

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*

**7 July
2020**

Parliamentary Remuneration Tribunal

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Summary

Section 11 of the *Parliamentary Remuneration Act 1989* (“the Act”) prescribes that the Parliamentary Remuneration Tribunal (“the Tribunal”) 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.

The 2020 annual review commenced in October 2019. As part of that review the Tribunal requested and received submissions, and met with, the Presiding Offices and other Members of Parliament. That consultation was undertaken in late 2019 and submissions were received prior to the pandemic. At that time submissions supported an increase in either the basic salary and/or the additional entitlements of 2.5 per cent which was consistent with the Government’s wages policy at the time.

The annual review was finalised in April 2020 and the determination, as drafted at the time, included an increase in the basic salary and additional entitlements of 2.5 per cent. In addition, a number of conditions for existing entitlements were revised.

As required under section 12A of the Act the Tribunal provided a copy of the determination to NSW Treasury on 3 April 2020, and invited the Secretary of NSW Treasury to make a submission to the Tribunal about the financial implications of the determination. On 4 May 2020 the Tribunal was advised that the Secretary’s statement would be delayed and may not be received before 30 May 2020. On that basis the Tribunal requested, and the Chief Commissioner of the Industrial Relations Commission granted, an extension to enable the Tribunal to make the annual determination on or before 31 July 2020.

During May 2020, the Premier, the Hon Gladys Berejiklian MP, and other Members of Parliament were quoted in the media in respect of Members’ salaries. As noted in the Daily Telegraph article of 18 May 2020, the Premier referred to the economic fallout as a result of the pandemic and indicated that government members would be forced to forgo a pay rise. In that same article the office of the Leader of the Opposition released a statement that said, “no MP should get a pay rise”. The Treasurer is also quoted as stating

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“It doesn’t make any sense for a politician or staffer to take a pay rise in the current environment”.

As these views were contrary to those expressed by Members in earlier submissions the Tribunal wrote to the Presiding Officers, the Whips of the major parties and Independent and Cross Bench Members and invited them to make further submissions in respect of the annual increase, if any, in the basic salary and additional entitlements.

The Tribunal received 11 submissions from the major parties and the Independent and Cross Bench Members. Those submissions overwhelmingly supported no increase in the basic salary and additional entitlements determined with effect from 1 July 2020.

On 29 May 2020, the Premier, the Hon Gladys Berejiklian MP, made the *Industrial Relations (Public Sector Conditions of Employment) Amendment (Temporary Wages Policy) Regulation 2020*. That regulation amended the *Industrial Relations (Public Sector Conditions of Employment) Regulation 2014* (“the IR Regulation 2014”) to implement a temporary wages policy, being a 12-month pause on wage increases for public sector employees covered by the *Industrial Relations Act 1996* (“the IR Act”).

On 2 June 2020, the amending regulation was disallowed by the Legislative Council. The effect of that disallowance is that the Government’s wages policy which provides for increases of up to 2.5 per cent continues to apply.

While the Tribunal is required to give effect to the Government’s wages policy in the making of this determination, it is open to the Tribunal to determine an increase of up to 2.5 per cent or no increase at all. Given the current economic and social circumstances, and the views expressed by Members or on behalf of Members, the Tribunal has determined that there be no increase in the basic salary of Members.

The Tribunal is only required to give effect to the Government’s wages policy, pursuant to section 4(3) of the Act, when making its determination of the basic salary. While the wages policy does not apply to the additional entitlements, since 2011 the Tribunal has adjusted additional entitlements by an amount equivalent to that provided to the basic salary. In keeping with that position there is no increase to the quantum of additional entitlements, with the exception of the Communications Allowance – Additional

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Allocation which is increased by a factor of more than 2.5 per cent which reflects increased constituent numbers.

The determination, originally provided to NSW Treasury on 3 April 2020, was amended to reflect this decision.

As required under section 12A of the Act the Tribunal provided a copy of the amended determination to NSW Treasury on 30 June 2020 and invited the Secretary of NSW Treasury to make a submission to the Tribunal about the financial implications of the determination. The Tribunal received the statement relating to the revised determination from the Acting Secretary of NSW Treasury on 7 July 2020.

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, jointly with the Attorney General, and Minister for the Prevention of Domestic Violence, the Hon Mark Speakman MP.

2020 review

As is the usual process the Tribunal invited submissions from Members and the Presiding Officers. In addition to any general matters, the Tribunal invited comments on the following matters identified for further review in the 2019 annual determination:

“Communications Allowance

- *Allowing additional communication services including voice over internet protocol (VoIP), skype, telephone town halls.*

Equipment, Services and Facilities

- *The allocation of staff to Independent and Cross Bench Members.*
- *Requests for a third electorate office in the electorates of Cootamundra and Murray.*

Skills Development Allowance

- *Pooling the entitlement provided to both the Member and staff within the one electorate office.*

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Merging of entitlements

- *The merits, if any, of merging the current Communications and General Travel Allowances.”*

The Tribunal received 13 written submissions, in response to the original request, and also met with the Presiding Officers, Chief Executive of the Department of Parliamentary Services (DPS), three Independent Members and representatives from the NSW Liberal Party, the NSW Nationals, and the NSW Labor Party.

The report of the determination addresses the general matters raised by the Presiding Officers and matters raised by Members as they relate to existing entitlements.

Several submissions have raised matters that have been addressed in previous annual reviews and for some of these matters the Tribunal has made no further comments. The reports of the Tribunal provide context as to why certain additional entitlements are provided (including modifications or adjustments) or not. Members should have regard to this information before making submissions. 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.

There has been a change to the structure the determination. Equipment, Services and Facilities has been moved to a new section - **Additional Entitlements - Resources** – to distinguish these entitlements from additional entitlements in the nature of allowances and additional entitlements in the nature of fixed allocations.

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. **Section 3** of the report provides a general summary of the determination.

Section 1 - Parliamentary Remuneration

No increase to basic salary

In accordance with section 4(3) 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) of the Act, 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 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 IR Regulation 2014. The effect of the IR Regulation 2014 is that public sector wages cannot increase by more than 2.5 per cent, this includes the salary payable to Members.

While the Tribunal is required to give effect to the Government's wages policy in the making of this determination, it is open to the Tribunal to determine an increase of up to 2.5 per cent or no increase at all. Given the current economic and social circumstances, and the views expressed by Members or on behalf of Members, the Tribunal has determined that there be no increase in basic salary and additional entitlements in the 2020/21 financial year. On that basis, with effect from 1 July 2020 the basic salary for Member will remain at \$169,192 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

Adjustment to quantum of entitlements

The Tribunal has determined that there shall be no increase to the following allowances:

- Electoral Allowance
- Sydney Allowance
- Communications Allowance: Base Allocation
- General Travel Allowance: Base Allocation and Additional Allocation
- Electorate to Sydney Travel

The Tribunal again received a submission arguing that the Government's wages policy does not apply to additional entitlements and increases should not be restricted to 2.5 per cent.

By way of history, in 2011 the Act was amended to provide the Tribunal with the power to determine the basic salary of Members of Parliament rather than a link with the salaries of their Federal counterparts, with limited discretion as to the quantum that the Tribunal may determine. In the 2011 annual determination, the Tribunal determined that additional entitlements would be increased by an amount equivalent to that provided to the basic salary.

In 2012 the Tribunal received submissions seeking adjustment equivalent to the CPI increase:

“Electoral Allowance, Sydney Allowance and Logistic Support Allocation

The Tribunal received three submissions which addressed the general increase in these allowances. These submissions sought either an overall increase of 2.5 per cent, equivalent to the increase in the basic salary for Members, or an increase equivalent to the CPI increase.

Previously the Tribunal has increased these allowances in line with the annual CPI. In 2011 however, following the amendments to the Act, the Tribunal determined that these allowances would be increased by an amount equivalent to that provided to the basic salary. The Tribunal continues to support this arrangement and therefore determines that the increase in these allowances will again be 2.5 per cent.”

Since 2012, the Tribunal has continued to receive submissions for additional allowances to be increased by the CPI increase or “other” method. The Tribunal notes that the 2.5

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per cent increase has exceeded the CPI each year since the amendments to the Act in 2011.

The Tribunal will continue the arrangement whereby additional entitlements are increased by an amount equivalent to that provided to the basic salary, unless there are extenuating circumstances to warrant an additional increase. For the reasons outlined in Section 1 there shall be no adjustment in these entitlements with effect from 1 July 2020.

Communications Allowance

Submissions addressed several matters including:

- the quantum of the allowance
- permissible items to be funded from the Communications Allowance
- carry forward of Communications Allowance: Additional Allowance
- adoption of guidelines applying to Federal Members of Parliament
- new types of expenses.

A summary of the Tribunal's findings in respect of these requests is below.

The quantum of the allowance

The Communications: Additional Allowance is calculated on the basis of constituent numbers and an original costing factor (OCF). The OCF includes a "postage factor" of \$0.75. The postage factor was adjusted to this amount in the 2016 Determination to address the increase in the cost of an ordinary postage stamp from \$0.70 to \$1.00. On 2 January 2020 the cost of an ordinary postage stamp increased from \$1.00 to \$1.10 and the Tribunal has decided that an adjustment to \$0.77 (2.5 per cent) is appropriate to part reflect increased postal costs.

As noted in the 2016 Determination, the Tribunal does not intend to adjust the OCF component of the additional allocation on an annual basis. This is consistent with the historic treatment of this entitlement. The OCF has been increased on four occasions since it was introduced in 2002 – thrice to reflect increases in the cost of an ordinary stamp and once in line with the general increase provided to all entitlements.

Taking into account the number of enrolled voters the total increase to the Communications: Additional Allowance is 3.9 per cent.

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Permissible items to be funded from the Communications Allowance

Submissions requested that the following items be funded from the Communications Allowance:

- annual subscription cost for software for the in-house production of bulk mailouts in-house
- purchase of software to produce publications to a modern professional standard, for example graphic design and video/audio software
- non-election information applied to vehicles, such as the Members' name and office contact details.

The DPS Members' Entitlements Handbook provides information about what expenses are funded from each of the additional entitlements – the *List of Expense Types – Allocated against Entitlements*. The Tribunal notes that software costs are listed as items to be funded from the Members' electoral allowance. Noting that money from the former Logistic Support Allowance was transferred to the Electoral Allowance to enable Members to cover these and other costs.

The *List of Expense Types* however provides for "Publication – Design Costs" to be funded from the Communications Allowance. The Tribunal considers that software for the design of paper or digital communications falls within the category of "Publication – Design Costs" and should be funded from the Communication Allowance. This does not include software associated with constituent management.

The Tribunal notes that the *List of Expense Types* provides for vehicle signage costs to be funded from the electoral allowance, this is appropriate.

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Carry forward of Communications Allowance: Additional Allowance

The Tribunal has again received a submission seeking to extend the carry over provisions of the Communications Allowance: Additional Allowance to cover the entire parliamentary term. The Tribunal considered this matter in the 2019 Annual Determination and found that no change was warranted, noting the following comments made in the *NSW Auditor-General's Report, Financial Audit Volume Three 2016 – Additional Entitlements for Members of Parliament*:

“The Audit Office reviewed whether Members of the NSW Parliament complied with certain requirements outlined in the Tribunal’s determination for the year ended 30 June 2015.

The report found significantly higher use of the then Electorate Communication Allowance prior to the 2015 election.

“There was a significant increase in Electorate Communication Allowances paid in January and February 2015 compared to other months in the financial year...”

The report also found significantly higher use of the then Logistic Support Allocation before the State election.

“The graph shows a significant increase in Logistic Support Allocations paid in January and February 2015.”

The Tribunal notes that the *New South Wales Auditor-General's Report, Members' additional entitlements 2019*, reviewed the expenditure patterns in the months preceding the last general election in 2019 and again reported an increase in expenditure:

“Blackout period for the Communications Allowance before the 2019 State election

Members are not permitted to use their Communications Allowance for the production and distribution of publications that they intend to distribute in a State Election year in the period from 26 January to the election date (the 'blackout period').

Members can only claim allowances after the expenditure has been incurred. Members incurred expenditure in the months leading up to the blackout period, but the claims were made in January and February. Accordingly there is a significant increase in Communications Allowance claims in January and February 2019 prior to the 2019 State election. Members spent over \$3.1 million from their Communications Allowance in this two-month period (37.4 per cent of the total claimed in 2018–19)...

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While the Auditor General's report found that these entitlements had not been used for electioneering purposes in either 2015 or 2019, it again indicates that Members may choose to concentrate their communication with constituents during an election year. This is contrary to the original intent of this entitlement which was that Members be able to communicate regularly with constituents on matters affecting the Member's electorate.

Adoption of guidelines applying to Federal Members of Parliament

A number of submissions have sought to have the conditions of use aligned to those applicable to Federal Members of Parliament. Entitlements for Federal Members of Parliament are provided under a different legislative and administrative framework. It is not appropriate to compare either the conditions of use or quantum of entitlements which are in many cases significantly different. The Tribunal notes that while some Federal entitlements may provide greater flexibility, there is also greater public scrutiny in the use of Federal Members entitlements with detailed expenditure reporting available online.

New expense types

The matter of new expense types was considered by the Tribunal in the 2019 annual review:

"The Tribunal has been requested to consider additional communication services including communication by Voice over Internet Protocol (VoIP); skype and communications generated by computerised auto-diallers; telephone town halls; and interactive voice response (IVR).

The Tribunal finds that the inclusion of these items may be appropriate if Members use the technology to communicate with constituents about matters relating to their electorate.

The Department of Parliamentary Services has advised that further consideration is needed to determine which of these technologies is appropriate and to develop the appropriate administrative processes and guidelines. It would be appropriate for the Parliament to consult with Members about the need for these technologies."

The Tribunal's letter to Members and the Presiding Officers sought comments on allowing additional communication services including voice over internet protocol (VoIP), skype,

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and telephone town halls. Two submissions from Members addressed this matter and expressed support for the proposal.

The Presiding Officers' submission also supported the additional communication services subject to the following condition:

"Members may use the Communications Allowance for the purpose of communicating with constituents using a range of communication services in accordance with Parliament's administrative guidelines."

The Tribunal is advised that the DPS is consulting with Members about the new communication types and proposed guidelines for Members.

The Tribunal has agreed to amend the condition as per the Presiding Officers' submission noting that DPS will issue appropriate guidance subject to the findings of their review.

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Electorate to Sydney Travel

The Tribunal has been asked to consider the following two matters:

- broadening the use of electorate to Sydney travel entitlements for Members of the Legislative Council
- clarify that travel for eligible Members is between their principal place of residence and Sydney rather than their electorate and Sydney

Electorate to Sydney Travel for Members of the Legislative Council

The Tribunal received one submission requesting that this entitlement be expanded for Members of the Legislative Council who qualify for the entitlement. It is proposed that permissible travel be between Sydney and any other place in NSW or between the principal place of residence and Sydney for the fulfillment of their Parliamentary duties.

It was argued that Members of the Legislative Council do not represent specific electorates but represent the whole State of NSW. The variation would recognise that Members of the Legislative Council do have a representative role with communities other than the one in which they live, and the need to travel between their home and other parts of the state and parliament.

The Tribunal has previously received submissions seeking to expand the use of travel warrants and did not support those proposals on the basis that Electorate to Sydney travel warrants are for exactly that purpose – travel to and from Sydney. The Tribunal does not support this proposal for the same reasons.

Travel between principal place of residence and Sydney rather than electorate and Sydney

The current determination provides that Members who are eligible to receive the Sydney Allowance qualify for return air travel warrants between their electorates (or Zone in the case of Members of the Legislative Council) and Sydney. The purpose and operation of the provisions are outlined in the determination as follows:

“6.2 Electorate to Sydney Travel

1. *Members who are eligible to receive the Sydney Allowance qualify for return air travel warrants between their electorates and Sydney.*

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2. *These entitlements are provided for the performance of parliamentary duties.....*

Condition 6.2.1 is inconsistent with the eligibility requirements of the Sydney Allowance. The Sydney Allowance is available to Members whose principal place of residence is a minimum of 70 kilometres by road from Parliament House. Members who receive the Sydney Allowance also receive electorate to Sydney travel entitlements to cover their journey to and from their principal place of residence and Parliament House. There is no requirement for Members to reside in their electorate and therefore the conditions are amended to provide for Members to be eligible to receive this entitlement for travel between their principal place of residence and Sydney.

General Travel Allowance

The Tribunal received two submissions requesting an increase to the allowances payable to Members of the Legislative Council and several submissions addressing staff travel matters.

Allocation to Members of the Legislative Council

The two submissions have requested that Members of the Legislative Council in Zones 1 and 2 be provided with a General Travel Allowance equivalent to the additional allocation provided to Members of the Legislative Assembly in Group 5. This would be an increase from \$6,265 to \$10,615 per annum using the rates in the 2019 Determination.

The submissions outline that Members of the Legislative Council are required to do significant amounts of travel across the state, as they are elected to represent all citizens of NSW rather than a particular electorate, and that the current entitlement is not sufficient to cover the range and amount of travel expected of Members of the Legislative Council.

The General Travel Allowance covers all travel costs for Members, their approved relative and staff. These costs include intrastate travel. The General Travel Allowance: Additional Allocation provided to Members of the Legislative Assembly in Electoral Groups 5 and above reflect the size of their electorate and the additional costs of visiting communities

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not local to the electorate office and in more remote parts of the electorate, or in the case of Port Macquarie for visiting Lord Howe Island.

The Tribunal finds that there is not sufficient evidence to warrant any further increase in the General Travel entitlement at this time. Noting, the probable merging of this entitlement with the Communications Allowance in a future determination which will provide Members with greater flexibility on how they service their constituents and citizens more broadly.

Staff Travel

The Tribunal received two submissions requesting that staff, when travelling on official business in their private vehicle, be reimbursed at the official business rate, rather than the casual rate. Several submissions outlined the view that staff experience an unacceptable financial burden for work related travel expenses and suggest alternative arrangements for staff travel. These include staff receiving an allowance in advance of their travel, using the FCM (the approved supplier of travel management services to whole of NSW Government) to book and pay for accommodation and creating a new staff travel allowance that is separate from the General Travel Allowance.

These matters do not fall within the jurisdiction of the Tribunal. The arrangements under which staff members are employed is the jurisdiction of the Presiding Officers pursuant to section 19 of the *Members of Parliament Staff Act 2013 (MOPS Act)*:

“19 Conditions of employment

The relevant Presiding Officer may from time to time determine the conditions of employment of persons employed under this Part.”

The conditions of employment are contained in the Members’ Staff Conditions of Employment Determination of the Presiding Officers (Presiding Officers’ Determination). The Tribunal notes that the Members’ Entitlements Handbook provides additional information relating to staff travel.

Several submissions also requested that the General Travel Allowance be increased to cover the cost of regional electorate staff travelling to Sydney to attend Parliament.

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The Tribunal is considering the merging of the General Travel Allowance and Communications Allowance and intends to review this matter with that proposal. The Tribunal has previously noted that part of the reason why non-metropolitan Members receive a higher level of Electoral Allowance is to accommodate the additional travel costs.

Skills Development Allowance

Pooling of Member and Staff entitlement

In 2019, the Tribunal determined that the skills development budget allocated to staff (\$500 per full time equivalent position) could be pooled and shared between staff within that office. New conditions were also determined to assist Members to ensure training requirements are considered equitably.

The Tribunal also considered requests to include in the training pool the amount exclusively allocated to Members:

“The Tribunal also considered requests to include in the training pool the amount exclusively allocated to Members (\$1,500 per Member). The Department of Parliamentary Services has advised that there has been limited use of this entitlement to date. The Tribunal considers that there is insufficient information to determine whether any further changes to the quantum of the allowance and the conditions of use are warranted at this time. The Tribunal will consult with the Department of Parliamentary Services on the application of this allowance and seek further submissions for consideration as part of the 2020 review.”

As foreshadowed, the Tribunal sought the views of the Presiding Officers and Members in respect to the pooling of the Member and staff entitlement. Five submissions addressed this matter of which four submissions supported the proposal.

The Presiding Officers’ submission supports the pooling of the Member and staff allocations on the basis that it would allow Members to provide their staff with greater access to desktop publishing, report writing, social media engagement and other training opportunities which generally cost more than \$800 per person. The submission also requests that condition number 2 on page 53 of the 2019 Determination be amended as follows:

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Current

- 2. Entitlements may be transferred between staff in the same office subject to the expenditure not exceeding the total budget allocation provided to a Member for staff training.*

Amended

- 2. Entitlements may be transferred from Members to staff and between staff in the same office subject to the expenditure not exceeding the total budget allocation provided to a Member for skills training. Members may not however use training funds available to staff to meet their own training needs.*

The Presiding Officers also note that the Parliament's administrative guidelines will impose the following restrictions:

- opportunities to be provided by accredited training providers or other independent training providers approved by the Presiding Officers
- skills development relating to political campaigning or electioneering will not be approved.

The Tribunal has considered the views outlined in the submissions and finds that the pooling of the Member and staff allocation and Presiding Officers' amended condition 2 are reasonable and so determines.

Permissible training and other conditions

Several submissions requested other changes to conditions including broadening the types of permissible training, accumulating funds over the Parliamentary term, aligning the quantum of the allowance to the average cost of a TAFE or community college course and allowing Members to decide what courses can be funded.

In respect to broadening the types of permissible training, the Tribunal considered a similar request in the 2019 Determination. The Tribunal reiterates that it does not intend to expand the types of permissible training. In respect to the other matters raised the Tribunal is of the view that the current arrangements are appropriate.

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Equipment, Services and Facilities

The Tribunal has received submissions which address the allocation of staff.

Restoration of previous employment category – “Research Assistant” classification to Independent Members

The Tribunal has received submissions seeking to restore a previous employment classification of Research Assistant for Independent and Cross Bench Members.

The Tribunal addressed this matter in the 2015, 2017, 2018 and 2019 Determinations. As previously stated, it was a decision of the Presiding Officers, and not the Tribunal, in 2015 to change the conditions of employment for electorate office staff. In 2015, the DPS changed the employment instrument for Members’ staff from an Award to a Determination. The Determination omitted a separate Research Assistant classification and retained the two Electorate Officer and Senior Electorate Officer classifications which have a lower salary than that payable to the former Research Assistant. Staff employed as Research Assistants at the time were not impacted as grandfathering provisions applied. When these staff cease employment, the replacement staff member can only be employed as a Senior Electorate Officer.

The Tribunal does not have the authority to determine the conditions of employment (including salaries) of staff. The Act provides for the Tribunal to determine additional entitlements in the form of staff in the following terms:

Part 3 Additional Entitlements

10 General provisions as to determinations of additional entitlements

(3) *A determination may provide for additional entitlements in any form, including but not limited to –*

...

(b) *the provision of services, facilities and equipment (including for example electorate services, electorate staff, electorate offices, office equipment, travel, and communication equipment).*

The Act is to be read in conjunction with the MOPS Act which outlines the responsibilities of the Tribunal and the Presiding Officers in respect of staff of Members.

The MOPS Act commenced on 24 February 2014 and provides for the Tribunal to determine the number of staff that a Member is entitled to employ (s18). The

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arrangements under which staff members are employed is subject to the conditions determined by the Presiding Officers (s19) as follows:

Part 3 Staff of members of Parliament

18 Number of staff

The number of persons:

(a) that a member of Parliament is entitled to employ under section 14, and

(b) that a special office holder (other than the President or Deputy President of the Legislative Council or the Speaker or Deputy Speaker of the Legislative Assembly) is entitled to employ under section 15,

is to be determined in accordance with a determination by the Parliamentary Remuneration Tribunal.

19 Conditions of employment

(1) The relevant Presiding Officer may from time to time determine the conditions of employment of persons employed under this Part.

In accordance with the MOPS Act it is not open to the Tribunal to consider the classification of Members' staff.

However, the Tribunal recommends that the Presiding Officers undertake a work value assessment of the work undertaken by staff employed in the offices of Independent and Cross Bench Members. If that review finds that there is a need to recognise that staff undertake functions unique to the office of an Independent or Cross Bench Member, then it will be a matter for the Presiding Officers to classify and remunerate these roles accordingly.

Additional staff – Independent and Cross Bench Members of the Legislative Assembly

Between 1991 and 2016 Independent Members received additional staffing resources. The Tribunal has previously acknowledged that this support was to ensure Independent Members were sufficiently resourced to undertake their role in the Parliament. The additional support also recognised that Independent Members do not have access to support from colleagues or the Party support that is otherwise available to Members either in Government or the Opposition. The additional staff entitlement was extended to Cross Bench Members in 2013. At that time there was only one Cross Bench Member in the Legislative Assembly. In total, Independent and Cross Bench Members in the

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Legislative Assembly were entitled to three staff members while other Members of Legislative Assembly were entitled to two staff members and the former Additional Temporary Staff (ATS) - a total of 2.6 FTE.

Independent Members have expressed concerns around their staffing entitlements since the Tribunal determined that the ATS be abolished and all Members of the Legislative Assembly be entitled to the same allocation of three staff members employed in electorate offices with effect from 1 July 2017. The decision to provide all Members of the Legislative Assembly with three FTE was based on the increased workload in electorate offices and work health and safety concerns.

Since the number of staff became equal for all Members in the Legislative Assembly Independent Members have expressed disadvantage as they are no longer provided with additional support to assist them to undertake their parliamentary duties.

The Tribunal received submissions from and met with the three Independent Members of the Legislative Assembly. Following that discussion, the Tribunal is of the view that Independent Members require additional assistance. This confirms the view expressed in earlier determinations. On that basis Independent Members will be provided with one additional staff member. The terms and conditions of employment are to be determined by the Presiding Officers in accordance with the MOPS Act. As indicated previously in this report the Presiding Officers may wish to undertake a work value assessment of these roles to determine the appropriate classification and remuneration.

The additional staff resource does not extend to Cross Bench Members of the Legislative Assembly. The two submissions from Cross Bench Members did not put forward a strong case to alter the existing arrangements. Noting that the minor parties in the Legislative Assembly have more than one Member and would be expected to receive some party support.

Additional staff - Leaders of the Opposition (Legislative Assembly and Legislative Council)

The Tribunal has received two submissions seeking additional resources for the following recognised office holders in Opposition:

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- Deputy Leader of the Opposition, Legislative Assembly
- Leader of the Opposition, Legislative Council
- Deputy Leader of the Opposition, Legislative Council.

The provision of staff to the Leaders of the Opposition was last reviewed in 2018 when the Tribunal determined that the Leader of the Opposition in the Legislative Council and Deputy Leader of the Opposition in the Legislative Council would be entitled to one additional position. This allocation was based on an additional staffing resource of 0.5 FTE for each recognised office holder as outlined in the report of the 2018 determination as follows:

“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.

.....

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.

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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.”

The Tribunal has undertaken a further review of these entitlements having regard to the submissions received. Having examined this information the Tribunal finds that the role of these office holders in the parliamentary process requires further consideration of resources.

The following table lists the Recognised Office Holders attached to the Opposition and listed in Schedule 1 of the Act. The Act provides for recognised office holders to receive additional salary and expense allowances as provided for in Schedule 1. The percentage of additional allowances for each of these offices is summarised in the table.

Recognised Office Holder (relevant to current Opposition)	Additional Salary	Expense Allowance
Leader of the Opposition in the Legislative Assembly	57%	26%
Leader of the Opposition in the Legislative Council	20%	14%
Deputy Leader of the Opposition in Legislative Assembly	20%	14%
Deputy Leader of the Opposition in the Legislative Council (when not leader of a party)	11%	6%
Opposition Whip in the Legislative Assembly	13%	7%
Opposition Whip in the Legislative Council	13%	7%
Deputy Opposition Whip in the Legislative Assembly	11%	6%
Deputy Opposition Whip in the Legislative Council	7%	6%

The Act does not define what these additional allowances are intended to cover. However, they have existed for many decades and it is assumed the amounts reflect the additional workload and responsibilities associated with each role and indicate a hierarchy of additional responsibilities. This view is supported by the following comments made by Mr E S Wolfenden in his 1956 *“Report upon Appropriate Salaries and Allowances for Members of Parliament, Minister of the Crown and the Holders of Parliament Office”*:

“Granting electorate expenses varies with different electoral groups and adding thereto additional salaries justified by extra responsibilities imposed and additional expenses necessitated by extra duties, would appear to be the fairest and most reasonable method of assessing reasonable salaries and allowances.”

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The Honourable B H Matthews made a similar finding in respect of salaries and allowances in his 1966 *“Report on the Emoluments and Other Benefits of Members of the Parliament of New South Wales”* as follows:

“The other official positions in the Legislative Assembly vary in degree of importance. Their remuneration has been recommended in accordance with views held almost universally as to their places in the functioning of Parliament.”

The Whips are currently provided with one additional staff resource based in Parliament House to assist with Parliament duties. The quantum of additional salary and expense allowances provided to the Deputy Leader of the Opposition in the Legislative Assembly and the Leader and Deputy Leader of the Opposition in the Legislative Council would indicate that historically it has been recognised that these roles undertake more duties and responsibilities than the Whips. An overview of those functions has been provided to the Tribunal in both oral and written submissions.

In recognition of the workload, the role these offices play in the business of Parliament, and to ensure consistency with the provision of resources to other Recognised Office Holders, the Tribunal determines that the Deputy Leader of the Opposition in the Legislative Assembly shall receive one staff resource and that the Leader and the Deputy Leader of the Opposition in the Legislative Council shall have their current entitlement of 0.5 FTE extended to 1 FTE each. These staff are to work from Parliament House and are not to undertake work associated with the Member’s electorate or other constituent duties. The terms and conditions of employment are to be determined by the Presiding Officers in accordance with the MOPS Act.

Additional Electorate Offices

The Member for Murray and the Member for Cootamundra have requested a third electorate office. Each of these electorates currently have two electorate offices. The Member for Barwon has requested a fourth electorate office, this electorate currently has three.

The Tribunal has previously considered requests for a third electorate office for the Members for Murray and Cootamundra. The Tribunal is advised that the Speaker has agreed to each of these Members varying their existing electorate office and staff allocation entitlements to provide for more flexible working arrangements. These

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arrangements are intended to ensure that the Member is able to serve the needs of constituents in more remote areas of their electorate which are not easily accessible from their existing electorate office locations. These arrangements include having a satellite office collocated in another government building and varying the number of staff available to work in each location.

The Tribunal is advised that there are challenges in finding suitably qualified staff willing to work in such locations, especially where the Member is working elsewhere and there is significant geographic isolation.

The Presiding Officers have supported the establishment of a new “Satellite Electorate Office Allowance” to support the Member for Murray, the Member for Cootamundra and other approved Members with meeting costs associated with satellite electorate offices in large non-metropolitan electorates. Similar arrangements exist in the Federal Parliament noting that Federal Members have almost twice as many constituents to serve.

The Tribunal acknowledges that Members may face challenges in being available to constituents in geographically dispersed electorates. The Tribunal has not however been provided with sufficient information to determine how best to resolve this matter.

The Tribunal will consider this matter in more detail during the 2021 review and will seek submissions from Members representing electorates in Groups 5 to 8 at that time. The Tribunal will also ask that the Presiding Officers fully cost the provision of additional electorate offices and potential satellite offices so that the overall budget impact is clear. The Tribunal would also like to review the impact of any new communication technologies permissible under the Communications Allowance and the DPS Guidelines.

In the interim the Tribunal would encourage the Members for Barwon, Murray and Cootamundra to seek the advice of the Speaker to continue to explore more flexible arrangements in keeping with the existing entitlements.

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Other matters

Merging of entitlements

As foreshadowed in the 2019 Determination the Tribunal asked Members and the Presiding Officers to comment on the merits, if any, of merging the current Communications and General Travel Allowances.

Five submissions addressed this matter and generally supported the merging of the current Communications and General Travel Allowances.

The Presiding Officers have indicated their support for the streamlining of the two entitlements into a single budget allocation for the purpose of communicating with constituents on issues affecting the Member's electorate and meeting travel costs within Australia in connection with the Member's parliamentary or electorate duties. The changes are expected to simplify the use of these entitlements whilst also providing them with greater flexibility. In supporting this change the Presiding Officers suggest that:

- no additional funds are sought
- the current methodology for determining the quantum of the entitlement apply
- the current carry-over/forfeiture provisions apply.

Before the proposed merger can be finalised further work is needed to review the conditions applicable to the new entitlement and for the Parliament to develop and implement changes to their administrative guidelines, financial processes and accounting systems.

On that basis, the Tribunal provides in-principle support for a global Communications and Travel Allowance, subject to further review, to take effect from 1 July 2021. Members may be further consulted on the terms and conditions of this entitlement prior to its commencement. The Tribunal may also consult with the Auditor-General on this matter.

2019 Auditor-General's Report

Each year the Auditor-General reviews certain aspects of Members use of additional entitlements and makes recommendations, where appropriate, to improve compliance. The Auditor-General's Report Members' additional entitlements 2019 made a number of recommendations:

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Recommendation: *“align the wording of the Determination in relation to the Electorate to Sydney Travel Allowance with the Tribunal’s intent.”*

This matter is discussed on page 13 and the Tribunal will amend condition 6.2.1 in the determination to make it clear that eligible Members receive the Electorate to Sydney Travel entitlement for travel between a Members principal place of residence and Sydney.

Recommendation: *“clarify whether Members can claim travel from their travel allowance when the travel was used to produce communications during the blackout period”.*

The matter of what entitlements can be used during the blackout period in the lead up to an election will be considered in the context of the proposed merging of the Communications and General Travel Allowances in 2021.

Recommendation: *“clarify in the Determination that the Equipment, Services and Facilities Fixed Allocation is excluded from the scope of external audit.”*

The types of entitlements provided for under Equipment, Services and Facilities (which include the allocation of staff and electorate offices) are not entitlements that should be the subject of the Auditor-General’s annual compliance review. As outlined in the introduction of this report Equipment, Services and Facilities has been moved to a new section - **Additional Entitlements-Resources** – to distinguish these entitlements from additional entitlements in the nature of allowances and additional entitlements in the nature of fixed allocations.

Recommendation: *“the Department of Parliamentary Services work with the Tribunal to provide additional guidance to Members to clarify:*

- *the definition of ‘parliamentary duties’*
- *the activities that meet the definition*
- *requirements for retaining documents.*

In respect to the definition of ‘parliamentary duties’ and activities that meet the definition, further work is needed to review this matter. The Tribunal will work with the DPS and consult with the Auditor-General before changes, if any, are made. The matter will be considered in more detail during the 2021 annual review.

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In respect of additional guidance for retaining records the Presiding Officers have recommended that the conditions be amended to reflect a minimum two (2) year retention period of records for the purposes of substantiating entitlements related to claims submitted to Parliament. The Tribunal has considered this matter and determines that the conditions be amended in the terms recommended by the Presiding Officers.

The Tribunal also notes the Auditor-General's recommendation that the DPS improve public reporting of Members expenditure. As outlined in the report of the 2019 determination the Tribunal continues to support the Auditor-General's recommendation that DPS regularly publish full details of Members' expenditure claims on its website in an accessible and searchable format.

Transition (Separation) Payments

The Presiding Officers have made a submission seeking a Transition or Separation payment similar to that provided to Victorian Members of Parliament.

As outlined in previous annual reports the Tribunal is unable to make a determination in regard to this matter. The Act does not provide the Tribunal with the authority to make determinations applicable to former Members.

While the Tribunal gives in principal support for such an allowance the Act would need to be amended to allow the Tribunal to make a determination on this matter.

Travelling Allowances for Recognised Office Holders

The Tribunal has reviewed the conditions relating to the determination of travelling allowances for Recognised Office Holders. Under the current arrangements Recognised Office Holders are listed in a table and grouped according to their level of salary. Travel allowances are then determined for each of the two groups based on the Australian Tax Office tax determination for reasonable travel allowances.

Under the existing arrangements Members are reimbursed expenses up to the limits specified in Group 2. Recognised Office holders are reimbursed expenses up the limits specified in either Group 2 or 1 depending on the office they hold. Only Recognised Office Holders who are not provided with a non-Parliamentary budget can be reimbursed these expenses from the General Travel Allowance.

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The Tribunal has been advised that there are some administrative issues associated with distinguishing when a Member has travelled in their capacity as a Member or their capacity as a Recognised Office Holder and which rate should apply.

To simplify these arrangements the Tribunal has determined that all Members, regardless of their office, may be reimbursed for travel expenses at the same rate. The rates are those provided for in the ATOs most recent determination being TD 2020/5: Table 3. The determination has been amended to reflect this change.

Remote access to Parliamentary email and calendar system for Members' staff

The arrangements for remote desktop access to the Parliamentary network for Members and Members' staff are outlined in the DPS Members' Entitlements Handbook, Chapter 12: Equipment, Services and Facilities:

“Remote desktop access (via an internet connection) to the parliamentary network is available to Members. Mobile device connectivity to specific parliamentary information including email is also provided through a ‘Bring Your Own Device’ (BYOD) service. Remote and mobile device access services may be extended to the Members’ staff at a cost to the Member.”

The Tribunal received one submission requesting that remote access be made available to Members' staff free of charge for parliamentary purposes. The submission outlines that Members are required to pay the following costs to provide a staff member with remote access which results in staff not being able to access parliamentary email and calendars out of hours or alternatively no use of the parliamentary network:

- “a. Remote desktop token access - \$200 connection cost plus \$100 for each year of use*
- b. Mobile device access - \$200 connection plus \$75 for each year of use”*

The Tribunal notes that there is currently an expectation that these items are to be funded from a Members' electoral allowance. The Tribunal notes that money from the former Logistic Support Allowance was transferred to the Electoral Allowance to enable Members to cover these and other costs.

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Network access for employees is a matter for the Parliament. Noting that staff conditions of employment is a matter for the Presiding Officers.

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Section 3 General Summary of the Determination

2020 adjustments

Basic salary and additional entitlements	Increase
Basic Salary	No increase.
Electoral Allowance:	
Base Allowance	No increase.
Additional Allowance	No increase.
Recognised Office Holder Allowance (except Independents)	No increase.
Independents Allowance	No increase.
Sydney Allowance	No increase.
Communications Allowance:	
Base Allocation	No increase.
Additional Allocation	3.9 per cent increase reflects 2.5 per cent increase to the OCF and increase in constituent numbers.
Committee Allowances	No increase.
General Travel Allowance:	
Base Allocation	No increase.
Additional Allocation	No increase.
Skills Development Allowance	No increase.
Travel Allowances	As per Australian Tax Office Determination TD2020/5.
Additional staff for recognised office holders	Deputy Leader of the Opposition in the Legislative Assembly: one additional staff resource. Leader of the Opposition in the Legislative Council: current entitlement of 0.5 FTE increased to 1 FTE. Deputy Leader of the Opposition in the Legislative Council: current entitlement of 0.5 FTE increased to 1 FTE.
Additional staff for Independent Members in the Legislative Assembly	One additional staff member employed in each electorate office.

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(Signed)

The Hon C G Staff

Dated: 7 July 2020

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 2020 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 2020.

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) organised by the CPA provided such activities arise directly from Membership of the New South Wales Branch and officially endorsed by the Branch. Members may utilise

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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.

3. The Tribunal sets out the following additional and general guidelines:

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- 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. The use of Members' additional entitlements will be subject to Parliament's administrative guidelines. The administrative guidelines should assist Members in carrying out their functions and duties. Members must comply with the Parliament's administrative guidelines where they are consistent with the Determination and guidelines and conditions contained herein.
2. All procurement by Members will be in accordance with the Parliament's purchasing policies.

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3. Members must ensure that they have sufficient funds to meet the costs associated with their parliamentary duties.
4. All entitlements, except for the Electoral Allowance, shall be established and maintained by the Chief Executive, Department of Parliamentary Services (the Chief Executive). Members should be advised by the Department of Parliamentary Services each month as to the balance of these allocations.
5. 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, General Travel Allowance and Skills Development Allowance.
6. All accounts and Members' claims must be submitted to the Legislature for payment within 60 days of receipt or occurrence of the expense.
7. Members' additional entitlements in the nature of fixed allocations and Sydney Allowance provided to Members shall be audited annually for compliance through the Parliament's internal audit function. In addition to any internal audit conducted by the Parliament, Members' additional entitlements in the nature of fixed allocations and the Sydney allowance shall be the subject of an external assurance engagement conducted by the Auditor-General of NSW. The cost of any assurance engagements shall be met by the Parliament. Members should ensure they maintain appropriate records of expenditure for the purpose of any audit or assurance engagements. Records are to be retained for a minimum period of two (2) years for the purpose of substantiating claims submitted to Parliament.
8. 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).
9. 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.

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

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3. Basic Salary

With effect from 1 July 2020 the basic salary of Members, pursuant to section 4 of the Act, shall be \$169,192 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	\$51,130	\$15,430	\$66,560
Group 2	\$59,880	\$17,060	\$76,940
Group 3	\$70,575	\$17,060	\$87,635
Group 4	\$77,040	\$17,060	\$94,100
Group 5	\$81,940	\$17,060	\$99,000
Group 6	\$89,825	\$17,060	\$106,885
Group 7	\$105,060	\$17,060	\$122,120
Group 8	\$143,670	\$29,745	\$173,415
Legislative Council			
Zone 1	\$59,880	\$16,255	\$76,135
Zone 2	\$59,880	\$17,060	\$76,940
Zone 3	\$59,880	\$21,170	\$81,050

2. A further allowance of \$3,980 per annum is payable to each Recognised Office Holder (except an Independent) in the Legislative Assembly and Legislative Council.
3. A further allowance of \$1,990 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 based on the following distance criteria:

- Members whose principal place of residence is 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	\$315.00	Actual reasonable expenses for meals and incidentals up to a maximum of \$166.65 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	\$315.00	As above
Chairs of Standing/Select Committees	A minimum of 70 KMs by road from Parliament House	140	\$315.00	As above
Legislative Council Members	Greater than 140 KMs by road from Parliament House	135	\$315.00	As above
	Between 70 KMs and 140 KMs by road from Parliament House	105	\$315.00	As above
Legislative Assembly Members	Greater than 140 KMs by road from Parliament House	135	\$315.00	As above
	Between 70 KMs and 140 KMs by road from Parliament House	105	\$315.00	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 Sydney Allowance each Member must certify to the Chief Executive, 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 parliamentary purpose and 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 Chief Executive 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 Chief Executive to certify as proof of their attendance in Sydney. Records are to be retained for a minimum period of two (2) years for the purpose of substantiating claims submitted to Parliament.
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 \$215.00 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 \$4,985 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:

<hr/>	
Electorate/Zone to Sydney Travel	
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Communications Allowance	– Base Allocation
	– Additional Allocation
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General Travel Allowance	– Base Allocation
	– Additional Allocation
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Travelling Allowances for Recognised Office Holders	
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Skills Development Allowance	
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6.2 Electorate/Zone 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 electorate or principal place of residence 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/zone to Sydney travel entitlements per annum:

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Table 5: Electorate/Zone 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	32 single journey entitlements.
Assistant Speaker, Legislative Assembly	32 single journey entitlements.
Assistant President, 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

5. All travel between the Member's electorate or principal place of residence and Sydney 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 or principal place of residence 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 the electorate to Sydney entitlements to defray part of the cost of intrastate and interstate parliamentary travel when such travel is via Sydney.

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10. Members may charter a plane in lieu of travelling on commercial flights if travel is for electorate and/or parliamentary business and that sufficient entitlements 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 parliamentary purpose and 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. Records are to be retained for a minimum period of two (2) years for the purpose of substantiating claims submitted to Parliament.

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.

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Entitlement

1. The Communications Allowance comprises a base annual allocation and an additional allocation for Members of the Legislative Assembly based on the number of enrolled voters.
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	\$18,440
Legislative Council	\$4,695

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 1 March 2020 as provided by the State Electoral Commission)	Annual entitlement
1. Albury	58,086	\$89,452
2. Auburn	56,318	\$86,730
3. Ballina	59,428	\$91,519
4. Balmain	57,802	\$89,015
5. Bankstown	54,874	\$84,506
6. Barwon	54,223	\$83,503
7. Bathurst	57,049	\$87,855
8. Baulkham Hills	56,335	\$86,756
9. Bega	58,569	\$90,196
10. Blacktown	55,457	\$85,404
11. Blue Mountains	54,458	\$83,865
12. Cabramatta	55,206	\$85,017
13. Camden	75,244	\$115,876
14. Campbelltown	54,768	\$84,343
15. Canterbury	57,522	\$88,584
16. Castle Hill	60,947	\$93,858
17. Cessnock	59,452	\$91,556
18. Charlestown	55,692	\$85,766
19. Clarence	57,017	\$87,806
20. Coffs Harbour	55,466	\$85,418
21. Coogee	54,763	\$84,335
22. Cootamundra	53,076	\$81,737
23. Cronulla	57,561	\$88,644

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Table 7: Communications Allowance - Additional Allocation		
Electoral District	Number of Electors (as at 1 March 2020 as provided by the State Electoral Commission)	Annual entitlement
24. Davidson	55,118	\$84,882
25. Drummoyne	54,163	\$83,411
26. Dubbo	55,878	\$86,052
27. East Hills	55,755	\$85,863
28. Epping	55,250	\$85,085
29. Fairfield	53,967	\$83,109
30. Gosford	56,693	\$87,307
31. Goulburn	58,101	\$89,476
32. Granville	54,002	\$83,163
33. Hawkesbury	55,882	\$86,058
34. Heathcote	56,460	\$86,948
35. Heffron	61,367	\$94,505
36. Holsworthy	57,263	\$88,185
37. Hornsby	56,011	\$86,257
38. Keira	59,087	\$90,994
39. Kiama	56,282	\$86,674
40. Kogarah	53,420	\$82,267
41. Ku-ring-gai	55,255	\$85,093
42. Lake Macquarie	58,517	\$90,116
43. Lakemba	55,565	\$85,570
44. Lane Cove	58,469	\$90,042
45. Lismore	56,060	\$86,332
46. Liverpool	58,431	\$89,984
47. Londonderry	66,909	\$103,040
48. Macquarie Fields	64,763	\$99,735
49. Maitland	61,422	\$94,590
50. Manly	55,842	\$85,997
51. Maroubra	56,979	\$87,748
52. Miranda	55,671	\$85,733
53. Monaro	57,773	\$88,970
54. Mount Druitt	56,942	\$87,691
55. Mulgoa	58,831	\$90,600
56. Murray	55,660	\$85,716
57. Myall Lakes	57,665	\$88,804
58. Newcastle	59,390	\$91,461
59. Newtown	56,332	\$86,751
60. North Shore	55,322	\$85,196
61. Northern Tablelands	55,039	\$84,760
62. Oatley	54,291	\$83,608
63. Orange	56,930	\$87,672
64. Oxley	57,261	\$88,182
65. Parramatta	57,978	\$89,286

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Table 7: Communications Allowance - Additional Allocation		
Electoral District	Number of Electors (as at 1 March 2020 as provided by the State Electoral Commission)	Annual entitlement
66. Penrith	57,002	\$87,783
67. Pittwater	56,293	\$86,691
68. Port Macquarie	60,567	\$93,273
69. Port Stephens	56,872	\$87,583
70. Prospect	54,853	\$84,474
71. Riverstone	63,245	\$97,397
72. Rockdale	56,597	\$87,159
73. Ryde	56,234	\$86,600
74. Seven Hills	53,861	\$82,946
75. Shellharbour	63,183	\$97,302
76. South Coast	57,530	\$88,596
77. Strathfield	53,991	\$83,146
78. Summer Hill	57,162	\$88,029
79. Swansea	56,623	\$87,199
80. Sydney	55,218	\$85,036
81. Tamworth	56,667	\$87,267
82. Terrigal	57,512	\$88,568
83. The Entrance	56,070	\$86,348
84. Tweed	57,346	\$88,313
85. Upper Hunter	55,694	\$85,769
86. Vaucluse	56,035	\$86,294
87. Wagga Wagga	55,497	\$85,465
88. Wakehurst	56,127	\$86,436
89. Wallsend	59,475	\$91,592
90. Willoughby	54,907	\$84,557
91. Wollondilly	58,074	\$89,434
92. Wollongong	60,738	\$93,537
93. Wyong	57,864	\$89,111

4. Recognised Office Holders receive an additional loading on the Communications Allowance Base Allocation in accordance with *Table 10 Recognised Office Holder and Other Member Additional Entitlements*.

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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.
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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. Members will receive a monthly report containing expenditure and balance of their account.
2. All procurement of services will be in accordance with the Parliament's purchasing policies.
3. No supplementation to the allocation will be considered. Any additional costs may be met from the Member's Electoral Allowance.
4. Members may use the Communications Allowance for the purpose of communicating with constituents using a range of communication services in accordance with Parliament's administrative guidelines.

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5. 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.
6. 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.
7. Communications with constituents/prospective constituents will be limited to matters affecting the Member's electorate.
8. Members will not be permitted to use their Communications Allowance for the production and distribution of any publication or communications (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.
9. Members will not be permitted to use the Communications Allowance for purchasing, producing, contributing towards the cost of producing and distributing promotional material including but not limited to fridge magnets, calendars, wall planners, rainfall/tide charts, notepads, shopping lists, bowling scorecards, pens, key rings, balloons, clothing etc.
10. Members are required to maintain records that clearly document the costs claimed against the Communications Allowance budget. Records are to be retained for a

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minimum period of two (2) years for the purpose of substantiating claims submitted to Parliament.

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.

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	\$6,265		\$6,265
Group 2	\$9,415		\$9,415
Group 3	\$12,585		\$12,585
Group 4	\$12,585		\$12,585
Group 5 (and Port Macquarie)	\$12,585	\$10,615	\$23,200
Group 6	\$15,725	\$17,325	\$33,050
Group 7	\$15,725	\$32,040	\$47,765
Group 8	\$36,110	\$63,610	\$99,720
Legislative Council			
Zone 1	\$6,265		\$6,265
Zone 2	\$6,265		\$6,265
Zone 3	\$15,665		\$15,665

3. Recognised Office Holders receive an additional loading on the General Travel Allowance - Base Allocation in accordance with *Table 10 Recognised Office Holder and Other Member Additional Entitlements*.

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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

Conditions

1. A Member may use the General Travel Allowance to travel to any place in Australia, subject to the following requirements:
 - 1.2 Travel must be for parliamentary or electorate duties.
 - 1.3 The cost of travel must be reasonable.
 - 1.4 There must be sufficient funds in the Member's Account to pay for the expenses involved at the time of the making of reservations (if applicable) or incurring the expense.
2. A Member may use the General Travel Allowance for the following modes of transport:
 - 2.1 Private vehicles (to be reimbursed by the Australian Tax Office 'cents per kilometre' method).
 - 2.2 Car-with-driver transport (hire cars, taxi transport, regulated car sharing services).
 - 2.3 Self-drive hire cars (reimbursement to include insurance excess reduction and fuel costs)
 - 2.4 Air transport (including charter transport).
 - 2.5 Public transport costs (bus, train, ferry, light rail).
3. A Member who incurs parking costs (at either a commercial parking station or a parking meter) may be reimbursed these costs from the General Travel Allowance when the travel relates to attending a meeting or event.

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4. 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.
5. 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.
6. 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.
7. All 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*.
8. 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 Members, overseas travel, Electorate to Sydney travel and costs met from the Sydney Allowance.
9. 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 payment of actual travelling expenses will be paid subject to the production of tax invoices/receipts. The reimbursement of these expenses may not exceed the travel allowance rates as determined for Members in *Table 9: Travel Allowances – Indicative Upper Limits for Members*.

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Table 9: Travelling Allowances Indicative Upper Limits for Members		
Destinations	Amount	Where no overnight stay is required
Adelaide	\$400.30	Actual reasonable meal expenses
Brisbane	\$448.30	
Canberra	\$437.30	
Darwin	\$484.30	
Hobart	\$387.30	
Melbourne	\$456.30	
Perth	\$456.30	
Other areas	\$386.30	

10. 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.
11. 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.
12. Members should ensure that records are maintained that clearly document each occasion and the parliamentary 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. Records are to be retained for a minimum period of two (2) years for the purpose of substantiating claims submitted to Parliament.
13. 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.
14. Members undertaking training using the Skills Development Allowance may use the General Travel Allowance to meet their travel costs. Other staff training costs are to be met by the Legislature.

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6.5 Recognised Office Holder and Other Member Additional Entitlements

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

Table 10: 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
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End of parliamentary term/earlier dissolution of LA:	Balance of loadings forfeited
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Conditions

The following conditions shall apply in respect of this allowance:

1. Recognised Office Holders and Members referred to in *Table 10: 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.

6.6 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.

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 11: 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

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Conditions

The following conditions shall apply in respect of this allowance:

1. Entitlements are not transferable between Members.
2. Entitlements may be transferred from Members to staff and between staff in the same office subject to the expenditure not exceeding the total budget allocation provided to a Member for skills training. Members may not however use training funds available to staff to meet their own training needs.
3. As a general principle, the Member should ensure that the training requirements of staff members are considered equitably. Where a staff member does not get an opportunity to use the allowance during one financial year, they should where possible, be given priority in the subsequent year.
4. Members should prioritise the training of full-time and part-time staff members. Training from the allowance should only be provided to short term temporary staff members if resources remain from the allocation of training to full-time and part-time staff members.
5. Members and Members' staff will be required to use their Skills Development Allowance before 30 June each year. Unused funds will be forfeited.
6. No supplementation to the allocation will be considered.
7. 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*.
8. Members are required to maintain records that clearly document the costs claimed against the Staff Development allocation. Records are to be retained for a minimum period of two (2) years for the purpose of substantiating claims submitted to Parliament.

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7. Additional Entitlements-Resources

7.1 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.
 - 2.1 The Member for Barwon shall be provided with an additional two electorate offices (a total of three).
 - 2.2 The Member for Murray shall be provided with one additional electorate office (a total of two).
 - 2.3 The Member for Cootamundra shall be provided with one additional electorate office (a total of two).
 - 2.4 The Member for Northern Tablelands shall be provided with 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 be entitled to three staff members employed at each electorate office.
 - 3.2 Each Independent Member of the Legislative Assembly, and who is elected as an independent Member, shall be entitled to four staff members employed in each electorate office.
 - 3.3 Each Member of the Legislative Council, who is not a Minister, shall be entitled to one staff member.

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- 3.4 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.
- 3.5 The Parliament will provide relief arrangements to Members of the Legislative Assembly and Legislative Council when any staff member is absent on approved leave on any full working day. Parliament will be fully funded to provide relief arrangements to comply with this condition.
- 3.6 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.
- 3.7 The Whip of each recognised political party of not less than 10 Members to each shall be entitled to one staff member.
- 3.8 The Deputy Leader of the Opposition in the Legislative Assembly, Leader of the Opposition in the Legislative Council and Deputy Leader of the Opposition in the Legislative Council shall be entitled to one staff member each.
- 3.9 Nothing in this determination removes from the employer of staff other obligations arising under the *Work Health and Safety Act 2011*.

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(Signed)

The Hon C G Staff

Dated: 7 July 2020

Appendices

Appendix 1 Advice of the Secretary of NSW Treasury

In a letter dated 7 July 2020 the Acting Secretary of NSW Treasury, Mr San Midha provided the following statement in respect to the financial implications of the Determination pursuant to section 12A of the Act.

