from Sydney. Members whose principal place of residence is in either Category 1 or Category 2 electorates, as specified in Schedule 2, are eligible to receive the Sydney allowance.

Entitlement

The daily rate (including the number of overnight stays) and the annual amount for the Sydney allowance for categories 1 and 2 shall be in accordance with Table 1 below. Where a Member elects for a daily rate, he/she shall be entitled to the daily rate for the number of overnight stays per annum specified in that Table, except as provided in conditions 3 and 4.

TABLE 1

	Residence	Daily Rate			Annual amount
		Overnight Stays p.a.	Overnight in Sydney	Overnight in Transit to and from Sydney	
Minister, Speaker, President, Leader of the Opposition (Assembly and Council), Leader of Third Party in Assembly with not less than 10 Members.	Category 1 or 2	140	\$169	\$131	\$23,660
Deputy Speaker, Chairman of Committees in the Legislative Assembly and Chairman of Committees in the Legislative Council.	Category 1 or 2	120	\$169	\$131	\$20,280
Parliamentary Secretary/Shadow Minister	Category 1	90	\$169	\$131	\$15,210
	Category 2	120	\$169	\$131	\$20,280
Other Assembly/Council Members	Category 1	90	\$169	\$131	\$15,210
	Category 2	120	\$169	\$131	\$20,280

The following conditions apply to the Sydney allowance:

1. A Member can choose to receive the Sydney allowance as either an annual fixed allowance or a daily rate.

2. Where a Member chooses to receive the daily rate of allowance the Member shall receive the overnight daily rate as specified in Table 1 at the 'Sydney' or the 'transit to and from Sydney' rate as applicable. The Member is entitled to the number of overnight stays per annum specified in Table 1 without the need to substantiate to the Parliament expenses up to the daily rate.
3. Where the reasonable daily costs exceed the daily rate, full substantiation of daily costs will be required (including tax invoices/receipts).
4. Where the number of overnight stays is exceeded, documentary evidence of each overnight stay will be required.
5. When in receipt of the annual allowance Members are required to certify at the end of the financial year the number of occasions they stayed in Sydney and that on each occasion the stay was for Parliamentary business. Members who nominate to receive the annual allowance cannot claim for additional overnight stays in excess of those specified in Table 1.
6. Members will need to maintain records or other relevant evidence that clearly document the occasions they stayed in Sydney in connection with their Parliamentary duties. Such documentation could include airline boarding passes for arrival and departure from Sydney or any other documentary evidence of having travelled and stayed in Sydney in connection with Parliamentary duties.
7. Members in receipt of the annual amount will be required to return to Parliament the unspent portion of the Allowance for re-credit of the Consolidated Fund.
8. Members are not to claim the Sydney Allowance if they stay in Government owned or funded accommodation including Parliament House.

3. Committee Allowances

Purpose and Operation of the Provision

Committee Allowances are paid to Chairpersons of Joint and Select Committees in recognition of the additional responsibilities of the office. Because of the statutory nature of the Public Accounts Committee and its role in Government activities, an annual rate of allowance is payable to Members of the Public Accounts Committee.

Entitlement

The allowances shall be paid as follows:

- a) **Members of the Legislative Council and the Legislative Assembly serving as Chairpersons of Joint Committees, Select Committees and Standing Committees shall be paid the sum of \$125.00 for each day upon which they attend a meeting or an official visit of inspection if that day is one upon which the Legislative Council (so far as a Member of the Council is concerned) or the Legislative Assembly (so far as a Member of the Assembly is concerned) is not sitting. This allowance is not payable to Chairpersons in receipt of a salary of office as specified in Schedule 1 of the Parliamentary Remuneration Act 1989.**

- b) **Members of the Public Accounts Committee, other than the Chairperson, shall each receive a committee allowance of \$2,845 per annum.**

ADDITIONAL ENTITLEMENTS IN THE NATURE OF FIXED ALLOCATIONS

1. Electorate to Sydney Travel

Purpose and Operation of the Provisions

Members of the Legislative Assembly who reside in electorate groups 2 to 8 and Members of the Legislative Council who reside in zones 2 or 3 qualify for return air travel warrants between their electorates/zones and Sydney.

These entitlements are provided for the performance of Parliamentary duties.

All eligible Members shall receive one hundred and four (104) single economy class journeys per annum between electorate/zone and Sydney.

Where eligible, each of the below mentioned recognised office holders shall be entitled to the following additional electorate to Sydney travel entitlements per annum.

Entitlement

Office holder	Electorate to Sydney travel entitlement
Minister of the Crown	32 single journey entitlements
Speaker of the Legislative Assembly	32 single journey entitlements
President of the Legislative Council	32 single journey entitlements
Leader of the Opposition Assembly and Council	32 single journey entitlements
Leader of Party (not less than 10 Members in the Legislative Assembly)	32 single journey entitlements
Chairman of Committees Legislative Assembly and Legislative Council	32 single journey entitlements.
Deputy Speaker	32 single journey entitlements
Deputy Leader of the Opposition Assembly and Council	16 single journey entitlements
Deputy Leader of Party (not less than 10 Members in the Legislative Assembly)	16 single journey entitlements

Conditions

1. All electorate to Sydney travel and return is restricted to economy class.
2. Warrants may be used to meet the cost of using a private motor vehicle or rental vehicle in lieu of electorate to Sydney air travel. The amount to be reimbursed for this purpose is not to exceed the commercial airfare for an equivalent distance flight.
3. A minimum of one warrant is required to be surrendered for each single journey; a return trip will require the surrender of at least two warrants.
4. Warrants are not transferable between Members, spouses or approved relatives, or Members' staff.
5. Where the Determination refers to warrants, the expression is intended to include a reference to the existing system for electorate to Sydney travel used for the Legislative Council.
6. Members may use electorate to Sydney warrants to defray part of the cost of intrastate and interstate Parliamentary travel when such travel is via Sydney.
7. Members may charter a plane in lieu of travelling on commercial flights provided that travel is for electorate and/or Parliamentary business and that sufficient warrants based on the equivalent commercial cost of each person travelling are surrendered. The cost of Member's spouse or approved relative travelling on the charter is to be met from the Member's Logistic Support Allocation. It is a condition of all air transport charters that the Member responsible for organising the charter obtain a passenger manifest from the charter operator and attach it to the invoice when it is sent for payment.
8. A Member's air transport bookings for Parliamentary duties are to be made through the booking agent nominated in the NSW government travel contract, for all types of transport covered by the contract. Should the official NSW government travel booking agent not offer a booking service required by a Member for Parliamentary duties, the

Member's transport bookings for that service may be made directly with the transport provider.

- 9. Benefits accrued by a Member by way of loyalty/incentive schemes such as frequent flyers, as a consequence of the Member using his or her additional entitlements, are to be used only for Parliamentary duties and not for private purposes. Any outstanding benefits of this nature, when the Member ceases to be a Member, are to be forfeited.**

- 10. Members will need to maintain records or other relevant evidence that clearly document the occasions they travelled to Sydney in connection with their Parliamentary duties. Such documentation could include airline boarding passes for arrival and departure from Sydney or any other documentary evidence of having travelled to Sydney in connection with Parliamentary duties.**

2. Logistic Support Allocation

Purpose and Operation of the Provision

The Clerks of the Parliament will establish a Logistic Support Allocation Account for each Member. Each Member's Logistic Support Allocation Account may be applied for the following purposes:

- * All interstate and intrastate transport for Parliamentary business (any mode) excepting electorate to Sydney travel
- * Taxi travel
- * Staff travel costs (training excluded)
- * Airport parking
- * Transport expenses for Members' spouse or other approved relative
- * Home telephone, facsimile and internet call charges for official business
- * Mobile telephone call charges and network access fees
- * Mail distribution and postal delivery services
- * Post Office box rental
- * Fax Post, Express Post and Lettergram services
- * Postage stamps
- * All stationery costs
- * Courier and freight charges for delivery of stationery or equipment to electorate or home office
- * Costs associated with photocopying
- * Printing (both Parliament House and external providers)
- * Publication services at Parliament House
- * Developing and hosting a web page for individual Member
- * Office equipment purchases up to \$2,500 (excluding GST)
- * Any maintenance charges relating to minor equipment purchases
- * Computer software
- * Computer hardware and peripheral devices not exceeding \$4,999

It is intended that the above list be used as a guide as to the types of items Members can spend against their Logistic Support Allocation. The Presiding Officers may exercise their discretion in permitting expenditure for items not on the "List". There must be sufficient funds in the Members Logistic Support Allocation, the items must not duplicate services already provided to Members by the Parliament and the expenditure must be consistent with the guidelines and general conditions in this Determination.

Entitlement

Each Member and Recognised Office Holder of the Legislative Assembly who resides in one of the following electorate groups will be entitled to an annual allocation for the Logistic Support Allocation as follows:

<u>Electorate Group</u>	<u>Entitlement</u>
Group 1	\$25,340
Group 2	\$28,410
Group 3	\$30,410
Group 4	\$30,410
Group 5	\$30,410
Group 6	\$30,410
Group 7	\$32,410
Group 8	\$32,410

Each Member and Recognised Office Holder of the Legislative Council who resides in one of the following zones will be entitled to an annual allocation for the Logistic Support Allocation as follows:

<u>Zone</u>	<u>Entitlement</u>
Group 1	\$17,110
Group 2	\$17,640
Group 3	\$26,320

Recognised Office Holders are entitled to further additional entitlements as specified in Schedule 3.

Shadow Ministers are entitled to further additional entitlements equivalent to a 40 per cent loading on the printing and stationery component of the Logistic Support Allocation.

General Conditions

The following general conditions shall apply to the Logistic Support Allocation Account:

1. Subject to these conditions, each Member shall determine at his/her own discretion the use of the funds within this Account for the purpose and operations specified above.
2. It is the primary responsibility of Members to ensure that they manage their Logistic Support Allocation Account to ensure that they do not over-expend their budgets. No supplementation of this Allocation will be allowed by the Tribunal. However, the Logistic Support Allocation is not intended to restrict the proper use of the electoral allowance, which may be used to meet any expense referred to in the 'purpose and operations' section of this clause.
3. Members may not use their Logistic Support Allocation to procure goods or services to be used for electioneering purposes or political campaigning.
4. Any unused funds remaining in the Member's account at the end of the financial year within the four year Parliamentary term shall be carried over to the following financial year. At the end of each 4 year Parliamentary term or the earlier dissolution of the Legislative Assembly, any balance remaining in the Member's account is to be relinquished to the Consolidated Fund.
5. Accounts will be paid either directly by the Parliament and debited to a Member's account or paid in the first instance by the Member who would then seek reimbursement from the Parliament.
6. Members must personally authorise expenditure from their Logistic Support Allocation.

Whilst, subject to the further conditions, Members may determine at their discretion the use of the funds available for any purpose and operation specified in this clause, the following table outlines the basis upon which the Tribunal has established the quantum of the account for future assessment. The table shall be used for the future assessment of the Allocation and for particular purposes such as the calculation of additional entitlements for Recognised Office Holders and Shadow Ministers.

Electorate Group or Zone	Transport	Communication –electronic	Communication –non-electronic	Printing and Stationery and Office Supplies	Total Logistic Support Allowance
Legislative Assembly					
Group 1	\$4,000	\$3,210	\$11,770	\$6,360	\$25,340
Group 2	\$6,000	\$4,280	\$11,770	\$6,360	\$28,410
Group 3	\$8,000	\$4,280	\$11,770	\$6,360	\$30,410
Group 4	\$8,000	\$4,280	\$11,770	\$6,360	\$30,410
Group 5	\$8,000	\$4,280	\$11,770	\$6,360	\$30,410
Group 6	\$8,000	\$4,280	\$11,770	\$6,360	\$30,410
Group 7	\$10,000	\$4,280	\$11,770	\$6,360	\$32,410
Group 8	\$10,000	\$4,280	\$11,770	\$6,360	\$32,410
Legislative Council					
Zone 1	\$4,000	\$3,750	\$3,000	\$6,360	\$17,110
Zone 2	\$4,000	\$4,280	\$3,000	\$6,360	\$17,640
Zone 3	\$10,000	\$6,960	\$3,000	\$6,360	\$26,320

Particular Conditions.

Transport (Other than Electorate or Electorate to Sydney transport)

1. A Member may use any form of transport within Australia subject to the requirement that the transport was used for Parliamentary or electorate duties and that the cost was reasonable.
2. A Member may travel to any place in Australia, subject to the requirement that all such travel must be for Parliamentary duties and that there must be, at the time of the making of the relevant reservation, sufficient funds in that Member's Account to pay for the expenses involved.
3. All transport costs associated with spouse/approved relative or Members' staff travel (excluding travel costs associated with staff training) are to be provided from the Logistic Support Allocation Account. Staff training costs are to be met by the Legislature.
4. Members and their spouses/approved relatives, when travelling in connection with their Parliamentary duties, may claim reasonable actual accommodation and meal expenses from the Members' Logistic Support Allocation. The reimbursement of these expenses may not exceed the travel allowance rates as determined for Group 3 in Table 2 hereunder. Staff employed by the Parliament who travel with a Member for Parliamentary business may be paid travel allowances in accordance with appropriate Public Service Award conditions.
5. A Member and his or her spouse or approved relative may travel together or separately in connection with attendance at a function in the course of Parliamentary duties.
6. A Member, their spouse/approved relative and staff employed by the Parliament may use taxis or hire cars for Parliamentary duties.
7. A Member's air transport bookings for Parliamentary duties are to be made through the booking agent nominated in the NSW government travel contract, for all types of transport covered by the contract. Should the official NSW government travel booking

agent not offer a booking service required by a Member for Parliamentary duties, the Member's transport bookings for that service may be made directly with the transport provider.

8. Benefits accrued by a Member by way of loyalty/incentive schemes such as frequent flyers, as a consequence of the Member using his or her additional entitlements, are to be used only for Parliamentary duties and not for private purposes. Any outstanding benefits of this nature, when the Member ceases to be a Member, are to be forfeited.
9. Members should ensure that records are maintained that clearly document the occasions that staff employed by the Parliament stayed in Sydney or other locations when travelling in connection with the Member's Parliamentary duties. Such documentation may include airline boarding passes for arrival and departure or other documentary evidence of having travelled and stayed in accommodation.
10. A Member may use charter transport in connection with Parliamentary duties, but only within the limits of the Member's individual Logistic Support Allocation. No passenger, except the Member's spouse or an approved relative and staff employed by the Parliament accompanying the Member on Parliamentary duties, may be carried at the cost of the Member's Logistic Support Allocation entitlement. Where more than one Member is travelling on the air charter, the total air charter cost should be covered by arrangement between the Members travelling.
11. It is a condition of all air transport charters that the Member responsible for organising the charter obtain a passenger manifest from the charter operator and attach it to the invoice when it is submitted for payment to the Legislature.

Communication – electronic

1. The Tribunal accepts that there will be some private usage in connection with mobile telephones supplied by the Parliament and electronic communication equipment installed at public expense in a Member's principal place of residence. To ensure the Legislature does not pay Fringe Benefits Tax for the private usage of electronic equipment, the Financial Controller will undertake a survey over an appropriate period

of time to ascertain public/private percentage use of Members' home telephones. Once established Members will be reimbursed the Parliamentary business cost of each home telephone call account and an adjustment shall be made to previous accounts reimbursed from the effective date of this Determination on or from the date of election, whichever is the later.

2. The Parliamentary business use component of the following telecommunication services are eligible for reimbursement:

- Directory assistance charges (only applies to business lines)
- Call connect charges (extension of directory assistance)
- Messagebank
- Call waiting
- Call forwarding/diversion
- Last unanswered call recall
- Telephone director charges for home telephone listings (which are in addition to standard free entry)

3. The following Recognised Office Holders shall be entitled to 100 per cent reimbursement for electronic-communication costs including overseas calls for Parliamentary business.

- Ministers
- Presiding Officers
- Leader of the Opposition (Assembly and Council)
- Leader of a Party not less than 10 Members in the Legislative Assembly
- Chairman of Committees (Assembly and Council)
- Deputy Speaker
- Deputy Leader of the Opposition (Assembly and Council)
- Deputy Leader of a Party not less than 10 Members in the Legislative Assembly
- Parliamentary Secretaries (Assembly and Council)
- Government and Opposition Whips (Assembly and Council)
- Whip of a third party with not less than 10 Members (Legislative Assembly)
- Deputy Whips (Legislative Assembly)

4. A fax line installed at Legislative Council Members' home offices continue to be reimbursed at the rate of 100 per cent.
5. Call and rental charges pertaining to a data line installed at Legislative Council Members' home offices be reimbursed at the rate of 100 per cent subject to the line being used for Parliamentary duties.
6. Members will be required to meet the cost of all overseas calls, other charged information/service calls, reverse charge calls and home-link Telecard calls.
7. Accounts will be paid either directly by the Parliament and debited to a Member's account or paid in the first instance by the Member who would then seek reimbursement from the Parliament.

Communication - non-electronic

Members are permitted to purchase postage stamps or other mail distribution and delivery services and make arrangements for payment direct by the Parliament or obtain reimbursement by providing substantiation in accordance with the requirements of the Parliament's administration.

Printing, Stationery and Office Supplies

1. Members may only use the printing, stationery and office supplies entitlement for Parliamentary duties.
2. The entitlement may be used to purchase printing, stationery and office supplies from the Parliament or other providers and in accordance with Parliamentary procurement policies and practices.
3. A Member may not use their printing, stationery and office supplies allowances to procure goods or services to be used for electioneering purposes or political campaigning.

4. The purchase of computer software from the Logistic Support Allocation is subject to the following conditions:

- **The software will not be supported by the Parliament's I.T. Section.**
- **The software is required to be removed from the computers supplied by the Parliament if there is any conflict with the Parliament's computer network.**
- **The software is not to be used for political campaigning or electioneering purposes.**

3. Electorate Mailout Account

Each Member of the Legislative Assembly will be provided with an amount as specified in Schedule 4 for the specific purpose of preparing and distributing letters/newsletters to each constituent in his/her electorate. Members are provided with an annual amount to fund the cost of issuing such letters/newsletters on two occasions each year.

Conditions

1. The Electorate Mailout Account shall be established and maintained by the Clerk of the Legislative Assembly. Members should be advised by the Clerk each month as to the balance of their Account.
2. Members are to fund the cost of preparing, printing and posting letters/Newsletters to each constituent in his/her electorate and for no other purpose.
3. All procurement by Members will be in accordance with the Parliament's purchasing policies.
4. No supplementation to the allocation will be considered. Any additional costs are to be met from the Member's Logistic Support Allocation.
5. Unused funds are to be returned to the Consolidated Fund at the end of each financial year.
6. All accounts must be submitted to the Legislature for payment within 60 days of receipt.

4. Electorate Charter Transport for Members of the Legislative Assembly

Purpose and operation of the provision

Members of the largest electorates (Electoral Groups 5-8) shall be provided with an allowance from which are met charter transport costs incurred within their electorates. For the purposes of this allowance "charter transport" means charter transport used with and for the service of the Member's electorate and includes charter aircraft, drive yourself vehicles and any other mode of charter transport that may be deemed appropriate in the circumstances by the Speaker of the Legislative Assembly.

Entitlement

Members of the Legislative Assembly in the following Electorate Groups shall be entitled to Charter Transport Allowance up to the maximum amount shown below:

<u>Electorates</u>	<u>Entitlement</u>
Group 8	\$19,520
Group 7	\$12,940
Group 6	\$10,560
Group 5	\$6,460

Conditions

The following conditions shall apply in respect of Charter Transport Allowance:

1. This Allowance shall only be used in connection with Parliamentary duties within the Member's electorate and shall not be used during election campaigns or for other electioneering or party political activities.
2. Only the cost of the Member's spouse or approved relative or Member of staff accompanying the Member may be met from this Allowance.
3. It is a condition of all air transport charters that the Member responsible for organising the charter obtain a passenger manifest from the charter operator and attach it to the invoice when it is submitted for payment to the Legislature.

4. **Members are to meet the cost of the air charter and seek reimbursement from the Financial Controller with appropriate certification as to the purpose of the charter.**
5. **The charter transport shall only be used within and for the service of the Member's electorate. Where the only source of available charter transport is outside the boundaries of the electorate, the reasonable additional expenses consequently incurred may be included in the reimbursement available under this Determination.**
6. **These additional entitlements shall be audited annually for compliance. In addition to any internal audit conducted by the Parliament, Members' additional entitlements shall be the subject of an external audit conducted by the Auditor-General of NSW. The cost of any auditing shall be met by the Parliament. Members should ensure they maintain appropriate records of expenditure.**

5. Travelling Allowances for Recognised Office Holders and Shadow Ministers

Table 2 – Indicative Upper Limits for Travel Expenditure

Office Holders and Shadow Ministers	Capital Cities		Other Areas	Where no overnight stay is required
	Melbourne, Perth, Brisbane	Adelaide, Canberra, Darwin, Hobart		
Group 1	\$362.00	\$292.00	\$192.00	Actual reasonable meal expenses
Group 2	\$271.00	\$225.00	\$172.00	Actual reasonable meal expenses
Group 3	\$243.00	\$187.00	\$147.00	Actual reasonable meal expenses

Recognised Office Holders and Shadow Ministers are classified into one of the following three groups.

Group 1

Premier

Group 2

Ministers,

President of the Legislative Council and Speaker of the Legislative Assembly,

Leader and Deputy Leader of the Opposition in the Legislative Council,

Leader and Deputy Leader of the Opposition in the Legislative Assembly,

Leader and Deputy Leader of a Recognised Political Party of which not less than ten

Members are Members of the Legislative Assembly,

Chairman of Select, Joint Standing, Standing and Public Accounts Committees.

Group 3

Members of Select, Joint Standing, Standing and Public Accounts Committees,

Shadow Ministers

The following conditions shall apply in respect of this allowance:

- 1. Recognised Office Holders and Shadow Ministers are eligible to claim reasonable actual travelling expenses for overnight absences from Sydney or their electorate/principal home residence. Where no overnight absence is involved Recognised Office Holders and Shadow Ministers may claim reasonable actual meal expenses. Indicative upper limits for travel expenditure are outlined in Table 2.**
- 2. The payment of actual travelling expenses will be paid subject to the production of tax invoices/receipts relating to accommodation, meal and other incidental expenses by the Recognised Office Holder and Shadow Minister concerned.**
- 3. A Recognised Office Holder or Shadow Minister whose spouse/approved relative accompanies him or her to a State or other official function and who consequently incurs expenses in respect of meals and accommodation exceeding the allowance to which he or she is entitled, shall be entitled to be reimbursed the additional expenses associated with the spouse/approved relative.**
- 4. Those Recognised Office Holders or Shadow Ministers for whom non-Parliamentary funded budgets are provided are to meet travel allowance costs from those budgets and not from the Parliament.**

6. Equipment, Services and Facilities

Members of the Legislative Assembly and the Legislative Council shall be provided by the Parliament with the equipment, services and facilities necessary to perform their Parliamentary duties as follows:

1. All Members shall receive at the Parliament House, Sydney, a fitted out, equipped and maintained office, and secretarial services.
2. Each Member of the Legislative Assembly shall receive a fitted out, equipped and maintained Electorate Office to an appropriate standard. The Member for Murray-Darling is to be provided with an additional electorate office.
3. Each Member shall be supplied equipment and ancillary services in the Member's private residence (or if the Member has more than one private residence then in the Member's principal private residence) including a telephone and a facsimile machine, for the performance by the Member of Parliamentary duties.
4. Each Member shall receive portable equipment to supplement the provision of equipment as referred to in clauses 1, 2 and 3 above, except where such equipment is already provided by the Executive Government. This portable equipment shall include, but is not limited to, a mobile telephone and a notebook computer.
5. Each Member of the Legislative Council shall have a separate data line installed in their home office to provide access to the Parliament's secure computer network..
6. The Presiding Officers are to provide administrative support to each Member in accordance with the following:
 - (i) Subject to (ii), each Member of the Legislative Assembly shall have two staff Members employed at each electoral office.
 - (ii) Each Member of the Legislative Assembly elected as an Independent shall have an additional staff Member employed at his/her electoral office.

- (iii) Each Member of the Legislative Council, who is not a Minister, shall be entitled to one staff Member.**
- (iv) Each Member of the Legislative Council, who is not a Minister, and who is elected as a cross bench Member shall be entitled to two staff Members.**
- (v) Ministers shall receive a reasonable allocation of staff Members.**
- (vi) This provision specifies the minimum staffing required in electorate offices. Nothing in this Determination removes from the employer of staff the obligations arising under the Occupational Health and Safety Act 2000.**

Dated this 31st of May 2002.

The Honourable Justice R Boland
THE PARLIAMENTARY REMUNERATION TRIBUNAL

ELECTORAL GROUPS**SCHEDULE 1**

Group 1 Electorates		
1. Auburn	17. Granville	33. North Shore
2. Bankstown	18. Heffron	34. Parramatta
3. Baulkham Hills	19. Hornsby	35. Penrith
4. Blacktown	20. Kogarah	36. Pittwater
5. Bligh	21. Ku-ring-gai	37. Port Jackson
6. Cabramatta	22. Lakemba	38. Riverstone
7. Campbelltown	23. Lane Cove	39. Rockdale
8. Canterbury	24. Liverpool	40. Ryde
9. Coogee	25. Macquarie Fields	41. Smithfield
10. Cronulla	26. Manly	42. Strathfield
11. Davidson	27. Maroubra	43. The Hills
12. Drummoyne	28. Marrickville	44. Vacluse
13. East Hills	29. Menai	45. Wakehurst
14. Epping	30. Miranda	46. Wentworthville
15. Fairfield	31. Mount Druit	47. Willoughby
16. Georges River	32. Mulgoa	
Group 2 Electorates		
1. Blue Mountains	7. Illawarra	13. Peats
2. Camden	8. Keira	14. Swansea
3. Charlestown	9. Kiama	15. The Entrance
4. Gosford	10. Lake Macquarie	16. Wallsend
5. Hawkesbury	11. Londonderry	17. Wollongong
6. Heathcote	12. Newcastle	18. Wyong

SCHEDULE 1

Group 3 Electorates		
1. Ballina	5. Myall Lakes	8. South Coast
2. Cessnock	6. Port Macquarie	9. Southern Highlands
3. Coffs Harbour	7. Port Stephens	10. Tweed
4. Maitland		
Group 4 Electorates		
1. Albury	4. Dubbo	7. Oxley
2. Bathurst	5. Lismore	8. Tamworth
3. Bega	6. Orange	9. Wagga Wagga
Group 5 Electorates		
1. Burrinjuck		
2. Clarence		
3. Monaro		
4. Northern Tablelands		
Group 6 Electorates		
1. Lachlan		
2. Murrumbidgee		
3. Upper Hunter		
Group 7 Electorates		
1. Barwon		
Group 8 Electorates		
1. Murray-Darling		

SYDNEY ALLOWANCE GROUPINGS**SCHEDULE 2**

Category 1		
1. Blue Mountains	7. Heathcote	13. Newcastle
2. Camden	8. Illawarra	14. Peats
3. Campbelltown	9. Keira	15. Swansea
4. Charlestown	10. Kiama	16. The Entrance
5. Gosford	11. Lake Macquarie	17. Wallsend
6. Hawkesbury	12. Londonderry	18. Wollongong
		19. Wyong

Category 2		
1. Albury	11. Lachlan	20. Oxley
2. Ballina	12. Lismore	21. Port Macquarie
3. Barwon	13. Maitland	22. Port Stephens
4. Bathurst	14. Monaro	23. South Coast
5. Burrinjuck	15. Murray-Darling	24. Southern Highlands
6. Bega	16. Murrumbidgee	25. Tamworth
7. Cessnock	17. Myall Lakes	26. Tweed
8. Clarence	18. Northern Tablelands	27. Upper Hunter
9. Coffs Harbour	19. Orange	28. Wagga Wagga
10. Dubbo		

LEGISLATIVE COUNCIL ZONES**SCHEDULE 2A**

Zone 1 Electorates		
1. Auburn	17. Granville	33. North Shore
2. Bankstown	18. Heffron	34. Parramatta
3. Baulkham Hills	19. Hornsby	35. Penrith
4. Blacktown	20. Kogarah	36. Pittwater
5. Bligh	21. Ku-ring- gai	37. Port Jackson
6. Cabramatta	22. Lakemba	38. Riverstone
7. Campbelltown	23. Lane Cove	39. Rockdale
8. Canterbury	24. Liverpool	40. Ryde
9. Coogee	25. Macquarie Fields	41. Smithfield
10. Cronulla	26. Manly	42. Strathfield
11. Davidson	27. Maroubra	43. The Hills
12. Drummoyne	28. Marrickville	44. Vacluse
13. East Hills	29. Menai	45. Wakehurst
14. Epping	30. Miranda	46. Wentworthville
15. Fairfield	31. Mount Druitt	47. Willoughby
16. Georges River	32. Mulgoa	
Zone 2 Electorates		
1. Blue Mountains	7. Illawarra	13. Peats
2. Camden	8. Keira	14. Swansea
3. Charlestown	9. Kiama	15. The Entrance
4. Gosford	10. Lake Macquarie	16. Wallsend
5. Hawkesbury	11. Londonderry	17. Wollongong
6. Heathcote	12. Newcastle	18. Wyong

LEGISLATIVE COUNCIL ZONES**SCHEDULE 2A**

Zone 3 Electorates		
1. Albury	11. Lachlan	21. Port Macquarie
2. Ballina	12. Lismore	22. Port Stephens
3. Barwon	13. Maitland	23. South Coast
4. Bathurst	14. Monaro	24. Southern Highlands
5. Bega	15. Murrumbidgee	25. Tamworth
6. Burrinjuck	16. Murray-Darling	26. Tweed
7. Cessnock	17. Myall Lakes	27. Upper Hunter
8. Clarence	18. Northern Tablelands	28. Wagga Wagga
9. Coffs Harbour	19. Orange	
10. Dubbo	20. Oxley	

**RECOGNISED OFFICE HOLDER AND
OTHER MEMBER ENTITLEMENTS**

SCHEDULE 3

Recognised Office Holder	Transport	Communication (electronic)	Communication (non- electronic)	Printing & Stationery
Presiding Officer	30%		55%(A) 175%(C)	40%
Minister				40%
Deputy Speaker, Chair of Committees				40%
Leader of the Opposition	20%(A)		140%(A) 175%(C)	40%
Deputy Leader of the Opposition			15%(C)	40%
Whips			15%(C)	40%
Party Leader (not less than 10 Members)	15%			20%
Deputy Party Leader (not less than 10 Members)	10%			40%
Leader of the National Party (in Opposition with not less than 10 Members in LA)	15%		15%	40%
Other Recognised Office Holders				40%
Shadow Ministers				40%
Independent Members				20%

- Where entitlements formerly provided for the recognised office holder's spouse these have been included in the allocation.
- Where an entitlement is followed by (A) or (C) it applied only to the office holder in either the Assembly or the Council.

ELECTORATE MAILOUT ACCOUNT**SCHEDULE 4**

Electoral District	Current Enrolment (1.3.02) As provided by the State Electoral Office	2002 Annual Entitlement
1. ALBURY	42,836	\$55,687
2. AUBURN	47,075	\$61,198
3. BALLINA	46,112	\$59,946
4. BANKSTOWN	45,665	\$59,365
5. BARWON	42,910	\$55,783
6. BATHURST	44,026	\$57,234
7. BAULKHAM HILLS	45,556	\$59,223
8. BEGA	47,305	\$61,497
9. BLACKTOWN	47,094	\$61,222
10. BLIGH	49,113	\$63,847
11. BLUE MOUNTAINS	46,403	\$60,324
12. BURRINJUCK	43,989	\$57,186
13. CABRAMATTA	43,674	\$56,776
14. CAMDEN	53,102	\$69,033
15. CAMPBELLTOWN	43,549	\$56,614
16. CANTERBURY	44,876	\$58,339
17. CESSNOCK	44,408	\$57,730
18. CHARLESTOWN	44,484	\$57,829
19. CLARENCE	43,403	\$56,424
20. COFFS HARBOUR	44,834	\$58,284
21. COOGEE	43,696	\$56,805
22. CRONULLA	45,086	\$58,612
23. DAVIDSON	45,457	\$59,094
24. DRUMMOYNE	48,139	\$62,581
25. DUBBO	44,107	\$57,339
26. EAST HILLS	45,128	\$58,666
27. EPPING	45,685	\$59,391
28. FAIRFIELD	44,429	\$57,758
29. GEORGES RIVER	45,976	\$59,769
30. GOSFORD	48,685	\$63,291
31. GRANVILLE	44,235	\$57,506
32. HAWKESBURY	48,530	\$63,089
33. HEATHCOTE	45,419	\$59,045
34. HEFFRON	43,865	\$57,025
35. HORNSBY	46,933	\$61,013
36. ILLAWARRA	45,641	\$59,333
37. KEIRA	44,128	\$57,366
38. KIAMA	47,805	\$62,147
39. KOGARAH	45,498	\$59,147
40. KU-RING-GAI	44,984	\$58,479
41. LACHLAN	44,696	\$58,105
42. LAKE MACQUARIE	46,685	\$60,691

ELECTORATE MAILOUT ACCOUNT

SCHEDULE 4

Electoral District	Current Enrolment (1.3.02) As provided by the State Electoral Office	2002 Annual Entitlement
43. LAKEMBA	43,405	\$56,427
44. LANE COVE	45,298	\$58,887
45. LISMORE	42,416	\$55,141
46. LIVERPOOL	48,245	\$62,719
47. LONDONDERRY	44,837	\$58,288
48. MACQUARIE FIELDS	52,667	\$68,467
49. MAITLAND	48,697	\$63,306
50. MANLY	44,665	\$58,065
51. MAROUBRA	44,728	\$58,146
52. MARRICKVILLE	46,824	\$60,871
53. MENAI	47,888	\$62,254
54. MIRANDA	43,421	\$56,447
55. MONARO	45,913	\$59,687
56. MOUNT DRUITT	45,668	\$59,368
57. MULGOA	48,251	\$62,726
58. MURRAY-DARLING	41,731	\$54,250
59. MURRUMBIDGEE	44,356	\$57,663
60. MYALL LAKES	46,029	\$59,838
61. NEWCASTLE	45,707	\$59,419
62. NORTH SHORE	46,891	\$60,958
63. NORTHERN TABLELANDS	42,918	\$55,793
64. ORANGE	44,160	\$57,408
65. OXLEY	43,773	\$56,905
66. PARRAMATTA	45,948	\$59,732
67. PEATS	45,708	\$59,420
68. PENRITH	44,743	\$58,166
69. PITTWATER	45,822	\$59,569
70. PORT JACKSON	52,511	\$68,264
71. PORT MACQUARIE	46,288	\$60,174
72. PORT STEPHENS	46,725	\$60,743
73. RIVERSTONE	51,387	\$66,803
74. ROCKDALE	44,837	\$58,288
75. RYDE	46,025	\$59,833
76. SMITHFIELD	46,069	\$59,890
77. SOUTH COAST	48,167	\$62,617
78. SOUTHERN HIGHLANDS	46,897	\$60,966
79. STRATHFIELD	46,555	\$60,522
80. SWANSEA	46,967	\$61,057
81. TAMWORTH	44,598	\$57,977
82. THE ENTRANCE	46,251	\$60,126
83. THE HILLS	53,572	\$69,644

ELECTORATE MAILOUT ACCOUNT**SCHEDULE 4**

Electoral District	Current Enrolment (1.3.02) As provided by the State Electoral Office	2002 Annual Entitlement
84. TWEED	48,797	\$63,436
85. UPPER HUNTER	42,507	\$55,259
86. VAUCLUSE	44,041	\$57,253
87. WAGGA WAGGA	43,963	\$57,152
88. WAKEHURST	45,233	\$58,803
89. WALLSEND	47,842	\$62,195
90. WENTWORTHVILLE	45,034	\$58,544
91. WILLOUGHBY	47,235	\$61,406
92. WOLLONGONG	43,625	\$56,713
93. WYONG	49,355	\$64,162

Advice of the Secretary of Treasury Pursuant to Section 12(A) of the *Parliamentary Remuneration Act, 1989*

The following comments on the Parliamentary Remuneration Tribunal's 2002 annual determination are made pursuant to Section 12 (A) of the *Parliamentary Remuneration Act, 1989* by the Secretary of the Treasury.

Financial Implications

The 2002 annual determination is fundamentally consistent with the previous determination and the NSW Budget Administration and Policy framework.

The table below shows the variation in entitlements over the 2001 determination.

For the purpose of calculating the financial costs, the estimates are based on the 2001 composition of the Legislative Assembly and the Council membership. It is also assumed that there were no changes to the electorate groupings. Estimates have not been provided where the maximum remuneration limits for the particular allowances are not defined. The Sydney allowance is calculated on the annual amount allocated to members.

ENTITLEMENT	2001 DET.	2002 DET.	CHANGE
Electoral Allowance	\$ 5,225,195	\$ 5,225,195	---
Sydney allowance*	\$ 1,138,599	\$ 1,173,312	\$ 34,713 (3%)
Committee Allowance	\$ 13,700	\$ 13,700	---
Electorate to Sydney Travel**	Not Estimated	Not Estimated	---
Logistic Support Allocation	\$ 3,331,460	\$ 3,331,460	---
Electorate Charter Transport	\$ 78,250	\$ 89,980	\$ 11,730 (15%)
Travelling Allowance for recog. Off. holders	Not Estimated	Not Estimated	Increased***
Travelling Allowance for Shadow Ministers	Not Estimated	Not Estimated	Increased***
Equipment, Services & Facilities	Not defined	Not defined	Not defined
TOTAL MINIMUM EXPENDITURE	\$ 9,787,204	\$ 9,833,647	\$ 46,443 (0.5%)

* Calculated on annual amount allocated to members

** Estimates not provided where maximum remuneration limits are not defined

*** Adjusted in line with movements in public sector rates

Member entitlements have increased by \$46,443 over the 2001 determination, which represents a rise of less than one percent.

The increase in Sydney Allowance is in line with the Sydney CPI of 2.9% for year 2001-02 and a 15% increase granted to Electorate Charter Allowance reflects an increase of approximately 20% in air charter operation costs due to GST, increased fuel, insurance and landing costs.

Treasury has been advised that the increase will be accommodated through savings realised from under-expenditure by members and projected savings on protected items.

Accountability and Control

Greater flexibility is allowed in the use of LSA funds subject to meeting the accountability and control guidelines set by the Parliamentary Remuneration Tribunal.

John Pierce
Secretary

