

Parliamentary Remuneration Tribunal

Annual Report and Determination

*Report and determination of salary and additional entitlements for
Members of the Parliament of New South Wales pursuant to the
Parliamentary Remuneration Act 1989*

**16 May
2018**

Parliamentary Remuneration Tribunal

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Parliamentary Remuneration Tribunal

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 Chief Commissioner of the Industrial Relations Commission of New South Wales determines.

Section 14(H)(1) of the Act requires that the Tribunal make a report to the Chief Commissioner of the Industrial Relations Commission of New South Wales for each determination made by the Tribunal. The Chief Commissioner is then required, as soon as practicable after receipt of the report, to forward it to the Minister (see section 14(H)(2)). The responsible Minister is the Premier, the Hon Gladys Berejiklian MP.

The Tribunal commenced the 2018 annual review earlier than usual at the request of the Parliament and NSW Treasury. The Tribunal is required, pursuant to section 12A of the Act to invite the Secretary of NSW Treasury to make a submission to the Tribunal about the financial implications of the determination. Historically the timeframe for the undertaking of the annual review has meant that NSW Treasury has not been able to consider the funding of additional entitlements prior to the preparation and tabling of the Budget Papers. The intent of providing a draft determination to the Secretary of NSW Treasury in early April is to ensure that the Parliament receives appropriate funding for Members’ additional entitlements and to better align with the annual State Budget process.

As is the usual process the Tribunal received written submissions from the Presiding Officers and Members. The Tribunal also met with the Presiding Officers and representatives from the NSW Liberal Party, the NSW Nationals, the NSW Labor Party and the Shooters, Fishers and Farmers Party.

As part of this review the Tribunal has considered the recommendation made in the Audit Office’s Financial Audit of Additional Entitlements for Members of Parliament (Volume Three 2016) that there be more disclosure of Members’ expenditure claims to improve

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transparency. In doing so the Tribunal has considered the views of Members, the Presiding Officers, Parliamentary Entitlements Staff and the Audit Office. The findings of that review are outlined in **Section 2** of the report.

The report of the determination also addresses the general matters raised by the Presiding Officers and matters raised by Members as they relate to existing entitlements. Consistent with the usual practice, the Tribunal has made changes to the determination that is considered minor or of an administrative nature, without the need for detailed separate reasons being given.

The Tribunal's determination in respect of the basic salary payable to Members is outlined in **Section 1** of the Report. **Section 2** of the report provides an overview of the Tribunal's review of additional entitlements, including the publication of Members' expenditure and any other matters raised in respect of the additional entitlements. **Section 3** of the report provides a general summary of the determination.

Section 1 - Parliamentary Remuneration

Increase to basic salary

In accordance with section 4(2) of the Act the Tribunal is required to determine the basic salary of Members.

In determining the basic salary the Tribunal is required, pursuant to section 4(3), to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the *Industrial Relations Act 1996* (“the IR Act”) when making or varying awards or orders relating to the conditions of employment of public sector employees.

The current policy on wages pursuant to section 146C(1)(a) of the IR Act is articulated in the *Industrial Relations (Public Sector Conditions of Employment) Regulation 2014* (“the IR Regulation”). The effect of the IR Regulation is that public sector wages cannot increase by more than 2.5 per cent, this includes the salaries payable to Members.

On that basis, with effect from 1 July 2018 the basic salary for Members will be increased by 2.5 per cent to \$165,066 per annum.

Recognised office holders receive an additional salary (if any) and an expense allowance (if any) being the percentage specified in Schedule 1 of the Act. Actual additional salary and expense allowances are published on the Parliament House website.

Section 2 - Additional Entitlements

Adjustments to quantum of entitlements

The Tribunal has determined that an adjustment of 2.5 per cent to the following allowances and fixed allocations is appropriate and consistent with the increase determined for the basic salary:

- Electoral Allowance
- Sydney Allowance
- Communications Allowance: Base Allocation
- General Travel Allowance

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- Electorate to Sydney Travel

The quantum of the increase to the Communications Allowance: Additional Allocation is based on the number of enrolled voters and is less than 2.5 per cent.

Changes in guidelines and/or conditions

Changes in the determination relate to the Communications Allowance, General Travel Allowance and relief arrangements for staff and are summarised below.

Communications Allowance

The Presiding Officers sought an amendment to condition 10 of the Communications Allowance (page 48 of the 2017 determination) to ensure the provision covering a by-election is consistent with the Parliament's administrative guidelines regarding use of the Communications Allowance. The Presiding Officers provided additional wording to address a by-election. Those changes are appropriate and have been incorporated into the determination.

General Travel Allowance – Travel to Lord Howe Island

It has been brought to the attention of the Tribunal that there is an inconsistency in the conditions of the General Travel Allowance as it applies to the Member for Port Macquarie.

The Tribunal's 2016 Annual Determination introduced considerable changes to Member entitlements, including the abolition of the Electorate Charter Transport Allowance and creation of the General Travel Allowance – Additional Allocation.

Historically, the Electorate Charter Transport Allowance provided for Members of the largest electorates to meet charter transport costs incurred within their electorates. In 2012 the Electorate Charter Transport Allowance was extended to the electorate of Port Macquarie in order for the Member for Port Macquarie to fulfil their electorate and parliamentary duties in respect of the constituents of Lord Howe Island. Since that time the following condition has applied to the Member for Port Macquarie prohibiting the use of this entitlement to meet the costs of travel to Lord Howe Island for their approved relative or staff members:

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“4. The Member for Port Macquarie shall receive a General Travel Allowance - Additional Allocation commensurate with that provided to Members located in electoral Group 5 and shall include costs associated with up to four return trips to Lord Howe Island per year, flying from Port Macquarie or from Sydney subject to available flights. Travel costs between the electorate and Lord Howe Island shall not extend to the Member’s approved relatives or staff employed by the Parliament.”

The restriction on travel costs associated with the Member for Port Macquarie’s approved relative and staff was retained in condition 4 of the General Travel Allowance. This arrangement is now inconsistent with the general conditions of the General Travel Allowance which are to provide Members with greater choice and improved flexibility.

All Members, their staff and approved relatives may travel to Lord Howe Island subject to the conditions of the General Travel Allowance. On that basis, the Tribunal is of the view that the non-extension of the General Travel Allowance to meet the travel costs between the electorate and Lord Howe Island for the Member for Port Macquarie’s staff and approved relative, is no longer relevant. On that basis condition 4 is amended to remove the sentence *“Travel costs between the electorate and Lord Howe Island shall not extend to the Member’s approved relatives or staff employed by the Parliament.”*

Relief arrangements

The Tribunal’s 2017 Annual Determination provided for each Legislative Assembly Member to be provided with three electorate office staff. In respect of those staff the Tribunal determined that certain relief arrangements would apply. Since making the determination the Tribunal was made aware that the conditions relating to relief staff resulted in adverse outcomes in a number of electorate offices. Following a request from the Speaker of the Legislative Assembly the Tribunal agreed that the Parliament could provide short term relief arrangements for electorate office staff beyond those provided for in the Tribunal’s determination.

The Tribunal has received a number of submissions in regard to this matter and has liaised with Parliamentary Entitlements Staff on the appropriate wording of the determination. It is intended that the determination will provide for the Parliament to provide relief arrangements to Members of both the Legislative Assembly and Legislative

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Council when any staff member is absent on approved leave on any full working day. The conditions of the determination have been amended accordingly.

It has been agreed that the minimum staffing requirement will be provided for in the Members' Staff Conditions of Employment Determination of the Presiding Officers (February 2018) ("the Members' Staff Determination") rather than in the Tribunal's determination. That being said, it is the Tribunal's expectation that, to ensure compliance with the *Work Health and Safety Act 2011*, the Presiding Officers determination would provide for the following minimum allocation of staff to be present in either the electorate office or Legislative Council Member's office on any working day:

- two staff members in an electorate office of a Member of the Legislative Assembly
- one staff member in the office of a Member of the Legislative Council (not elected as a cross bench Member)
- two staff members in the office of a Member of the Legislative Council (elected as a cross bench member).

New Entitlements

Skills Development Allowance

The Tribunal received two submissions requesting consideration of additional funding to cover the professional development needs of both the Member and staff. These costs were previously met from the Logistic Support Allocation and the Tribunal has been asked to consider either the introduction of a new entitlement or to provide for greater flexibility to allow Members to use either their existing Communications Allowance or General Travel Allowance for this purpose.

The Tribunal has been advised that the ability for Members and their staff to attain skills relevant to the work they undertake has been an ongoing issue for the legislature. Under the current arrangements professional development for Members and staff is limited to attending conferences, conventions etc. with the costs to be met from the General Travel Allowance. There is no provision for Members to use the Communications Allowance to meet their own or their staffs' development needs.

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To address this matter it has been proposed that the Tribunal establish a new entitlement with a specific focus on training directly relevant to the role of the Member and their staff, including but not limited to:

- Media skills training
- Public speaking
- Community engagement
- Graphic design
- Website and social media maintenance
- Writing skills for reports and media releases.

The new entitlement, to be called the Skills Development Allowance, would have annual training caps as follows:

- Members of the Legislative Assembly and Legislative Council \$1,500
- Members of Staff (for each full time equivalent position) \$500

It is further proposed that the allowance would be administered by the legislature and that Members and staff will be required to use their training funds before 30 June each year, with any unused funds to be forfeited.

The Tribunal supports the introduction of the proposed Skills Development Allowance.

It is expected that the provision of a specific budget for Member and staff training will enhance constituent interactions, and particularly for staff, provide them with regular development to improve skills, knowledge and career opportunities.

The Tribunal will request the Secretary of NSW Treasury to provide additional funding to meet the costs associated with the Skills Development Allowance.

Opposition Staff

The Tribunal has again received a submission to consider the allocation of staff to the Opposition. The request includes Shadow Ministers, the Deputy Leader of the Opposition in the Legislative Assembly, the Manager of Opposition Business in the Legislative Assembly, the Leader of the Opposition in the Legislative Council and the Deputy Leader of the Opposition in the Legislative Council.

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The Act provides for the Tribunal to provide for additional entitlements to facilitate the efficient performance of the parliamentary duties of recognised office holders. Under section 6.7 of the Determination (Equipment, Services and Facilities) the Tribunal makes the following determination in respect to staff for recognised office holders:

3.4 *Ministers shall receive a reasonable allocation of staff members.*

3.5 *The Whips of each recognised political party of not less than 10 Member to each be provided with one member of staff.*

The Tribunal does not determine the number of staff to be allocated to each Minister. Ministers and the Leader of the Opposition in the Legislative Assembly are defined as political office holders in accordance with the *Members of Parliament Staff Act 2013 (MPS Act)*. As political office holders they may employ staff under the terms of the MPS Act. The MPS Act also provides that the Premier may determine the conditions of employment and the number of staff employed by the political office holder.

The Tribunal is advised that each Minister and the Leader of the Opposition in the Legislative Assembly is allocated an office budget from the Department of Premier and Cabinet. Ministers and the Leader of the Opposition in the Legislative Assembly may determine the appropriate number of staff and their level having regard to the available budget.

As outlined in previous determinations, the Tribunal is unable to make a determination which applies specifically to Shadow Ministers, or the Manager of Opposition Business, as these offices are not “recognised office holders” as provided for in Schedule 1 of the Act.

The Tribunal notes that the Opposition is an important component in the structure of the Parliament and is considered to be essential for the proper working of democratic government and the parliamentary process in the Westminster system. The Opposition’s main role is to question the government of the day and hold them accountable to the public. The Opposition also represents an alternative government, and is responsible for challenging the policies of the government and producing different policies where appropriate. To perform this role properly, the Opposition requires sufficient resources and support.

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The Opposition leadership group comprises the Leader and Deputy Leader in the Legislative Assembly and the Leader and Deputy Leader in the Legislative Council.

The Tribunal notes that the Deputy Leader of the Opposition in the Legislative Assembly is currently provided with three electorate office staff and there is the capacity for one of those staff to assist the Deputy Leader in Parliament on sittings day. Matters relating to the operation of Opposition business in the Legislative Assembly could be appropriately managed and coordinated from the resources available to the Leader of the Opposition in the Legislative Assembly.

Currently, there are no additional staffing resources allocated to the Leader and Deputy Leader of the Opposition in the Legislative Council. Both of these offices are recognised office holders as provided for in Schedule 1 of the Act.

The Tribunal met with the Leader and Deputy Leader of the Opposition in the Legislative Council, and their staff, to gain a greater understanding of their leadership roles and the workload. The Tribunal was advised that these office holders have significant responsibilities associated with the management of Opposition business in the Legislative Council in addition to committee work, duty electorate and shadow ministry responsibilities, and ceremonial duties, including state functions, meetings with dignitaries and other important events.

The additional responsibilities undertaken by both the Leader and Deputy Leader in the Legislative Council significantly increases the workload of their staff.

Based on the information received, the Tribunal finds that there is sufficient justification for the provision of one additional position at the classification of Secretary/Research Assistant to assist both the Leader of the Opposition and the Deputy Leader of the Opposition in the Legislative Council. This allocation is based on an additional staffing resource of 0.5 FTE for each recognised office holder. The Leader and Deputy Leader of the Legislative Council can agree to fill the position by employing one person who would provide equal support to both office holders.

As previously noted, the Tribunal continues to support the provision of additional entitlements for Shadow Ministers. However, this is a matter for the Government and the

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Tribunal would recommend again that the Act be amended to allow for additional entitlements to be provided to Shadow Ministers.

Other matters raised in submissions

New entitlements framework

A number of submissions addressed the new arrangements in respect of the Electoral Allowance, Communications Allowance and General Travel Allowance which were introduced in 2016.

Two submissions sought for the General Travel Allowance and Communications Allowance to be combined or alternatively Members to be able to transfer funds between them during any given year to create more flexibility. The Tribunal notes that while the former Logistic Support Allocation may have provided Members with more flexibility to choose where entitlements were appropriately spent, the new framework has simplified the conditions of the use and has streamlined administrative practices.

The new framework has been in place for less than two years. It would be more appropriate to consider the new arrangements after they have been in operation for a minimum of three years to ensure there is sufficient data or other evidence to warrant changes, if any.

The Tribunal received one submission addressing the taxation of Members' entitlements. The Tribunal notes that in respect of the Communications Allowance, General Travel Allowance and Electorate to Sydney Travel no allowances are paid and expenses incurred by Members are reimbursed or met by the Parliament. In respect of the Electoral Allowance Members must comply with the *Income Tax Assessment Act 1936* and any relevant taxation rulings. What may be claimed against the Electoral Allowance and the taxation treatment of this allowance is a matter for the Australian Taxation Office and not a matter that the Tribunal may make a determination on.

Request for a third electorate office – Member for Murray

The Member for Murray is currently provided with two electorate offices. The electorates of Cootamundra and Northern Tablelands are also provided with two electorate offices.

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The electorate of Barwon, which covers approximately one third of the state of NSW, is provided with three electorate offices.

These electorates have more than one electorate office to enable the Member to serve constituents who may reside in isolated towns and communities. They also provide an alternative base from which the Member may operate within their electorate when there are significant distances, often hundreds of kilometres, to travel between centres of population.

While the electorate of Murray is the second largest in NSW, there is not sufficient cause to warrant the provision of an additional electorate office at this time. The Tribunal notes that the existing two electorates are provided with the equivalent of three full time electorate staff. It would be appropriate to measure the impact of this increased staffing allocation on the Member's ability to service the electorate before considering a further request for a third electorate office.

Parking

The Tribunal has received a request to consider providing for parking costs to be funded from the General Travel Allowance. Under current arrangements, claims for car parking expenses may only be claimed if the expense is in association with accommodation (as a component part of the same hotel bill) or at airports in association with air travel.

It is not clear from the submission if the Member seeks additional funding to cover the cost of the fee required to be paid by Members for parking at Parliament House, in accordance with the *Parking Space Levy Act 2009*, or the cost of parking associated with electorate and/or other travel undertaken in the course of electorate and/or parliamentary duties. The Tribunal notes that there is nothing to prevent Members from using their Electoral Allowance for this purpose. The Tribunal will consider this matter further as part of the 2019 annual review upon clarification of the claim and evidence of need.

Communication Allowance –promotional items and social media

The Tribunal has received one submission seeking to clarify the use of the Communication Allowance for the production of particular promotional items and to fund certain activities on social media.

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A key principle of the Tribunal's determination is that additional entitlements are not to be used to fund activities of a direct electioneering or political nature.

The Tribunal has previously ruled, in accordance with section 17A of the Act that the Presiding Officers have the discretion to determine the types of items or services which may be appropriately purchased from the Logistic Support Allocation (now General Travel Allowance and Communications Allowance). The Department of Parliamentary Services publishes Publication Guidelines to inform Members on how additional entitlements may be applied to the design, printing and distribution of publications. Those guidelines contain advice on which promotional items Members are prohibited from using their entitlements to produce, including, but not limited to: calendars; notepads; fridge magnets; bowling scorecards; shopping lists; rainfall/tide charts. The Tribunal finds that the Parliament's Publication Guidelines are consistent with the intent of the Tribunal's determination and the Ruling on promotional items.

The Department of Parliamentary Services also publishes Website and Social Media Guidelines which cover the content and purpose of communication undertaken on websites and/or other social media. The Parliament requires that Members must comply with these conditions set out in the guidelines when using entitlements to meet website and social media related costs. The Parliament may only reimburse costs associated with the publication of material for parliamentary or electorate purposes. If websites or other forms of social media contain information which relate to a commercially provided service or contains material which is electioneering or political campaigning in nature, these services should not be funded from additional entitlements. Members should ensure that the content of publically funded websites or social media, regardless of the source, is compliant with the Tribunal's determination and the Parliament's Website and Social Media Guidelines.

Classification of electorate office staff for Independent and Cross Bench Members

The Tribunal has again received a submission that the third staff member for Independents and Cross Bench Members in the Legislative Assembly should be at the Research Assistant level, not Senior Electorate Officer level.

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The Tribunal notes that the Members' Staff Determination provides for two classifications of staff for Members of the Legislative Assembly, those being Electorate Officers and Senior Electorate Officers. This has been the case since the Members' Staff Determination was first issued effective 24 February 2014, replacing all previous employment and recruitment policies for Member's staff including but not limited to the Crown Employees (Parliamentary Electorate Officers) Award and the Legislative Council's Recruitment and Determination of Salary for Secretary/Research Assistants. The Tribunal considers that this is a matter for the Parliament.

2019 Determination

Publication of Members' expenditure

The Auditor General's Report to the Parliament on the Additional Entitlements for Members of Parliament (Volume Three 2016) made the following recommendations in respect to the disclosure of Members' expenditure claims:

"The Parliamentary Remuneration Tribunal should consider, as a part of the next Determination review process, requiring the Department of Parliamentary Services to regularly publish full details of Members' expenditure claims on its website in an accessible and searchable format. The Department should be given some time for consultation with Members and implementation of systems before any new requirements are effective."

The Tribunal intended to consider this matter as part of the 2017 annual review but deferred its review for the reasons outlined in the 2017 annual determination:

"On 27 March 2017, the Presiding Officers wrote to the Tribunal outlining the preliminary work that has been undertaken by the Department of Parliamentary Services (DPS) to better understand the requirements of the recommendation. The Presiding Officers have requested that the Tribunal consider deferring the implementation of the recommendation until 2018 to ensure the DPS can undertake the considerable work necessary to consult, develop and implement appropriate systems."

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The Tribunal considers that it is appropriate to defer the implementation of the recommendation and intends to consider the matter in more detail prior to the making of the 2018 determination. On 24 April 2017 the Tribunal wrote to the Auditor-General in these terms.”

The Tribunal received a comprehensive submission from the Presiding Officers providing a number of options for consideration and outlining consultation and feedback from Members. Their submission addressed the proposed level of reporting, frequency of reporting, and the funding and development of a possible reporting tool.

The Tribunal considered those recommendations, in addition to seeking additional feedback from Members and the Audit Office, and determines that public reporting of Members’ expenditure will commence with effect from 1 July 2019.

The Tribunal has provided the Parliament with an overview of the intended reporting model. Information is to be made available in an appropriate online platform and will provide expenditure details for each individual Member. The reporting model will provide for high level reporting of actual expenditure across the following four categories against their annual budget allocation:

1. Communications Allowance
2. General Travel Allowance
3. Electorate to Sydney Travel
4. Sydney Allowance

The Communications Allowance and General Travel Allowance will also have a number of subcategories (4 to 5) to provide a more detailed level of reporting. The final list of items to be included in each category and subcategory will be determined in consultation with the Parliament and will be published in the 2019 annual determination. To retain a degree of privacy it is not intended that expenditure on individual services or items will be reported or that travel details, such as location, dates and mode of transport, will be published.

It is intended that reporting will occur bi-annually and that information be reported for the following periods – 1 January to 30 June and 1 July to 31 December. The information will likely be published at the end of March and October of each year which should ensure

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there is sufficient time to prepare expenditure reports and to provide Members with time to review and certify the content prior to publication.

The Tribunal has been advised that the proposed reporting model is consistent with the intent of the Auditor-General's recommendation.

To provide for this degree of public reporting the Parliament will require an integrated online Members' Entitlements Reporting (MER) system which allows for claims data to be captured and extracted into an agreed format. A system of this nature would require a significant capital investment in addition to ongoing recurrent funding. The Parliament has estimated that the capital investment for the design, testing and implementation of the MER may exceed \$2.82 million in the first year with ongoing recurrent funding of \$343,000 indexed each year required thereafter.

It is unlikely the Parliament will be able to report on expenditure claims as intended by the Tribunal, and as recommended by the Auditor General, without this significant capital funding. In making this determination the Tribunal will also write to the Secretary of NSW Treasury to request favourable consideration of this funding for inclusion in the Parliament's 2018-19 budget allocation.

Section 3 General Summary of the Determination

2018 adjustments

Basic salary and additional entitlements	Increase
Basic Salary	2.5 per cent increase
Electoral Allowance:	
Base Allowance	2.5 per cent increase
Additional Allowance	2.5 per cent increase
Recognised Office Holder Allowance (except Independents)	2.5 per cent increase
Independents Allowance	2.5 per cent increase
Sydney Allowance	2.5 per cent increase
Communications Allowance:	
Base Allocation	2.5 per cent increase
Additional Allocation	1.1 per cent increase reflects increase in constituent numbers
Committee Allowances	2.5 per cent increase
General Travel Allowance:	
Base Allocation	2.5 per cent increase
Additional Allocation	2.5 per cent increase
Skills Development Allowance	New entitlement
Travel Allowances	As per Australian Tax Office Determination TD2017/19
Additional staff for recognised office holders	The addition of one Secretary/Research Assistant position to assist both the Leader of the Opposition and Deputy Leader of the Opposition in the Legislative Council.

The Parliamentary Remuneration Tribunal

Signed

The Hon C G Staff

Dated: 16 May 2018

Section 4 The Determination

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

With effect on and from 1 July 2018, 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 2018.

1. 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.

“Basic salary” has the meaning given by section 4 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 Table 1.

“Zones” are the areas for Members of the Legislative Council as specified in Table 2.

“Approved relatives” means:

- One person who meets any of the following criteria:
 - wife or husband of the Member
 - a person living with the Member in a domestic relationship as defined in the *Property (Relationships) Act 1984*
 - an immediate family member of the Member (parent, siblings or children who are not minors i.e. below 16 years of age) who is nominated as an approved relative.

- Members with dependent children may nominate one or more of those children as approved relatives. A dependent child means a person under 16 years of age in

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the care of the Member who is legally responsible (alone or jointly with another person) for the person's day-to-day care, welfare and development.

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.

2. Guidelines and General Conditions Regarding Additional Entitlements for Members in Connection with Parliamentary Duties

2.1 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.

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- 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, e.g., 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 (CPA) as well as activities outside Australia (exclusive of air travel) organised by the CPA provided such activities arise directly from Membership of the New South Wales Branch and

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officially endorsed by the Branch. Members may utilise Frequent Flyer Points which have been accrued as a result of the use of public funds to purchase international flights or obtain an upgrade in seat class in order to attend CPA activities.

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.

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 *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 party fundraising for a Member's own political use and/or other party political Members such as the purchase of raffle tickets, raffle prizes or tickets to attend functions etc;

2.2.5 costs previously borne by political parties which are not principally related to a Member's parliamentary or electorate duties; and

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.

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3. The Tribunal sets out the following additional and general guidelines:
 - 3.1 Some intermingling of a member's parliamentary duties and non-parliamentary duties is in practical terms not always easily avoided. The onus is always on the Member to show that expenditure or any claims for reimbursement relate to parliamentary duties. Where there is intermingling of non-parliamentary activity which is incidental to a Member's parliamentary duties, such incidental non-parliamentary use is permissible. If it is not practical to separate intermingled parliamentary and non-parliamentary use a Member must estimate the component of non-parliamentary use and, using the Member's best efforts, meet these costs independently.
 - 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.

2.2 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 Allowance and Sydney Allowance, an account entitled the "Communications Allowance" and

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“General Travel Allowance” which shall cover expenditure in the areas of transport (except for electorate to Sydney travel) and communications as provided for in the Tribunal’s Determination. The Communications Allowance and General Travel Allowance accounts shall be established and maintained by the Executive Manager, Department of Parliamentary Services. Members should be advised by the Department of Parliamentary Services each month as to the balance of these allocations.

4. 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 Communications Allowance and General Travel Allowance.
5. All accounts and Members’ claims must be submitted to the Legislature for payment within 60 days of receipt or occurrence of the expense.
6. 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.
7. 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 and those issued by the Parliament).
8. The various allowances determined here, 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 relatives and/or staff employed by the Parliament when that expenditure is in connection with official parliamentary duties.
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

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outstanding benefits of this nature, when the Member ceases to be a Member, are to be forfeited. Members shall be required to complete an annual declaration form provided by the Parliament's administration at the end of each financial year or within 30 days of ceasing to be a Member declaring that they have not used loyalty/reward benefits accrued through the use of their additional entitlements for non-parliamentary or electorate purposes.

10. Payment of accounts relating to the use of a Member's additional entitlements in the nature of fixed allocations will be paid directly by the Parliament and debited to the Member's account or paid in the first instance by the Member who would then seek reimbursement from the Parliament.

2.3 List of Tables Relating to Additional Entitlements

Table 1	Electoral Groupings for the Legislative Assembly
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Table 2	Zones for the Legislative Council
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Table 3	Electoral Allowance Legislative Assembly and Legislative Council
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Table 4	Sydney Allowance Daily Rates
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Table 5	Electorate to Sydney Travel Entitlements – Additional Entitlements for Recognised Office Holders
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Table 6	Communications Allowance –Base Allocation
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Table 7	Communications Allowance – Additional Allocation
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Table 8	General Travel Allowance
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Table 9	Travel Allowances Indicative Upper Limits for Recognised Officer Holders
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Table 10	Travel Allowances Group Classifications for Recognised Office Holders
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Table 11	Recognised Office Holder and Other Member Additional Entitlements
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Table 12	Skills Development Allowance
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3. Basic Salary

With effect from 1 July 2018 the basic salary of Members, pursuant to section 4 of the Act, shall be \$165,066 per annum.

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4. Electoral Groupings and Zones for Fixing Additional Entitlements

The electoral groupings for the Legislative Assembly and Zones for the Legislative Council to be used for the purposes of determining the quantum of additional entitlements shall be as follows:

Table 1: Electoral Groupings for the Legislative Assembly		
<p style="text-align: center;">Group 1</p> <ol style="list-style-type: none"> 1. Auburn 2. Balmain 3. Bankstown 4. Baulkham Hills 5. Blacktown 6. Cabramatta 7. Camden 8. Campbelltown 9. Canterbury 10. Castle Hill 11. Coogee 12. Cronulla 13. Davidson 14. Drummoyne 15. East Hills 16. Epping 17. Fairfield 18. Granville 19. Heffron 20. Holsworthy 21. Hornsby 22. Kogarah 23. Ku-ring-gai 24. Lakemba 25. Lane Cove 26. Liverpool 27. Londonderry 28. Macquarie Fields 29. Manly 30. Maroubra 31. Miranda 32. Mount Druitt 33. Riverstone 34. Rockdale 	<p style="text-align: center;">Group 2</p> <ol style="list-style-type: none"> 1. Blue Mountains 2. Charlestown 3. Gosford 4. Hawkesbury 5. Heathcote 6. Keira 7. Lake Macquarie 8. Newcastle 9. Shellharbour 10. Swansea 11. Terrigal 12. The Entrance 13. Wallsend 14. Wollondilly 15. Wollongong 16. Wyong 	<p style="text-align: center;">Group 3</p> <ol style="list-style-type: none"> 1. Ballina 2. Cessnock 3. Coffs Harbour 4. Kiama 5. Maitland 6. Myall Lakes 7. Port Macquarie 8. Port Stephens 9. South Coast 10. Tweed <p style="text-align: center;">Group 4</p> <ol style="list-style-type: none"> 1. Albury 2. Bathurst 3. Bega 4. Clarence 5. Dubbo 6. Goulburn 7. Lismore 8. Orange 9. Oxley 10. Tamworth 11. Wagga Wagga <p style="text-align: center;">Group 5</p> <ol style="list-style-type: none"> 1. Cootamundra 2. Monaro 3. Upper Hunter <p style="text-align: center;">Group 6</p> <ol style="list-style-type: none"> 1. Northern Tablelands <p style="text-align: center;">Group 7</p> <ol style="list-style-type: none"> 1. Murray <p style="text-align: center;">Group 8</p> <ol style="list-style-type: none"> 1. Barwon

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Table 2: Zones for the Legislative Council

Zone 1	Zone 2	Zone 3
1. Auburn	1. Blue Mountains	1. Albury
2. Balmain	2. Charlestown	2. Ballina
3. Bankstown	3. Gosford	3. Barwon
4. Baulkham Hills	4. Hawkesbury	4. Bathurst
5. Blacktown	5. Heathcote	5. Bega
6. Cabramatta	6. Keira	6. Cessnock
7. Camden	7. Lake Macquarie	7. Clarence
8. Campbelltown	8. Newcastle	8. Coffs Harbour
9. Canterbury	9. Shellharbour	9. Cootamundra
10. Castle Hill	10. Swansea	10. Dubbo
11. Coogee	11. Terrigal	11. Goulburn
12. Cronulla	12. The Entrance	12. Lismore
13. Davidson	13. Wallsend	13. Kiama
14. Drummoyne	14. Wollondilly	14. Maitland
15. East Hills	15. Wollongong	15. Monaro
16. Epping	16. Wyong	16. Murray
17. Fairfield		17. Myall Lakes
18. Granville		18. Northern Tablelands
19. Heffron		19. Orange
20. Holsworthy		20. Oxley
21. Hornsby		21. Port Macquarie
22. Kogarah		22. Port Stephens
23. Ku-ring-gai		23. South Coast
24. Lakemba		24. Tamworth
25. Lane Cove		25. Tweed
26. Liverpool		26. Upper Hunter
27. Londonderry		27. Wagga Wagga
28. Macquarie Fields		
29. Manly		
30. Maroubra		
31. Miranda		
32. Mount Druitt		
33. Mulgoa		
34. Newtown		
35. North Shore		
36. Oatley		
37. Parramatta		
38. Penrith		
39. Pittwater		
40. Prospect		
41. Riverstone		
42. Rockdale		
43. Ryde		
44. Seven Hills		
45. Strathfield		
46. Summer Hill		
47. Sydney		
48. Vacluse		
49. Wakehurst		
50. Willoughby		

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5. Additional Entitlements in the Nature of Allowances

5.1 Summary

The entitlements in this category comprise the following:

Electoral Allowance	– Base Allowance
	– Additional Allowance
	– Recognised Office Holder Allowance (except Independents)
	– Independents Allowance

Sydney Allowance

Committee Allowances

5.2 Electoral Allowance

Basis

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.

The establishment of the additional allowance took into account the costs previously met from the abolished LSA – Communications (electronic) and LSA - Printing and Stationery, Office Supplies and Services.

Entitlement

1. 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 or zone for the electorate of the Member as follows:

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Table 3: Electoral Allowance - Legislative Assembly and Legislative Council			
Electoral Group/Zone	Base Allowance	Additional Allowance	Total
Legislative Assembly			
Group 1	\$49,885	\$15,055	\$64,940
Group 2	\$58,420	\$16,645	\$75,065
Group 3	\$68,855	\$16,645	\$85,500
Group 4	\$75,160	\$16,645	\$91,805
Group 5	\$79,940	\$16,645	\$96,585
Group 6	\$87,635	\$16,645	\$104,280
Group 7	\$102,500	\$16,645	\$119,145
Group 8	\$140,165	\$29,020	\$169,185
Legislative Council			
Zone 1	\$58,420	\$15,860	\$74,280
Zone 2	\$58,420	\$16,645	\$75,065
Zone 3	\$58,420	\$20,655	\$79,075

2. A further allowance of \$3,885 per annum is payable to each Recognised Office Holder (except an Independent) in the Legislative Assembly and Legislative Council.
3. A further allowance of \$1,940 per annum is payable to each Independent in the Legislative Assembly and Legislative Council
4. The electoral allowances shall be payable calendar monthly in arrears in conjunction with salary payments.

5.3 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.

Members whose principal place of residence is a minimum distance of 70 KMs by road from Parliament House are eligible to receive the Sydney Allowance.

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Members may receive the lower or greater amount of overnight stays on the basis of the following distance criteria:

- Members whose principal place of residence is a distance of between 70 KMs and 140 KMs by road from Parliament House are eligible to receive the Sydney Allowance at the lower amount of overnight stays.
- Members whose principal place of residence is a distance greater than 140 KMs by road from Parliament House are eligible to receive the Sydney Allowance at the greater amount of overnight stays.

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 eligible Members shall be in accordance with *Table 4: Sydney Allowance Daily Rates* 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 condition 5.

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Table 4: Sydney Allowance Daily Rates				
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.	A minimum of 70 KMs by road from Parliament House	180	\$307.00	Actual reasonable expenses for meals and incidentals up to a maximum of \$129.50 per day
Deputy Speaker, Legislative Assembly, Deputy President and Chair of Committees (Legislative Council), Whip and Deputy Whip (Assembly and Council), Parliamentary Secretary, Assistant Speaker Legislative Assembly, Assistant President Legislative Council, Deputy Leader of Third Party in Assembly with not less than 10 Members.	A minimum of 70 KMs by road from Parliament House	140	\$307.00	As above
Chairs of Standing/Select Committees	A minimum of 70 KMs by road from Parliament House	140	\$307.00	As above
Legislative Council Members	Greater than 140 KMs by road from Parliament House	135	\$307.00	As above
	Between 70 KMs and 140 KMs by road from Parliament House	105	\$307.00	As above
Legislative Assembly Members	Greater than 140 KMs by road from Parliament House	135	\$307.00	As above
	Between 70 KMs and 140 KMs by road from Parliament House	105	\$307.00	As above

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Conditions

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 Department of Parliamentary Services 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 Executive Manager, Department of Parliamentary Services 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 4: Sydney Allowance Daily Rates*. The Member is entitled to the number of overnight stays per annum specified in *Table 4: Sydney Allowance Daily Rates* 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 en-route will be entitled to reasonable actual expenses to the maximum provided in the "In transit...." Column of *Table 4: Sydney Allowance Daily Rates*. This rate is only applied when the Member is travelling to Sydney or travelling home from Sydney following an overnight stay. Members may not claim the in transit allowance if they have exceeded the allocated number of overnight stays applicable for receipt of the Sydney Allowance.

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7. Members may not claim this entitlement in their hometown closest to their principal place of residence, at their nominated home airport or within a 70 kilometre radius of Parliament House for which Sydney Allowance payments are provided.
8. When in receipt of the annual allowance Members are required to certify halfway and 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 4: Sydney Allowance Daily Rates*.
9. 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 e.g., attending a function, then the Member must provide sufficient proof to the Executive Manager 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 Executive Manager to certify as proof of their attendance in Sydney.
10. Members in receipt of the annual amount will be required to provide a reconciliation of their annual payments twice per year. The first reconciliation will be required by 31 January of each year for payments made in the previous period of 1 July to 31 December. A further reconciliation will be required by 31 July of each year for payments made in the subsequent six months. The first reconciliation is only to be used for the purpose of validating the number of nights claimed during the period. Any financial adjustments will be calculated in consideration of the total number of nights validated over the whole financial year. Where applicable, Members will return to Parliament any part of the annual amount that they have not substantiated by 30 September each year or 30 days of ceasing to be a Member.

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11. Members who do not reimburse outstanding amounts by 30 September each year are to have their annual entitlement suspended and are to revert to the daily rate of Sydney Allowance until the reimbursement is made.
12. Members are not to claim the Sydney Allowance if they stay in Government owned or funded accommodation including Parliament House.
13. In determining eligibility Members will need to nominate their principal place of residence immediately following their election to Parliament. Members are not to relocate during the parliamentary term for the purposes of meeting the eligibility criteria.

5.4 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 their role in Government activities, the annual rate of allowance is payable to Members of these Committees.

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 \$210.00 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 Act.

Members of the Public Accounts Committee, other than the Chairperson of the Committee or another Committee in receipt of a salary of office as specified in Schedule 1 of the Act, shall each receive a committee allowance of \$4,865 per annum.

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6. Additional Entitlements in the Nature of Fixed Allocations

6.1 Summary

The entitlements in this category comprise the following:

Electorate to Sydney Travel	
Communications Allowance	– Base Allocation
	– Additional Allocation
General Travel Allowance	
	– Base Allocation
	– Additional Allocation
Travelling Allowances for Recognised Office Holders	
Equipment, Services and Facilities	
Skills Development Allowance	

6.2 Electorate to Sydney Travel

Purpose and Operation of the Provisions

1. Members who are eligible to receive the Sydney Allowance qualify for return air travel warrants between their electorates and Sydney.
2. These entitlements are provided for the performance of parliamentary duties.
3. All eligible Members shall receive one hundred and four (104) single economy class journeys per annum between electorate/zone and Sydney.
4. Where eligible, each of the below mentioned recognised office holders shall be entitled to the following additional electorate to Sydney travel entitlements per annum:

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Table 5: Electorate to Sydney Travel Entitlements - Additional Entitlements for Recognised Office Holders	
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
Deputy President and Chair of Committees, Legislative Council Assistant Speaker, Legislative Assembly	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

5. All electorate to Sydney travel and return is restricted to economy class.
6. Entitlements 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.
7. A minimum of one entitlement is required to be surrendered for each single journey; a return trip will require the surrender of at least two warrants.
8. Entitlements are not transferable between Members, or approved relatives, or Members' staff.
9. Members may use electorate to Sydney entitlements to defray part of the cost of intrastate and interstate parliamentary travel when such travel is via Sydney.
10. 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 entitlements

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based on the equivalent commercial cost of each person travelling are surrendered. The cost of Members' approved relatives travelling on the charter is to be met from the Member's General Travel Allowance. 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.

11. A Member's air transport booking for parliamentary duties and that of their spouse/approved relatives and staff are to be made by the Member with an appropriate transport provider.
12. 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 including airline boarding passes if travelling by commercial air is to be retained for subsequent review by internal and/or external auditors if required.

6.3 Communications Allowance

Purpose

The Communications Allowance is an annual budget provided to Members to meet the costs associated with communicating with their constituents including:

- production and distribution of newsletters and brochures
- printing of letterhead and flyers
- audio posters and other e-publications
- developing, hosting and maintaining a website and/or other social media
- email distribution services
- advertisements
- other forms of communications approved by Parliament.

Entitlement

1. The Communications Allowance comprises a base annual allocation for Members of the Legislative Assembly and Legislative Council and an additional allocation for Members of the Legislative Assembly based on the number of enrolled voters.

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2. The base annual allocation for each electoral group or zone shall be as follows:

Table 6: Communications Allowance - Base Allocation	
Member	Base Allocation
Legislative Assembly	\$17,990
Legislative Council	\$4,580

3. The additional annual allocation for each Member of the Legislative Assembly shall be as follows:

Table 7: Communications Allowance - Additional Allocation		
Electoral District	Number of Electors (as at 3 April 2018 as provided by the State Electoral Office)	Annual entitlement
1. Albury	57,134	\$85,701
2. Auburn	55,312	\$82,968
3. Ballina	58,456	\$87,684
4. Balmain	57,396	\$86,094
5. Bankstown	54,021	\$81,032
6. Barwon	55,566	\$83,349
7. Bathurst	56,440	\$84,660
8. Baulkham Hills	55,530	\$83,295
9. Bega	57,339	\$86,009
10. Blacktown	55,451	\$83,177
11. Blue Mountains	54,741	\$82,112
12. Cabramatta	55,342	\$83,013
13. Camden	65,611	\$98,417
14. Campbelltown	54,319	\$81,479
15. Canterbury	57,180	\$85,770
16. Castle Hill	56,466	\$84,699
17. Cessnock	56,976	\$85,464
18. Charlestown	55,563	\$83,345
19. Clarence	56,376	\$84,564
20. Coffs Harbour	54,825	\$82,238
21. Coogee	55,811	\$83,717
22. Cootamundra	53,411	\$80,117
23. Cronulla	56,925	\$85,388
24. Davidson	55,187	\$82,781
25. Drummoyne	54,026	\$81,039
26. Dubbo	55,267	\$82,901
27. East Hills	55,029	\$82,544
28. Epping	54,642	\$81,963
29. Fairfield	54,288	\$81,432

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Table 7: Communications Allowance - Additional Allocation		
Electoral District	Number of Electors (as at 3 April 2018 as provided by the State Electoral Office)	Annual entitlement
30. Gosford	56,361	\$84,542
31. Goulburn	56,982	\$85,473
32. Granville	53,676	\$80,514
33. Hawkesbury	55,487	\$83,231
34. Heathcote	56,397	\$84,596
35. Heffron	60,114	\$90,171
36. Holsworthy	56,284	\$84,426
37. Hornsby	55,091	\$82,637
38. Keira	58,579	\$87,869
39. Kiama	55,164	\$82,746
40. Kogarah	54,067	\$81,101
41. Ku-ring-gai	54,389	\$81,584
42. Lake Macquarie	56,648	\$84,972
43. Lakemba	55,493	\$83,240
44. Lane Cove	56,950	\$85,425
45. Lismore	55,713	\$83,570
46. Liverpool	57,209	\$85,814
47. Londonderry	61,822	\$92,733
48. Macquarie Fields	59,561	\$89,342
49. Maitland	58,487	\$87,731
50. Manly	55,457	\$83,186
51. Maroubra	55,706	\$83,559
52. Miranda	54,986	\$82,479
53. Monaro	56,135	\$84,203
54. Mount Druitt	56,188	\$84,282
55. Mulgoa	58,091	\$87,137
56. Murray	55,851	\$83,777
57. Myall Lakes	57,059	\$85,589
58. Newcastle	58,241	\$87,362
59. Newtown	56,694	\$85,041
60. North Shore	55,159	\$82,739
61. Northern Tablelands	55,951	\$83,927
62. Oatley	53,974	\$80,961
63. Orange	56,667	\$85,001
64. Oxley	56,492	\$84,738
65. Parramatta	57,187	\$85,781
66. Penrith	56,041	\$84,062
67. Pittwater	55,965	\$83,948
68. Port Macquarie	58,848	\$88,272
69. Port Stephens	55,799	\$83,699

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Table 7: Communications Allowance - Additional Allocation		
Electoral District	Number of Electors (as at 3 April 2018 as provided by the State Electoral Office)	Annual entitlement
70. Prospect	54,688	\$82,032
71. Riverstone	57,971	\$86,957
72. Rockdale	56,633	\$84,950
73. Ryde	55,250	\$82,875
74. Seven Hills	53,959	\$80,939
75. Shellharbour	62,199	\$93,299
76. South Coast	56,054	\$84,081
77. Strathfield	53,799	\$80,699
78. Summer Hill	56,553	\$84,830
79. Swansea	56,441	\$84,662
80. Sydney	55,135	\$82,703
81. Tamworth	56,611	\$84,917
82. Terrigal	57,283	\$85,925
83. The Entrance	56,510	\$84,765
84. Tweed	56,417	\$84,626
85. Upper Hunter	55,075	\$82,613
86. Vaucluse	57,016	\$85,524
87. Wagga Wagga	54,959	\$82,439
88. Wakehurst	55,672	\$83,508
89. Wallsend	58,537	\$87,806
90. Willoughby	54,729	\$82,094
91. Wollondilly	56,631	\$84,947
92. Wollongong	60,520	\$90,780
93. Wyong	56,986	\$85,479

4. Recognised Office Holders receive an additional loading on the Communications Allowance Base Allocation in accordance with *Table 11 Recognised Office Holder and Other Member Additional Entitlements*.

Carry over/forfeiture of entitlement

End of each financial year (within 4 year parliamentary term):	<p>Base Allocation: Unexpended amounts not exceeding the maximum of the annual allocation can be carried forward.</p> <p>Additional Allocations: Unexpended amounts are forfeited</p>
End of parliamentary term/earlier dissolution of LA:	Base Allocation and Additional Allocations: Remaining balances are forfeited

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Special Conditions

1. Upon the gazettal of new electoral districts following an electoral redistribution (undertaken pursuant to s 27(1)(c) of the *Constitution Act 1902*), Members of the Legislative Assembly may use their Communications Allowance 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.
2. When an electoral redistribution results in the abolition or renaming of an electorate, that Member may communicate with prospective constituents in a new or renamed electorate, subject to the new or renamed electorate comprising the majority of the constituents who would have resided in the Member's former electorate prior to the gazettal of the new electoral districts.

Conditions

1. The Communications Allowance shall be established and maintained by the Executive Manager, Department of Parliamentary Services.
2. Members will receive a monthly report containing expenditure and balance of their account.
3. All procurement of services will be in accordance with the Parliament's purchasing policies.
4. No supplementation to the allocation will be considered. Any additional costs may be met from the Member's Electoral Allowance.
5. The printing and distribution of publications is to be in accordance with the Parliament's administrative guidelines.
6. Use of social media including websites and audio posters is to be in accordance with the Parliament's administrative guidelines.

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7. Members are encouraged to submit material they are proposing to print or produce using the Communications Allowance to the Department of Parliamentary Services for a pre-production assessment.
8. Communication with prospective constituents is permitted following the gazettal of electoral districts. Each Member is to receive the details of the prospective constituents from the NSW Electoral Commission. For Members whose electorates are substantially unchanged by the electoral redistribution communication will be limited only to those electors who will transfer from adjoining electorates. For Members whose electorates are abolished or renamed, those Members may communicate with prospective constituents in a new or renamed electorate, where that electorate comprises the majority of the constituents who would have resided in the Member's former electorate prior to the gazettal of the new electoral districts.
9. Communications with constituents/prospective constituents will be limited to matters affecting the Member's electorate.
10. Members will not be permitted to use their Communications Allowance for the production and distribution of publications (paper based or electronic) intended for distribution either electronically, by mail, letterbox drop, newspaper supplement/insert or handout during the period from 26 January in a State election year to the election date or beyond the issue of the writ for a by-election within an electorate for which a by-election is being held. This includes all written, drawn or pictorial matter, including advertisements, but not general office correspondence.

6.4 General Travel Allowance

Purpose

The General Travel Allowance is provided to Members to meet all travel costs associated with their parliamentary or official duties within Australia.

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Entitlement

1. The General Travel Allowance comprises a base annual allocation for Members of the Legislative Assembly and Legislative Council and an additional allocation for Members of specified electoral groups.
2. The annual base allocation and additional allocation for each electoral group/zone shall be as follows:

Table 8: General Travel Allowance			
Electoral Group/Zone	Base Allocation	Additional Allocation	Total General Travel Allowance
Legislative Assembly			
Group 1	\$6,110		\$6,110
Group 2	\$9,185		\$9,185
Group 3	\$12,280		\$12,280
Group 4	\$12,280		\$12,280
Group 5 (and Port Macquarie)	\$12,280	\$10,355	\$22,635
Group 6	\$15,340	\$16,900	\$32,240
Group 7	\$15,340	\$31,260	\$46,600
Group 8	\$35,230	\$62,060	\$97,290
Legislative Council			
Zone 1	\$6,110		\$6,110
Zone 2	\$6,110		\$6,110
Zone 3	\$15,285		\$15,285

3. Recognised Office Holders receive an additional loading on the General Travel Allowance - Base Allocation in accordance with *Table 11 Recognised Office Holder and Other Member Additional Entitlements*.

Carry over/forfeiture of entitlement

End of each financial year (within 4 year parliamentary term):	Base Allocation: Unexpended amounts not exceeding the maximum of the annual allocation can be carried forward Additional Allocations: Unexpended amounts are forfeited
End of parliamentary term/earlier dissolution of LA:	Base Allocation and Additional Allocations: Remaining balances are forfeited

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Conditions

1. A Member may use any form of commercial transport including approved charter aircraft 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. 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 submitted for payment to the Parliament. Only the cost of the Member's approved relatives or member of staff accompanying the Member may be met for charter transport costs.
4. The Member for Port Macquarie shall receive a General Travel Allowance - Additional Allocation commensurate with that provided to Members located in electoral Group 5 and shall include costs associated with up to four return trips to Lord Howe Island per year, flying from Port Macquarie or from Sydney subject to available flights.
5. A Member representing the Electorate of Murray and a Member representing the Electorate of Barwon who flies his/her own aircraft, may claim reimbursement against this allowance for the cost of fuel, landing fees and one annual service.
6. All other travel costs associated with Members' staff travel may be met from this entitlement. Such travel shall be paid in accordance with the *Members' Staff Conditions of Employment – Determination of the Presiding Officers*.
7. All associated travel expenses for Members and Members' staff including registration costs for conferences, conventions, symposiums, forums or similar and associated accommodation and meal costs approved by the Parliament shall be met from this entitlement. Such costs shall however exclude professional development for

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Members, overseas travel, Electorate to Sydney travel and costs met from the Sydney Allowance.

8. 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 General Travel Allowance. The reimbursement of these expenses may not exceed the travel allowance rates as determined for Group 2 in *Table 9: Travel Allowances – Indicative Upper Limits for Recognised Office Holders*.
9. The entitlement may not be used to meet or defray the cost of any individual, office holder or other party not included in these conditions.
10. Members should ensure that records are maintained that clearly document each occasion and the purpose of any travel met from this entitlement for stays in Sydney or other locations when travelling in connection with the Member's parliamentary duties. Such documentation including airline boarding passes if applicable is to be retained for subsequent review by internal and external auditors if required.
11. A Member and his or her approved relatives may travel together or separately in connection with attendance at a function in the course of Parliamentary duties. Dependent children may only travel in the company of the Member or other approved relative.
12. Members undertaking training using the Skills Development Allowance may use the General Travel Allowance to meet their travel costs.

6.5 Travelling Allowances for Recognised Office Holders

Table 9: Travelling Allowances Indicative Upper Limits for Recognised Office Holders			
Office Holders	Destinations	Amount	Where no overnight stay is required
Group 1	Adelaide	\$389.45	Actual reasonable meal expenses
	Brisbane	\$437.45	
	Canberra	\$426.45	
	Darwin	\$467.45	
	Hobart	\$375.45	
	Melbourne	\$445.45	
	Perth	\$445.45	

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Table 9: Travelling Allowances Indicative Upper Limits for Recognised Office Holders			
Office Holders	Destinations	Amount	Where no overnight stay is required
	Other areas	\$375.45	
Group 2	Adelaide	\$365.15	Actual reasonable meal expenses
	Brisbane	\$414.15	
	Canberra	\$403.15	
	Darwin	\$444.15	
	Hobart	\$341.15	
	Melbourne	\$385.15	
	Perth	\$402.15	
	Other areas	\$270.25	

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Group classifications

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

Table 10: Travelling Allowances Group Classifications for Recognised Office Holders
Group 1
Premier
Deputy Premier
Senior and Other Ministers
President of the Legislative Council and Speaker of the Legislative Assembly
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
Deputy President and Chair of Committees in the Legislative Council
Assistant Speaker Legislative Assembly
Assistant President Legislative Council
Parliamentary Secretary (Leader of the House) Legislative Assembly
Deputy Leader of the Opposition in the Legislative Council
Group 2
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.

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Conditions

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 9: Travelling Allowances Indicative Upper Limits for Recognised Office Holders*.
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 relatives 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 relatives.
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.

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6.6 Recognised Office Holder and Other Member Additional Entitlements

Additional loadings for Recognised Office Holders and Members listed below shall be as follows:

Table 11: Recognised Office Holder and Other Member Additional Entitlements		
Recognised Office Holder	General Travel Allowance Base Allocation	Communications Allowance Base Allocation
Presiding Officer	30%	55%(A) 175%(C)
Leader of the Opposition	20%(A)	140%(A) 175%(C)
Deputy Leader of the Opposition	10%	15%(C)
Whips		15%(C)
Party Leader (not less than 10 Members)	15%	
Deputy Party Leader (not less than 10 Members LA or 9 Members LC)	10%	
Leader of the National Party (in Opposition with not less than 10 Members in LA)	15%	15%

Carry over/forfeiture of entitlement

End of each financial year (within 4 year parliamentary term): Balance of loadings forfeited

End of parliamentary term/earlier dissolution of LA: Balance of loadings forfeited

Conditions

The following conditions shall apply in respect of this allowance:

1. Recognised Office Holders and Members referred to in *Table 11: Recognised Office Holder and Other Member Additional Entitlements* may receive this additional entitlement for only one office; that office being the office which attracts the greater level of entitlement.
2. These entitlements, as they apply to Recognised Office Holders, are to be available only for Recognised Office Holder duties.

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3. Where entitlements formerly provided for the Recognised Office Holder's approved relatives these have been included in the allocation.
4. Where an entitlement is followed by (A) or (C) it applies only to the Office Holder in either the Assembly or the Council.

6.7 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 Barwon shall be provided with an additional two electorate offices (a total of three) and the Members for Murray, Cootamundra and Northern Tablelands one additional electorate office (a total of two).
3. Section 18 of the *Members of Parliament Staff Act 2013* provides for the number of staff to be determined by the Tribunal. The number of staff allocated to Members and special office holders (as specified) is as follows:
 - 3.1 Each Member of the Legislative Assembly shall have three staff members employed at each electorate office.
 - 3.2 Each Member of the Legislative Council, who is not a Minister, shall be entitled to one staff member.
 - 3.3 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.
 - 3.4 The Parliament will provide relief arrangements to Members of the Legislative Assembly and Legislative Council when any staff member is absent on approved

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leave on any full working day. Parliament will be fully funded to provide relief arrangements to comply with this condition.

- 3.5 Relief arrangements and minimum staffing requirements will be provided in accordance with the provisions set out in the Members' Staff Conditions of Employment Determination of the Presiding Officers.
- 3.6 The Whip of each recognised political party of not less than 10 Members to each shall be provided with one member of staff.
- 3.7 Ministers shall receive a reasonable allocation of staff members.
- 3.8 The Leader of the Opposition in the Legislative Council and Deputy Leader of the Opposition in the Legislative Council shall be provided with one member of staff to assist both recognised office holders.
- 3.9 Nothing in this determination removes from the employer of staff other obligations arising under the *Work Health and Safety Act 2011*.

6.8 Skills Development Allowance

Purpose

The Skills Development Allowance is provided to Members and Members' staff for training that is directly relevant to the role of Members and Members' staff, including but not limited to:

- Media skills training
- Public speaking
- Community engagement
- Graphic design
- Website and social media maintenance
- Writing skills for reports and media releases.

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Entitlement

The Skills Development Allowance comprises an annual allocation for Members of the Legislative Assembly and Legislative Council and staff members and shall be as follows:

Table 12: Skills Development Allowance	
Member/Members' Staff	Annual entitlement
Members of the Legislative Assembly and Legislative Council	\$1,500
Members' staff (each full-time equivalent position)	\$500

Carry over/forfeiture of entitlement

End of each financial year (within 4 year parliamentary term): Balance of allowances forfeited

End of parliamentary term/earlier dissolution of LA: Balance of allowances forfeited

Conditions

The following conditions shall apply in respect of this allowance:

1. The Skills Development Allowance shall be established and maintained by the Executive Manager, Department of Parliamentary Services.
2. Entitlements are not transferable between Members or Members' staff.
3. Members and Members' staff will be required to use their Skills Development Allowance before 30 June each year. Unused funds will be forfeited.
4. No supplementation to the allocation will be considered.
5. All travel expenses for Members and Members' staff and associated accommodation and meal costs to attend training under the Skills Development Allowance may be met from the General Travel Allowance subject to Parliament's administrative guidelines. Such travel for Members' staff shall be paid in accordance with the *Members' Staff Conditions of Employment – Determination of the Presiding Officers*.

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Signed

The Hon C G Staff

Dated: 16 May 2018

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Appendices

Appendix 1 Advice of the Secretary of NSW Treasury

On 11 May 2018 the Secretary of NSW Treasury, Mr Michael Pratt AM provided the following statement in respect to the financial implications of the Determination pursuant to section 12A of the Act.

Advice of the Secretary of NSW Treasury

The following comments on the Parliamentary Tribunal's 2017 Determination are made pursuant to Section 12A of the *Parliamentary Remuneration Act 1989*.

Financial Impact of the 2018 Determination

Basic salaries for Members of Parliament will be increased by 2.5 per cent, consistent with the requirements of section 4(3) of the Act.

Based on the commencement of from 1 July 2018, Members entitlements are estimated to increase by \$929,590 over the 2017 Determination, which is approximately \$455,471 more than the annual escalation costs.

The additional costs are attributable to the establishment of a new Skills Development Allowance for Members and their staff and an additional staff member to assist both the Leader of the Opposition and Deputy Leader of the Opposition in the Legislative Council.

The Determination also provides for the introduction of public reporting of Members' expenditure with effect from 1 July 2019. Implementation of this systems will require capital investment of approximately \$2.82m and ongoing funding of \$343,000.

I advise that the financial implications of the proposed variation in entitlements in the 2018 Determination is not provided for within the Legislature's existing budget controls and escalation arrangements.