

**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

30 May 2008

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

INTRODUCTION

Section 11 of the Parliamentary Remuneration 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 makes 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)).

As is the usual practice of the Tribunal, letters were sent to all Members and the Presiding Officers as to matters they wished to have considered as part of the review. In particular the Tribunal sought submissions from Members on the annual component of the Sydney Allowance. The Tribunal had foreshadowed a review of the annual payment of the Sydney Allowance (as opposed to the payment on the daily basis) arising from administrative difficulties concerning the reimbursement by Members of the unspent portions of this Allowance

Part One of this Report will outline general matters raised as part of the annual review and any adjustments to additional entitlements. Consistent with the usual practice, the Tribunal has made changes that are considered minor or of an administrative nature to the Determination without the need for detailed separate reasons being provided. The submissions did, however, raise a number of substantive issues which, in the Tribunal's view, merit further consideration and/or comment. Part Two will provide a summary of the Determination.

PART ONE

1. GENERAL MATTERS RAISED

Electoral Allowance

Submissions relating to the Electoral Allowance centred on the quantum. Most submissions had sought increases in the Allowance beyond normal CPI movements to account for the significant rises in fuel costs. One submission also sought to have unspent portions of Electoral Allowance not fully expended returned to the Consolidated Fund rather than being retained by Members.

To deal with the unspent portions of this Allowance first: the Tribunal, in its 2007 Annual Report, provided a detailed history and analysis of the current arrangements for this Allowance. The Tribunal would refer anyone wishing to understand the workings of this Allowance to that Report. The Tribunal repeats here the conclusions of that analysis:

"...As noted above, section 10(2B)(c) of the Act provides that the Electoral Allowance is provided as compensation for all incidents of the performance of parliamentary duties. Section 4 of the Act defines "parliamentary duties". Section 10(2C) of the Act excludes the Electoral Allowance from the Tribunal's general condition-setting powers in respect of additional entitlements. This suggests that the Tribunal's role, insofar as Electoral Allowance is concerned, is limited to determining the quantum only and not to provide any further clarity or interpretation on the use of the Electoral Allowance or its purpose and conditions beyond that provided in the Legislation."

The Tribunal maintains that any changes to the Electoral Allowance beyond its quantum (which is the sole function of this Tribunal) can only be made by way of legislative amendment.

Insofar as the quantum of the Allowance is concerned, it should be recognised that a significant component of the Electoral Allowance is to meet the cost incurred by Members in leasing or purchasing a motor vehicle to undertake their parliamentary duties.

The Tribunal accepts that the costs of running a motor vehicle have risen significantly, primarily due to fuel price increases. Because of the distances covered by Members, especially those in country electorates, the increased cost of fuel has had a particular impact on country Members. Of course, the Electoral Allowance has factored into it the increased costs of representing a country electorate and that should be taken into account. Whether some additional consideration should be afforded in respect of country electorates to take account of the increased cost of running a motor vehicle, given it is an essential part of a Member's "tools of trade" is a matter that the Tribunal is prepared to consider provided there is a proper basis upon which to do so. For the present, however, very many members of the general community are also affected by increasing fuel prices with no opportunity to have those costs offset in any way. Nothing that has been put to the Tribunal on this occasion would satisfy it that there is a special case for granting Members an increase in their Electoral Allowance based on increased fuel prices when ordinary members of the community whose motor vehicles are also an essential part of getting to work, or are an essential part of their tools of trade, are unable to obtain relief. The Tribunal does not consider it appropriate to provide Members with increases greater than those available to the general community. The increase in the Electoral Allowance for the current review will be limited to the relevant percentage movement in the Consumer Price Index.

The Tribunal notes that in the private sector it is a widespread practice for employers to provide employees with motor vehicles where it is essential (but often simply as a perquisite) for their work. Given that a motor vehicle is essential for Members to carry out their parliamentary duties, particularly in country areas, a sound case exists for providing Members with a private plated, fully maintained motor vehicle. This is done in all other Australian parliamentary jurisdictions and there appears to be no objective grounds for making New South Wales, the most populous State, the exception. The Tribunal has repeatedly supported the provision of motor vehicles to Members and given that the Tribunal has previously stated that the provision of motor vehicles to Members would result in a reduction in the Electoral Allowance, the overall cost of the scheme to the taxpayer would be minimal.

Sydney Allowance

In its 2006 review, the Tribunal foreshadowed that it intended to remove the annual entitlement to the Sydney Allowance as part of the 2008 Annual Determination unless there were compelling reasons for not doing so.

All submissions received have supported retention of the annual entitlement. Reasons for doing so include the administrative efficiency and that it is more in keeping with the Tribunal's long held view that Members make permanent accommodation arrangements in Sydney.

The Tribunal has noted the comments of the Members and having regard to these comments, and that nearly 40 percent of Members receive the Sydney Allowance as an annual rate, the Tribunal will retain both the daily and annual rates.

The Tribunal has also had regard to both written and oral submissions on the introduction of additional conditions to the Sydney Allowance to overcome the problem of overpayment of unspent portions of this entitlement in a timely manner. Unlike the daily Sydney Allowance, which is provided for each day a Member is in Sydney on parliamentary business, the annual amount is provided to Members in advance based on the number of days determined by the Tribunal as reasonable for Members to be in Sydney on parliamentary business. A reconciliation is undertaken at the end of each financial year of the actual number of days a Member was in Sydney on parliamentary business and if it happens that the Member was in Sydney on a smaller number of occasions than was originally estimated by the Member then that Member is required to repay the proportional amount back to the Parliament.

The Tribunal is encouraged by administrative arrangements introduced by the Legislative Assembly to ensure Members are not left with a large debt at the end of each financial year. The Tribunal has been asked to make these arrangements official by adopting them as conditions for this entitlement. The Tribunal does not support this request. The Tribunal has continually encouraged the Clerks of the Parliament to introduce administrative arrangements for entitlements that are consistent with the Tribunal's determinations. This approach provides clear rules on the operation of the entitlements while at the same time allowing the

Clerks sufficient flexibility to introduce administrative arrangements to meet the individual needs of Members. Continually adding conditions to the entitlements can only lead to greater complication.

Where it is clear that changes are warranted to the entitlements scheme to ensure that public funds are used properly then the Tribunal will not hesitate to introduce such changes.

The Auditor General has noted in the past that a small number of Members have failed to repay unspent portions of the Sydney Allowance. The Tribunal is also aware that the officers of the Legislature expend a considerable amount of time and energy in trying to recoup this money. The Tribunal does not consider this a satisfactory state of affairs. The Tribunal expects, as would the community expect, that Members when required to repay public monies would do so promptly. The Tribunal accepts that the overwhelming majority of Members do make reimbursements expeditiously. To ensure 100 percent compliance with this expectation, the Tribunal could introduce sanctions against those Members who do not reimburse outstanding amounts within a reasonable time. The Tribunal is not prepared to do so at this time but will formally introduce a time limit within which Members must have settled any Sydney Allowance accounts. Should this not prove effective then the Tribunal will seriously consider stronger measures at the time of the next annual review.

The Tribunal also received submissions concerning the administration of the Sydney Allowance and in particular the inflexibility associated with the level of proof to be presented by Members to confirm the overnight stay. Members are presently required to sign in and out of the Parliamentary Register as proof of being in Sydney on Parliamentary business when Parliament is not sitting. The conditions applicable to the Sydney Allowance also provide that on those occasions where Members are in Sydney on parliamentary business but are not required to attend Parliament House eg, attending a function, then the Member must provide sufficient proof to the Clerks to substantiate each such occasion. It is sufficient for Ministers to provide evidence from their diaries or other forms of documentary evidence acceptable to the Clerks to certify as evidence of their attendance in Sydney.

The Tribunal acknowledges that it is not always convenient for Members to sign in and out when they are in Sydney on Parliamentary business. The Tribunal considers that there should be sufficient administrative flexibility to avoid this type of inconvenience. The Tribunal is

prepared to amend the conditions so that the flexibility granted to Ministers to provide entries from their diaries or other forms of documentary evidence acceptable to the Clerks to certify as proof of their attendance in Sydney, is extended to Members.

One submission proposed that the definition of "principal place of residence" should be tightened to prevent any abuse of the allowance. There is no evidence that the present definition is the source of any abuse.

Quantum of the Sydney Allowance

In 2005 the Tribunal undertook a fundamental review of the Sydney Allowance. In that review the history and purpose of the Allowance was discussed. Briefly put, because Parliament is located in Sydney and much of its business is conducted in Sydney, Members must travel to Sydney to perform a high proportion of their parliamentary duties including the duty of representing their constituents in Parliament House. This necessitates Members of non-metropolitan electorates to incur additional expenses associated with staying and living in Sydney throughout the year. The Sydney Allowance (formerly known as the Living Away from Home Allowance) is intended to compensate Members for these additional accommodation costs and living expenses. Since the introduction of the Allowance in 1975 the Tribunal has set the daily rate of the Sydney Allowance at a lower level than the ad hoc capital city travel rate available to public sector employees on the premise that Members would make longer term accommodation arrangements in Sydney. The Tribunal has encouraged Members to buy or lease accommodation for this purpose.

The Tribunal continues to support this approach as the most appropriate for Members who are required to travel and stay in Sydney for up to 135 nights each year.

The Tribunal last reviewed the quantum of this Allowance in 2005. The Tribunal's methodology was articulated in that review. The Tribunal has adopted a similar methodology on this occasion and noted that there have been cost increases which warrant an increase in the daily rate beyond the normal CPI increases. The Tribunal has adjusted the daily rate of this Allowance accordingly.

Additional Staff Member for Members of the Legislative Assembly

Since the completion of the 2007 Report and Determination the Tribunal did provide a Ruling, pursuant to section 17 of the Act in February 2008, which clarified that the references in the Determination to staff grading and employment duration are provided only as a means by which the overall budget for this purpose may be calculated. The purpose of this Ruling was to clarify that Members had complete flexibility on the grade and duration of the additional staff member provided it did not exceed the overall budget for this purpose. The relevant condition associated with this matter has been amended to reflect the Ruling. Submissions have been received drawing the Tribunal's attention to the workloads of those electorates within which there are high levels of public housing estates. The workload of these electorate offices is such that additional support is required.

The Tribunal acknowledges that there is a higher level of interaction between the Member and the Member's electorate office staff with constituents of electorates with high levels of public housing than those without. Whilst the Tribunal is prepared to consider this matter further, it should be noted that most electorates are likely to have an element or characteristic in their constituency that requires greater community interaction with the electorate office. Should, for example, electorates with higher levels of migrant population receive similar additional support? Should electorates whose constituents, while not living in public housing, are nevertheless from low socio-economic backgrounds be similarly provided with such additional support? The Tribunal would be prepared to receive submissions on this matter at the time of the next annual review.

Electorate to Sydney Travel Warrants

The Tribunal has again received submissions seeking to expand the use of travel warrants. In its 2007 Report the Tribunal stated the following;

"...Submissions have again been received seeking to extend the value of the travel warrant to include the cost of getting to and from the airport. This matter was considered as part of the 2006 annual review. At that time the Tribunal concluded that:

"...The Tribunal has considered this matter carefully but is of the view the existing arrangements are adequate. The Electorate to Sydney travel warrants are for exactly that purpose – travel to and from Sydney. Each warrant has a value based on the cost of the airline ticket from the airport nearest the Member's home to Sydney. Members have the additional flexibility of using whatever means they wish to travel to Sydney provided the cost does not exceed the value of the warrant. Any extra travel required is to be met from the LSA or the Members' electoral allowance."

The Tribunal makes the final observation that part of the reason why non-metropolitan members receive higher levels of Logistic Support Allocation and Electoral Allowance is to accommodate the additional travel costs."

The Tribunal does not consider any further clarification or review is required in respect of this entitlement.

Government Travel Booking Service

The Government has entered into a period contract with a provider for Government travel bookings. Members have advised that the requirement to use this provider does not provide them with the necessary flexibility to make their travel bookings nor are they able to take advantage of a multitude of on line booking services which provide cheaper air fares. The submission from the Presiding Officers has informed the Tribunal that the administration of the accounts for payment of travel bookings made through the Government contract are overly bureaucratic and existing arrangements have inherent difficulties in reconciliation of payments with services provided.

In addition, advice received from the Presiding Officers is that the Parliament is not bound by the provisions of the *Public Sector (Goods and Services) Regulation 2000* (the Regulation) under the *Public Sector Employment and Management Act 2002*. It is under this Regulation

that New South Wales period contracts, including contracts for travel bookings are entered into between the Government (through the State Contracts Control Board) and goods and services provided. Within existing rules, public sector agencies are bound to use these providers in the provision on goods and services.

The Regulation provides a definition of the extent of the Public Sector. Clause 3 of the Regulation defines "public sector" as:

"...public sector service has the meaning given to it under the Act, except that it does not include the service of either House of Parliament, or the President or Speaker, or the President and the Speaker jointly."

Notwithstanding the exclusion of the Parliament from the provisions of the Regulation, the Tribunal still considers that the Parliament should continue to use the period contracts where there is a clear cost or service benefit to do so. Where it is clear that there is neither a cost nor a service benefit then it is clear that they are not bound to use the period contracts. The Tribunal will, therefore, remove the requirement to use the period contract provider for the provision of air travel bookings.

Committee Allowances

The Tribunal has again received submissions on Committee Allowances. The submission is essentially the same as that received in 2007. The Tribunal addressed this matter as part of that review and does not intend to consider this matter further on this occasion.

Electorate Mailout Account (EMA)

One submission received called for the Tribunal to review the use of the EMA, noting what was alleged to be a "spike" in expenditure prior to elections or, alternatively, to abolish the EMA.

The Tribunal would need to be satisfied that there has been an abuse of the EMA before taking any steps in relation to its expenditure. The Tribunal has no evidence of any abuse.

Party Status

The Tribunal also received a submission on the number of members necessary to determine Party status. The Tribunal has noted the comments but also notes that any change to the numbers would require legislative amendment.

Tribunal Annual Report Date

In its 2007 Report the Tribunal drew the attention of the Parliament to the administrative problems associated with the requirement of having the Tribunal make its annual determinations by 31 May each year. The Tribunal regrets to see that no action has been taken to remove this restriction.

The Tribunal would again urge the Parliament to provide the Tribunal with greater flexibility in its reporting timeframe.

Other Matters

One submission proposed a one-year freeze on salary increases for Members. The Tribunal has no jurisdiction in relation to salaries.

One submission sought the restoration of the entitlement to travel to New Zealand for the purpose of undertaking Parliamentary business. The Tribunal has no jurisdiction in respect of that matter.

2. REVIEW OF ADDITIONAL ENTITLEMENTS

General

Some submissions were received calling for substantial increases in a number of the allowances. Detailed reference was made to the cost of living and accommodation in Sydney in particular, and the increasing cost of fuel and the impact that was having on country Members given the long distances they travelled.

The Tribunal notes, however, that most of the submissions received called for the application of movements in the Consumer Price Index to be applied to the allowances. That is the course adopted by the Tribunal except that in respect of the Sydney Allowance, where the case has been made out for an increase greater than the CPI movement.

Electoral Allowance

For this review the Tribunal has adopted its usual approach and increased the electoral allowance by 4.2 per cent ie the CPI increase between March 2007 and March 2008.

Sydney Allowance

For reasons stated in Part 1 of this Report the Tribunal has increased the daily rate of the Sydney Allowance to \$240 per day.

Logistic Support Allocation (LSA)

The Tribunal has reviewed the Logistic Support Allocation in accordance with its usual approach and provided an increase of 4.2 per cent.

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.

Members' salaries were increased from 1 July 2007 by 6.8 per cent. Because of the delay in finalisation of this 2007 Report and Determination that increase in the Committee Allowance formed part of the 2007 Determination. There has been no increase in Members' salaries since 1 July 2007. Therefore, consistent with the Tribunal's usual approach no further increase in Committee Allowances is warranted.

Electorate Mail-out Account (EMA)

The EMA has been adjusted to reflect enrolment statistics as of April 2008 and these are outlined in Schedule 4 of the Determination.

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

The Tribunal has reviewed the use and conditions of this Allowance and considers that no adjustment is warranted at this time.

Travelling Allowances for Recognised Office Holders

The Tribunal's Determination is based on those rates provided to New South Wales Public Servants and those deemed "reasonable" by the Australian Taxation Office (ATO). In both the New South Wales Public Sector and ATO guidelines, travel allowances are differentiated on the basis of destination and salary level of officer. The 2007 rates remain applicable at the time of making the determination.

PART TWO

SUMMARY OF 2008 DETERMINATION

Electoral Allowance	4.2 per cent increase
Sydney Allowance	14 per cent increase
Logistic Support Allocation	4.2 per cent increase
Electorate Mailout Account	No increase
Committee Allowance	No increase
Electorate Charter Allowance	No increase
Travel Allowances	No increase

Dated this day of 30 May 2008

The Honourable Justice R P 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 2008, 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 2008.

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.

"Approved relative" is a person who meets one of the following criteria:

- Wife or husband of the Member. If a Member has a spouse no other person may be nominated to use this entitlement.
- De facto spouse or partner who is living with a Member in a bona fide domestic relationship. If a Member has a de facto spouse or partner, no other person may be nominated to use this entitlement.

- **Single or widowed Members may nominate a member of their immediate family (parents, siblings, children who are not minors i.e. below 16 years of age) as an approved relative.**

Under special circumstances a Member may apply through the Presiding Officers to the Tribunal for an exception to the criteria. This will need to be based on the ability of the Member to meet their parliamentary duties and individual circumstances that apply at the time.

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 (excluding Electoral Allowance).

- 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;
- 2.2.6 costs associated with pre-selection activities.
- 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 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.
- 3.3 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 and office supplies.

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 to other persons or organisations including Members. The Member may use his/her entitlements to meet official costs of the approved relative and/or staff employed by the Parliament when that expenditure is in connection with official Parliamentary duties.**

11. **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.**
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ADDITIONAL ENTITLEMENTS IN THE NATURE OF ALLOWANCES

1. Electoral Allowance

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 per annum for each electorate group shall be as follows:

Electorate Group	Electoral Allowance
Group 1	\$38,975
Group 2	\$45,645
Group 3	\$53,795
Group 4	\$58,725
Group 5	\$62,470
Group 6	\$68,480
Group 7	\$80,095

- c. The electoral allowance for each Member of the Legislative Council shall be \$45,645 per annum.

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.

The Tribunal considers the Member's principal place of residence to be that residence where the Member would normally return and reside when not attending Sydney on parliamentary duties.

To establish the principal place of residence each Member will be required to complete the Parliament's checklist and certify that the residence nominated is the principal place of residence.

Entitlement

The daily rate (including the number of overnight stays) 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 5.

TABLE 1

Office	Principal Place of Residence	Overnight Stays p.a.	Overnight in Sydney where accommodation costs are incurred	In transit to and from Sydney where no overnight stay is involved
Minister, Speaker, President, Leader and Deputy Leader of the Opposition (Assembly and Council), Leader of Third Party in Assembly with not less than 10 Members.	Category 1 or 2	180	\$240	Actual reasonable expenses for meals and incidentals up to a maximum of \$74.35 per day
Deputy Speaker, Chairman of Committees (Assembly and Council), Whip and Deputy Whip (Assembly and Council), Parliamentary Secretary, Deputy Leader of Third Party in Assembly with not less than 10 Members.	Category 1 or 2	140	\$240	As above
Chairs of Standing/Select Committees	Category 1 or 2	140	\$240	As above
Legislative Council Members	Category 2	135	\$240	As above
	Category 1	105	\$240	As above
Legislative Assembly Members	Category 2	135	\$240	As above
	Category 1	105	\$240	As above

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. The election is to be made at the commencement of each financial year.
2. If a Member chooses to receive the annual fixed allowance the Financial Controller of the Legislature will calculate the annual entitlement by multiplying the number of overnight stays for the particular Member or Recognised Office Holder by the daily rate.
3. In order to receive the Allowance each Member must certify to the Clerk of the Legislative Assembly or the Parliaments, as the case may be, their principal place of residence.

4. Where a Member chooses to receive the daily rate of allowance the Member shall receive the overnight daily rate as specified in Table 1. 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.
5. Where a Member chooses to receive the daily rate of allowance and the Member exceeds the number of overnight stays Members will be reimbursed actual costs, up to the daily maximum upon the production of tax invoices/receipts for each such occasion.
6. Members in receipt of the Sydney Allowance when travelling to Sydney for parliamentary business or home from Sydney and where there is no overnight stay required will be entitled to reasonable actual expenses to the maximum provided in the "In transit..." Column of Table 1 above. This rate is only applied when the Member is travelling to Sydney and will be staying overnight in Sydney or travelling home from Sydney following an overnight stay.
7. 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.
8. Members are required to maintain records or other relevant proof that clearly document the occasions they stayed in Sydney in connection with their Parliamentary duties. Subject to the proviso below, Members attending Parliament House on Parliamentary business when Parliament is not sitting are required to sign in and out of the Parliamentary Register as proof of being in Sydney. On those occasions where Members are in Sydney on parliamentary business but are not required to attend Parliament House eg, attending a function, then the Member must provide sufficient proof to the Clerks to substantiate each such occasion. Provided, however, it will be sufficient for Members to provide entries from their diaries, or other forms of documentary proof, acceptable to the Clerks to certify as proof of their attendance in Sydney.

9. 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. Such repayments must be made by 31 August each year.
10. 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, Select and Standing 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

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 \$170.00 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*.

Members of the Public Accounts Committee, other than the Chairperson, shall each receive a committee allowance of \$3,910 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, 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 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 obtains a passenger manifest from the charter operator and attaches it to the invoice when it is sent for payment.
8. A Member's air transport booking for Parliamentary duties and that of their spouse/approved relative and staff are to be made by the Member with an appropriate transport provider.

9. **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. A copy of this documentation is to be supplied to the Parliament's administration. When travelling by commercial air flights, copies of airline boarding passes are to be supplied to the Parliament when issued for arrival and departure from Sydney.**

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.

There must be sufficient funds in the Member's Logistic Support Allocation. The items in respect of which the LSA may be used must not duplicate services already provided to Members by the Parliament and the expenditure must be consistent with 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:

Electorate Group	LSA
Group 1	\$30,615
Group 2	\$34,255
Group 3	\$36,645
Group 4	\$36,645
Group 5	\$36,645
Group 6	\$39,030
Group 7	\$39,030

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>
Zone 1 Electorates	\$20,765
Zone 2 Electorates	\$21,385
Zone 3 Electorates	\$31,675

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

General Conditions

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

1. The Presiding Officers will establish and maintain a list outlining the purposes for which the LSA may be used. The list is to have regard to taxation, accounting and funding implications.
2. 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.
3. 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 budget. The Tribunal will not provide for supplementation of this Allocation. However, the Logistic Support Allocation is not intended to restrict the proper use of the Electoral Allowance.
4. Members may not use their Logistic Support Allocation to procure goods or services to be used for direct electioneering purposes or political campaigning.
5. 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 four 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.

6. 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.

7. Members must personally authorise expenditure from their Logistic Support Allocation. Whilst, subject to the particular conditions, Members may determine at their discretion the use of the funds available for any purpose and operation specified by the Presiding Officers, 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.

Electorate Group or Zone	Transport	Communication –electronic	Communication –non- electronic	Printing and Stationery and Office Supplies	Total Logistic Support Allowance
Legislative Assembly					
Group 1	\$4,780	\$4,175	\$14,065	\$7,595	\$30,615
Group 2	\$7,170	\$5,425	\$14,065	\$7,595	\$34,255
Group 3	\$9,560	\$5,425	\$14,065	\$7,595	\$36,645
Group 4	\$9,560	\$5,425	\$14,065	\$7,595	\$36,645
Group 5	\$9,560	\$5,425	\$14,065	\$7,595	\$36,645
Group 6	\$11,945	\$5,425	\$14,065	\$7,595	\$39,030
Group 7	\$11,945	\$5,425	\$14,065	\$7,595	\$39,030
Legislative Council					
Zone 1 Electorates	\$4,780	\$4,805	\$3,585	\$7,595	\$20,765
Zone 2 Electorates	\$4,780	\$5,425	\$3,585	\$7,595	\$21,385
Zone 3 Electorates	\$11,945	\$8,550	\$3,585	\$7,595	\$31,675

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 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 approved relatives, when travelling in connection with the Member's Parliamentary duties, may claim reasonable actual accommodation and meal expenses from the Member's Logistic Support Allocation. The reimbursement of these expenses may not exceed the travel allowance rates as determined for Group 2 in Table 2 hereunder. Staff employed by the Parliament who travel with their Member or separately for Parliamentary business purposes may be paid travel allowances in accordance with appropriate Public Service Award conditions.
5. A Member and his or her approved relative may travel together or separately in connection with attendance at a function in the course of Parliamentary duties.
6. A Member, his or her approved relative and staff employed by the Parliament, may use taxis or hire cars for Parliamentary duties.

7. A Member's air transport booking for Parliamentary duties and that of their spouse/approved relative and staff are to be made by the Member with an appropriate transport provider.
8. 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.
9. 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 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 costs should be shared equally between the Members travelling.
10. 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.
11. Members together with their approved relative will need to maintain records or other relevant evidence that clearly document the occasions they travelled in connection with their Parliamentary duties. A copy of this documentation is to be supplied to the Parliament's administration. When travelling by commercial air flights, copies of boarding passes are also to be supplied.

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 telecommunication services. Once established, Members will be reimbursed the Parliamentary business cost of each home telecommunication call or usage 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. Members may utilise any telecommunication services or network features with the exception of overseas calls, charged information/service calls, reverse charge calls, home-link calls and Telecard calls.
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 with 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 charges pertaining to a data line installed at Legislative Council Members' home offices be reimbursed at the rate of 100 per cent where Members do not have a broadband service connected, 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 and 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 direct 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 the attached Schedule for the following specific purposes:

- A) For preparing and distributing letters/newsletters to each constituent in his/her electorate. Members are provided with an annual amount based on the cost of issuing two newsletters/letters per enrolled voter per annum. Members may issue additional newsletters/letters subject to available funds in their Electorate Mail-Out Account and the Legislative Assembly's administrative guidelines.
- B) Upon the gazettal of new electoral districts following an electoral redistribution (undertaken pursuant to s 27(1)(c) of the *Constitution Act* 1902), Members may use their Electorate Mailout Account to communicate with prospective constituents from neighbouring electorates who at the time of the next election following the gazettal of the new electoral districts will become constituents of the Member's electorate.

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 distributing 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.
7. Printing and distribution of newsletters/letters from the Electorate Mailout Account is to be in accordance with the Parliament's administrative guidelines.
8. Communication with prospective constituents following gazettal of electoral districts will be limited only to those electors who will transfer from adjoining electorates to the new electorate. Each Member is to receive the details of the prospective constituents from the State Electoral Office
9. Communications with constituents/prospective constituents will be limited to matters affecting the Member's electorate.

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 is 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 5	\$6,980
Group 6	\$11,400
Group 7	\$21,080

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 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 closest source of available charter transport to the Member's electorate, electorate office or principal place of residence is outside the boundaries of the electorate, the reasonable additional expenses consequently incurred may be included in the reimbursement available under this Determination.**
6. **Members may use their Charter Transport Allowance to fly to an airfield located outside their electorate in circumstances where there is no suitable airfield located in the part of the electorate being visited by the Member. In these circumstances the Member would fly to the relevant airfield outside his/her electorate and then drive back to the electorate to conduct electorate business.**
7. **Members may also use the Charter Transport Allowance to attend regional or other meetings within an adjoining electorate relating to matters affecting their electorate. Members should first seek approval to use this Allowance in such a manner from the Presiding Officers. Members should be able to satisfy the Presiding Officers that the purpose of the journey relates to electorate business.**
8. **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

Table 2 – Indicative Upper Limits for Travel Expenditure

Office Holders	Capital Cities		Other Areas	Where no overnight stay is required
Group 1	\$404.45 (Melbourne)	\$355.45 (Adelaide, Brisbane, Canberra, Darwin, Hobart, Perth)	\$319.45	Actual reasonable meal expenses
Group 2	\$297.65 (Brisbane, Perth, Melbourne)	\$273.65 (Adelaide, Canberra, Darwin, Hobart)	\$200.10	Actual reasonable meal expenses

Recognised Office Holders are classified into one of the following two groups.

Group 1

Premier,

Deputy Premier,

Senior and Other Ministers,

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

Chairman of Committees (Legislative Assembly and Legislative Council),

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

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

Deputy Leader of the Opposition in the Legislative Assembly,

Deputy Speaker in the Legislative Assembly.

Group 2

Deputy Leader of the Opposition in the Legislative Council,

Deputy Leader in the Legislative Council (other than the Leader or Deputy Leader of the Opposition) of a recognised political party not fewer than 9 members of which are members of the Legislative Council and of which no member is a Minister,

Leader and Deputy Leader of a Recognised Political Party of which not less than ten Members are Members of the Legislative Assembly,

Government and Opposition Whips,

Deputy Government and Deputy Opposition Whips,

Parliamentary Secretary,

Whip in the Legislative Assembly of a recognised political party, not fewer than 10 members of whom are members of the Legislative Assembly,

Deputy Whip in the Legislative Assembly of a recognised political party, not fewer than 40 members of which are members of the Legislative Assembly,

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

The following conditions shall apply in respect of this allowance:

- 1. Recognised Office Holders are to be reimbursed travelling expenses when travel is undertaken in association with their role as a Recognised Office Holder only. These allowances will not apply when a Member travels on Parliamentary business in their own capacity.**
- 2. Recognised Office Holders 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 may claim reasonable actual meal expenses. Indicative upper limits for travel expenditure are outlined in Table 2.**
- 3. 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 concerned.**
- 4. A Recognised Office Holder whose 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 approved relative.**

5. **Those Recognised Office Holders 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 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 and the Member for Barwon 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 facsimile line installed in their home. A separate data line shall also be installed to provide access to the Parliament's secure computer network unless Members elect to connect to a broadband service.
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 Assembly, not elected as an Independent, shall be provided with a budget specific for the recruitment of temporary staff. The budget is to provide for an additional staff member to work in the electorate office or at Parliament House. The budget is to be the equivalent of the salary of an electorate officer grade 2 for a period of 61 days per annum. Within this budget, Members have the flexibility to use this entitlement to employ additional staff.
- iv. Each Member of the Legislative Council, who is not a Minister, shall be entitled to one staff Member. When the staff Member is on annual recreation leave or other extended period of leave, a relief staff member may be employed for the period of absence.
- v. 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.
- vi. Ministers shall receive a reasonable allocation of staff members.
- vii. The Whip of each recognised political party of not less than 10 members to each be provided with one member of staff.
- viii. 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 30 day of May 2008

The Honourable Justice R P Boland

THE PARLIAMENTARY REMUNERATION TRIBUNAL

ELECTORAL GROUPS**SCHEDULE 1**

Group 1 Electorates		
1. Auburn	19. Heffron	37. Parramatta
2. Balmain	20. Hornsby	38. Penrith
3. Bankstown	21. Kogarah	39. Pittwater
4. Baulkham Hills	22. Ku-ring-gai	40. Riverstone
5. Blacktown	23. Lakemba	41. Rockdale
6. Cabramatta	24. Lane Cove	42. Ryde
7. Camden	25. Liverpool	43. Smithfield
8. Campbelltown	26. Londonderry	44. Strathfield
9. Canterbury	27. Macquarie Fields	45. Sydney
10. Castle Hill	28. Manly	46. Toongabbie
11. Coogee	29. Maroubra	47. Vaucluse
12. Cronulla	30. Marrickville	48. Wakehurst
13. Davidson	31. Menai	49. Willoughby
14. Drummoyne	32. Miranda	
15. East Hills	33. Mount Druitt	
16. Epping	34. Mulgoa	
17. Fairfield	35. North Shore	
18. Granville	36. Oatley	
Group 2 Electorates		
1. Blue Mountains	8. Lake Macquarie	14. Wallsend
2. Charlestown	9. Newcastle	15. Wollondilly
3. Gosford	10. Shellharbour	16. Wollongong
4. Hawkesbury	11. Swansea	17. Wyong
5. Heathcote	12. Terrigal	
6. Keira	13. The Entrance	
7. Kiama		

SCHEDULE 1

Group 3 Electorates		
1. Ballina	5. Maitland	9. South Coast
2. Cessnock	6. Myall Lakes	10. Tweed
3. Coffs Harbour	7. Port Macquarie	
4. Goulburn	8. Port Stephens	
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. Murrumbidgee		
2. Upper Hunter		
Group 7 Electorates		
1. Barwon		
2. Murray Darling		

SYDNEY ALLOWANCE GROUPINGS**SCHEDULE 2**

Category 1		
1. Blue Mountains	9. Newcastle	16. Wollongong
2. Charlestown	10. Shellharbour	17. Wyong
3. Gosford	11. Swansea	
4. Hawkesbury	12. Terrigal	
5. Heathcote	13. The Entrance	
6. Keira	14. Wallsend	
7. Kiama	15. Wollondilly	
8. Lake Macquarie		

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

LEGISLATIVE COUNCIL ZONES**SCHEDULE 2A**

Zone 1 Electorates		
1. Auburn	19. Heffron	37. Parramatta
2. Balmain	20. Hornsby	38. Penrith
3. Bankstown	21. Kogarah	39. Pittwater
4. Baulkham Hills	22. Ku-ring-gai	40. Riverstone
5. Blacktown	23. Lakemba	41. Rockdale
6. Cabramatta	24. Lane Cove	42. Ryde
7. Camden	25. Liverpool	43. Smithfield
8. Campbelltown	26. Londonderry	44. Strathfield
9. Canterbury	27. Macquarie Fields	45. Sydney
10. Castle Hill	28. Manly	46. Toongabbie
11. Coogee	29. Maroubra	47. Vacluse
12. Cronulla	30. Marrickville	48. Wakehurst
13. Davidson	31. Menai	49. Willoughby
14. Drummoyne	32. Miranda	
15. East Hills	33. Mount Druitt	
16. Epping	34. Mulgoa	
17. Fairfield	35. North Shore	
18. Granville	36. Oatley	
Zone 2 Electorates		
1. Blue Mountains	8. Lake Macquarie	14. Wallsend
2. Charlestown	9. Newcastle	15. Wollondilly
3. Gosford	10. Shellharbour	16. Wollongong
4. Hawkesbury	11. Swansea	17. Wyong
5. Heathcote	12. Terrigal	
6. Keira	13. The Entrance	
7. Kiama		

LEGISLATIVE COUNCIL ZONES**SCHEDULE 2A**

Zone 3 Electorates		
1. Albury	11. Goulburn	21. Port Macquarie
2. Ballina	12. Lismore	22. Port Stephens
3. Barwon	13. Maitland	23. South Coast
4. Bathurst	14. Monaro	24. Tamworth
5. Bega	15. Murrumbidgee	25. Tweed
6. Berrinjuck	16. Murray-Darling	26. Upper Hunter
7. Cessnock	17. Myall Lakes	27. Wagga Wagga
8. Clarence	18. Northern Tablelands	
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	10%		15%(C)	40%
Whips			15%(C)	40%
Party Leader (not less than 10 Members)	15%			40%
Deputy Party Leader (not less than 10 Members LA or 9 Members LC)	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%
Independent Members				20%

Recognised Office Holders and Members referred to in schedule 3 receive additional entitlements for only one office; that office being the office which attracts the greater level of entitlement. These entitlements, as they apply to Recognised Office Holders, are to be available only for Recognised Office Holder duties.

Where entitlements formerly provided for the Recognised Office Holder's approved relative 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.

SCHEDULE 4

ELECTORATE MAILOUT ACCOUNT

ELECTORAL DISTRICT	NUMBER OF ELECTORS (as at 30 April 2008 as provided by the State Electoral Office)	ANNUAL ENTITLEMENT
1. Albury	49,463	\$64,302
2. Auburn	49,318	\$64,113
3. Ballina	47,421	\$61,647
4. Balmain	50,339	\$65,441
5. Bankstown	47,680	\$61,984
6. Barwon	44,791	\$58,228
7. Bathurst	48,435	\$62,966
8. Baulkham Hills	50,255	\$65,332
9. Bega	49,016	\$63,721
10. Blacktown	47,832	\$62,182
11. Blue Mountains	47,839	\$62,191
12. Burrinjuck	47,952	\$62,338
13. Cabramatta	50,160	\$65,208
14. Camden	47,513	\$61,767
15. Campbelltown	45,519	\$59,175
16. Canterbury	50,832	\$66,082
17. Castle Hill	50,712	\$65,926
18. Cessnock	49,370	\$64,181
19. Charlestown	47,583	\$61,858
20. Clarence	49,504	\$64,355
21. Coffs Harbour	49,113	\$63,847
22. Coogee	48,880	\$63,544
23. Cronulla	48,617	\$63,202
24. Davidson	48,016	\$62,421
25. Drummoyne	49,004	\$63,705
26. Dubbo	48,419	\$62,945
27. East Hills	47,169	\$61,320
28. Epping	48,903	\$63,574
29. Fairfield	50,308	\$65,400
30. Gosford	48,887	\$63,553
31. Goulburn	48,128	\$62,566
32. Granville	50,007	\$65,009
33. Hawkesbury	49,227	\$63,995
34. Heathcote	47,228	\$61,396
35. Heffron	50,338	\$65,439
36. Hornsby	50,649	\$65,844
37. Keira	47,138	\$61,279
38. Kiama	48,501	\$63,051
39. Kogarah	48,981	\$63,675

ELECTORAL DISTRICT	NUMBER OF ELECTORS (as at 30 April 2008 as provided by the State Electoral Office)	ANNUAL ENTITLEMENT
40. Ku-Ring-Gai	48,442	\$62,975
41. Lake Macquarie	48,154	\$62,600
42. Lakemba	51,043	\$66,356
43. Lane Cove	47,773	\$62,105
44. Lismore	49,891	\$64,858
45. Liverpool	48,679	\$63,283
46. Londonderry	46,506	\$60,458
47. Macquarie Fields	49,502	\$64,353
48. Maitland	50,360	\$65,468
49. Manly	47,674	\$61,976
50. Maroubra	48,514	\$63,068
51. Marrickville	51,050	\$66,365
52. Menai	48,030	\$62,439
53. Miranda	46,993	\$61,091
54. Monaro	48,718	\$63,333
55. Mount Druitt	46,799	\$60,839
56. Mulgoa	47,947	\$62,331
57. Murray-Darling	47,172	\$61,324
58. Murrumbidgee	47,769	\$62,100
59. Myall Lakes	49,278	\$64,061
60. Newcastle	48,170	\$62,621
61. North Shore	51,155	\$66,502
62. Northern Tablelands	49,607	\$64,489
63. Oatley	47,926	\$62,304
64. Orange	48,416	\$62,941
65. Oxley	47,540	\$61,802
66. Parramatta	49,457	\$64,294
67. Penrith	46,398	\$60,317
68. Pittwater	47,417	\$61,642
69. Port Macquarie	47,672	\$61,974
70. Port Stephens	48,010	\$62,413
71. Riverstone	52,138	\$67,779
72. Rockdale	48,595	\$63,174
73. Ryde	48,113	\$62,547
74. Shellharbour	47,943	\$62,326
75. Smithfield	50,474	\$65,616
76. South Coast	48,491	\$63,038
77. Strathfield	48,329	\$62,828
78. Swansea	49,125	\$63,863
79. Sydney	54,159	\$70,407
80. Tamworth	48,513	\$63,067
81. Terrigal	47,442	\$61,675

ELECTORAL DISTRICT	NUMBER OF ELECTORS (as at 30 April 2008 as provided by the State Electoral Office)	ANNUAL ENTITLEMENT
82. The Entrance	48,523	\$63,080
83. Toongabbie	48,701	\$63,311
84. Tweed	47,296	\$61,485
85. Upper Hunter	48,743	\$63,366
86. Vacluse	49,731	\$64,650
87. Wagga Wagga	49,281	\$64,065
88. Wakehurst	49,700	\$64,610
89. Wallsend	47,300	\$61,490
90. Willoughby	49,365	\$64,175
91. Wollondilly	48,561	\$63,129
92. Wollongong	49,532	\$64,392
93. Wyong	48,275	\$62,758

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

The following comments on the Parliamentary Remuneration Tribunal's 2008 annual determination are made pursuant to Section 12A of the *Parliamentary Remuneration Act, 1989* by the Secretary of the Treasury.

Financial Implications

The 2008 annual determination is fundamentally consistent with the previous determination.

The table below shows the variation in entitlements over the 2007 determination.

For the purpose of calculating the costs, the estimates are based on the 2008 composition of the Legislative Assembly and the Council membership. Estimates have not been provided where the maximum remuneration limits for the particular allowances are not defined (ie Travelling Allowance for Recognised Office Holders). The Sydney Allowance is calculated on the annual amount allocated to Members.

ENTITLEMENT	2007 DET.	2008 DET.	CHANGE
Electoral Allowance	\$ 5,965,800	\$ 6,216,335	\$ 250,535 +4.2%
Sydney Allowance	\$ 1,606,500	\$ 1,940,400	\$ 333,900 +20.8%
Logistic Support Allocation	\$ 3,913,485	\$ 4,077,805	\$ 164,420 +4.2%
Electorate Mail-out Account ⁽¹⁾	\$ 5,844,823	\$ 5,888,271	\$ 43,448 +0.7%
Committee Allowance ⁽²⁾	\$ 19,531	\$ 19,531	NIL
Electorate Charter Transport Allowance - LA Members	\$ 97,180	\$ 97,180	NIL
Travelling Allowance for Recognised Office Holders	Not Estimated	Not Estimated	Increased ⁽³⁾
TOTAL MINIMUM EXPENDITURE	\$17,447,319	\$18,239,622	\$ 792,303 +4.5%

(1) Based on an increase in electors as provided by the NSW Electoral Commission.

(2) Includes members of Public Accounts Committee only.

(3) Adjusted in line with movements in public sector rates which vary depending on travel destination.

Member entitlements have increased by \$792,303 over the 2007 determination, which represents a rise of 4.5 percent.

The increase in Electoral Allowance, Sydney Allowance and Logistic Support Allocation of 4.2% is in line with the March CPI, although the increase in total cost of the Sydney Allowance is greater because of an increase in the eligible Members of the Legislative Council.

The rates for calculating the Electorate Mailout Account (EMA) and the Charter Transport Allowance have not changed, although there is an overall increase of 0.7 percent for EMA entitlements as a result of an increase in electors. The increase to the Travel Allowance to Recognised Office Holders may drive up this expenditure slightly.

Accountability and Control

Additional guidelines have been set by the Parliamentary Remuneration Tribunal to ensure greater accountability and control over the use of entitlements by Members.

John Pierce
Secretary
30/5/08