

NEW SOUTH WALES

REPORT

AND

DETERMINATION

under the

PARLIAMENTARY REMUNERATION ACT 1989

26 May 1993


The Honourable the Chief Justice
of New South Wales
Chief Justice's Chambers
Supreme Court of New South Wales
SYDNEY NSW 2000

My dear Chief Justice

The Parliamentary Remuneration Tribunal has the honour to present to you, pursuant to section 13(1) of the Parliamentary Remuneration Act 1989, the Report of its Determination to be effective for the year commencing on 1 July 1993.

Yours faithfully

THE PARLIAMENTARY REMUNERATION TRIBUNAL


(THE HON. J.P. SLATTERY)

CONTENTS

	<u>paragraphs</u>	<u>pages</u>
 <u>REPORT</u>		
Preliminary	1 - 4	1 - 2
Procedure	5 - 8	2 - 3
Electoral Allowances of Members of Both Houses	9	3
Special Expenses or "Living Away From Home" Allowances	10 - 14	3 - 4
Committee Allowances	15	4
Travelling Allowances for the Premier, Ministers of the Crown, Other Recognised Office Holders, Committee Members, Spouses or Approved Relatives	16	4
Charter Travel	17	4 - 5
Reimbursement of Certain Travelling Expenses	18	5
Matters Considered by the Tribunal	19	5 - 6
a) Child Care		
b) Provision of Government-Owned Motor Vehicles for Members		
c) Other Matters		
 <u>DETERMINATIONS</u>		
Electoral Allowances of Members of Both Houses		7
Special Expenses or "Living Away From Home" Allowances		8 - 12
Charter Travel		12 - 13
Committee Allowances		13 - 14

	<u>pages</u>
Travelling Allowances for the Premier, Ministers of the Crown, Other Recognised Office Holders, Committee Members, Spouses or Approved Relatives	14 - 15

Reimbursement of Certain Travelling Expenses	15 - 16
---	---------

APPENDIX

A	Electoral Districts as determined in the Tribunal's Determination under section 12 of the Parliamentary Remuneration Act 1989, dated 29 May 1991	17 - 18
B	Electoral Districts included in each category, as determined in the Tribunal's Determination under section 12 of the Parliamentary Remuneration Act 1989, dated 29 May 1991.	19

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

PRELIMINARY

1. The Parliamentary Remuneration Act 1989 ("the Act"), which was assented to on 12 December 1989, repealed the Parliamentary Remuneration Tribunal Act 1975, and reconstituted a Parliamentary Remuneration Tribunal with new functions. The Act, inter alia, provided for the basic salaries of members of Parliament to bear a fixed relationship to those of members of the House of Representatives in the Commonwealth Parliament and for certain prescribed additional salaries and expense allowances to be at rates bearing a fixed percentage to the rate of basic salary. Pursuant to section 9(a) of the Act, the Parliamentary Remuneration Tribunal determines additional allowances to be payable to a member or recognised office holder and, pursuant to section 9(b) of the Act, makes recommendations to the Minister on matters referred to it by the Minister, relating to the provision of services, equipment or facilities to a member or recognised office holder.
2. Pursuant to Schedule 2 of the Parliamentary Remuneration Act 1989, I, THE HONOURABLE JOHN PATRICK SLATTERY, then an Acting Judge of the Supreme Court of New South Wales was, on 22 December 1989, appointed by the Chief Justice of the Supreme Court of New South Wales to be the Parliamentary Remuneration Tribunal.
3. The Parliamentary Remuneration Act 1989, provides for the making by the Tribunal of an annual determination of the additional allowances payable to recognised office holders and members of Parliament, to take effect from 1 July of each year.

4. Specifically, section 11 of the Act provides -

- "(1) An annual determination as regards additional allowances is to be made on or before 1 June in each year (or such later date as the Chief Justice directs under this section), with effect from 1 July in that year.
- (2) The Chief Justice may, because of the illness of the person holding office as the Tribunal or for any other reason that seems proper to the Chief Justice, from time to time by order published in the Gazette, direct that a particular annual determination is to be made on or before a later specified date.
- (3) If an annual determination is not made by 1 July in a year, additional allowances continue to be payable at the rates at which they were payable before that date, until payment of additional allowances can be effected in accordance with the determination, but any necessary adjustments are to be made as a result of the making of the determination".

PROCEDURE

5. The Tribunal sent letters to all members of the Legislative Council and of the Legislative Assembly inviting them to forward to it such written submissions as they might wish to make in relation to the additional allowances which should be paid to recognised office holders and members and the rates of any such allowances. The letters also stated that the Tribunal was prepared to interview any member who had made a written submission and wished to confer with it for the purpose of elucidating or elaborating such submission. They concluded with the statement that submissions and conferences would be treated confidentially and that any material used in the report and determination would not be identified with its author.

6. In response to the abovementioned letters, the Tribunal received written submissions from the Parties and members of both Houses. All submissions have been carefully considered by the Tribunal.
7. The Tribunal has made such other inquiries as it considered necessary. It has noted the reports of the Australian Remuneration Tribunal and other State remuneration tribunals.
8. The Tribunal has been informed of changes in the costs incurred by members in the performance of their parliamentary duties since the last review.

ELECTORAL ALLOWANCES OF MEMBERS OF BOTH HOUSES

9. The Tribunal has reviewed the costs incurred by members in servicing their electorates and has increased rates of allowances accordingly.

SPECIAL EXPENSES OR "LIVING AWAY FROM HOME" ALLOWANCES

10. These allowances are provided to country members of both Houses towards the cost of overnight accommodation whilst in Sydney on parliamentary business or in transit to and from Sydney.
11. The Tribunal's Special Determination of 29 May 1991 under section 12 of the Act made provision for members to elect, when elected to Parliament, to be paid either a daily or annual special expenses allowance for the life of a Parliament. The special expenses allowance should be sufficient to permit the acquisition of rented accommodation.
12. The Tribunal's Determination of 1 May 1992 under section 13(1) of the Act removed the maximum allocation available for parliamentary business, other than sittings of the House or meetings of parliamentary committees, for members

within the grouping of Minister, Speaker, Leader of the Opposition - Assembly and Council, Leader of Third Party in Assembly - resident in category 1 or category 2.

13. The Tribunal received submissions indicating that provision for members to elect to be paid either a daily or annual special expenses allowance for the life of the Parliament is unduly restrictive and would prefer that members were able to make an annual election. The Tribunal has reviewed this matter and determined that members can elect each year (effective from 1 July 1993) how they wish to be paid this allowance subject to certain conditions.
14. In keeping with the current economic trends neither the daily or annual special expenses allowance has been increased.

COMMITTEE ALLOWANCES

15. The allowances fixed for Chairmen of Joint or Select Committees and for members of the Public Accounts Committee have been increased by approximately 3.4 per cent.

TRAVELLING ALLOWANCES FOR THE PREMIER, MINISTERS OF THE CROWN, OTHER RECOGNISED OFFICE HOLDERS, COMMITTEE MEMBERS, SPOUSES OR APPROVED RELATIVES

16. These have been increased marginally to reflect the relevant changes in the costs covered by the allowances.

CHARTER TRAVEL

17. A survey conducted during the current review revealed that there had been no increase to charter costs in the past twelve months. The opening of country air travel to competition had resulted in an overall better service for users. Having

regard to these facts the quantum of the charter allowance has not been increased at this time.

REIMBURSEMENT OF CERTAIN TRAVELLING EXPENSES

18. Provision is made for payment of a car allowance to those members of the Legislative Council who reside in the country and at a considerable distance from the closest airport or railway station from which they can obtain transport to and from Sydney, thus requiring the use of their private motor vehicles between their homes and the airport or railway station. The Tribunal's enquiries show that there has been no increase in the costs of running a motor vehicle, therefore the car allowance has not been increased at this time.

MATTERS CONSIDERED BY THE TRIBUNAL

19. Some of the submissions received from members relate to matters which have either been raised before or are new matters. The Tribunal has examined these and has provided a report hereunder.

a) Child Care

Some members requested the Tribunal to recognise child care costs as an expense against members' electoral allowances. This does not properly fall within the Tribunal's jurisdiction.

The electoral allowance is payable to members to meet the costs necessarily incurred in performing their public obligations within their Electorates. The allowance is taxable however, and members are required to substantiate expenditure from this allowance to the Commissioner of Taxation.

The Tribunal is required to set this allowance and ensure it is appropriate for the purposes for which it is intended. It is not the Tribunal's function to determine

what items can or cannot be paid from this allowance. This is a matter between the Taxation Office and the individual member.

On this basis the Tribunal considers it inappropriate to make a recommendation on this matter.

b) Provision of Government Owned Motor Vehicles for Members

Some members have again sought the introduction of Government owned motor vehicles for members.

On 26 July 1990 the Tribunal made a report and determination on the provision of Government owned motor vehicles to all members for use in the servicing of their electorates and on other parliamentary business. The Tribunal's views on this matter were again outlined in the Report under section 13(1) of the Act dated 1 May 1992.

The Tribunal supports its previous determination but notes that legislative impediments would have to be overcome before it could be implemented. As this is now a matter for the Government to address, the Tribunal considers it inappropriate to comment further on this issue.

c) Other Matters

Submissions were also received on various other matters but the Tribunal considered them to be outside the scope of this current review. Some of the matters include: Staff assistance for members, office accommodation, maintenance allowance, air travel entitlements and mobile telephones.

PARLIAMENTARY REMUNERATION ACT 1989DETERMINATION PURSUANT TO SECTION 11(1) OF THE ACT

For the reasons set forth in the above Report, the Parliamentary Remuneration Tribunal hereby makes the following determination of the additional allowances which should be paid on and from 1 July, 1993 to members, including recognised office holders, in the Legislative Council and the Legislative Assembly of New South Wales, in lieu of the amounts presently payable, for each of the purposes indicated below, and not in addition thereto:

ELECTORAL ALLOWANCES FOR MEMBERS OF BOTH HOUSES

The electoral allowances payable to members of the Legislative Assembly whose electoral districts are specified hereunder shall be as follows:-

<u>Electoral Districts</u>	<u>Yearly Rate of Allowance</u>
	\$
Group 1	22,100
Group 2	26,500
Group 3	31,000
Group 4	36,600
Group 5	39,800
Group 6	42,300
Group 7	46,300
Broken Hill	54,400

The electoral districts included in each Group are as determined in the Tribunal's Special Determination of 29 May 1991, under section 12 of the Parliamentary Remuneration Act 1989, and are set forth in Appendix A.

The electoral allowance payable to each member of the Legislative Council shall be \$31,000 per annum.

SPECIAL EXPENSES ALLOWANCES OR "LIVING AWAY FROM HOME" ALLOWANCES

A special expenses allowance shall be payable to country members of both Houses towards the cost of overnight accommodation whilst in Sydney on parliamentary business or in transit to and from Sydney. The allowance is payable when the stay is occasioned by:

- sittings of the House of Parliament or direct travel to and from such sittings; or
- meetings of parliamentary committees of which he or she is a member, or direct travel to or from such meetings; or
- other parliamentary business.

The member may elect to be paid either a daily or annual special expenses allowance on a financial year basis. This election to take effect from 1 July 1993 and is subject to the following conditions:-

- * election is made for a full financial year;
- * such election to be received by the Parliament House Accounts Branch prior to 1 July each year;
- * new members to make their election effective from the date they are duly elected until the end of that financial year and;
- * re-elected members will not be eligible to change their current elections until the end of that financial year.

SPECIAL EXPENSES ALLOWANCE - DAILY ALLOWANCE

The daily special expenses allowance per overnight stay is as follows:

	<u>Sydney</u>	<u>In Transit To and From Sydney</u>
Ministers, resident in category 1 or category 2.	\$140.00	\$108.00
The Leader of the Opposition in the Legislative Council, resident in category 1 or category 2.	\$140.00	\$108.00
The Leader of the Opposition in the the Legislative Assembly, resident in category 1 or category 2.	\$140.00	\$108.00
Speaker of the Legislative Assembly, resident in category 1 or category 2.	\$140.00	\$108.00
Leader in the Legislative Assembly (other than the leader of the Opposition) of a recognised political party of which not less than ten members are members of the Legislative Assembly, resident in category 1 or category 2.	\$140.00	\$108.00
Chairman of Committees in the Legislative Assembly, resident in category 1 or category 2.	\$140.00	\$108.00
Member of the Legislative Council and member of the Legislative Assembly resident in category 1 or category 2.	\$140.00	\$108.00

The maximum number of overnight stays per annum are as follows:

	<u>Overnight Stays</u> <u>Per Annum</u>
Minister, Speaker, Leader of Opposition - Assembly and Council, Leader of Third Party in Assembly - resident in category 1 or category 2.	140
Chairman of Committees in the Legislative Assembly - resident in category 1 or category 2.	120 (25)
Other Assembly members, resident in:	
- category 1 electorates	90 (25)
- category 2 electorates	120 (25)
Other Council members, resident in:	
- category 1 electorates	90 (25)
- category 2 electorates	120 (25)

The figures in brackets show the maximum number of overnight stays that are available for parliamentary business other than sittings of the House or meetings of parliamentary committees. The figures in brackets are not additional to the overall maximum overnight stays allowed.

A member is entitled to only one allowance for each overnight stay.

The allowance is not payable for an overnight stay within the electoral district of the Legislative Assembly which contains the home base of the member.

Where parliamentary business requires members to exceed their entitlements set out above, then reimbursement of the actual and reasonable expenses, but not exceeding \$140.00 for each overnight stay in Sydney and \$108.00 for each overnight stay whilst in transit to and from Sydney, shall be allowed for any additional overnight stays. Such reimbursement is subject to the production of receipts relating to accommodation and a statement from the member concerned outlining other costs such as meals and incidental expenses. Provided that, payments made for overnight stays on parliamentary business other than the sittings of the House or meetings of parliamentary committees should not exceed the maximum shown in brackets above.

SPECIAL EXPENSES ALLOWANCE - ANNUAL ALLOWANCE

The annual special expenses allowances for overnight stays are as follows:

- (1) \$19,600 per annum to:-
 - (a) each Minister of the Crown who is a member of the Legislative Council and whose usual place of residence is situated in an electoral district specified in category 1 or category 2;
 - (b) each Minister of the Crown who is a member of the Legislative Assembly and is the member for, or whose usual place of residence is in, an electoral district specified in category 1 or category 2;
 - (c) the Leader of the Opposition in the Legislative Council whose usual place of residence is situated in an electoral division specified in category 1 or category 2;
 - (d) the Speaker of the Legislative Assembly, being the member for an electoral district specified in category 1 or category 2;
 - (e) the Leader of the Opposition in the Legislative Assembly, being the member for an electoral district specified in category 1 or category 2;

- (f) the Leader in the Legislative Assembly (other than the Leader of the Opposition) of a recognised political party of which not less than ten members are members of the Legislative Assembly and of which no member is the holder of any office of profit pursuant to section 13B of the Constitution Act 1902, being the member for an electoral district specified in category 1 or category 2;
- (2) \$16,800 per annum to:-
 - (a) the Chairman of Committees in the Legislative Assembly, being the member for an electoral district specified in category 1 or category 2;
 - (b) each member of the Legislative Council whose usual place of residence is situated in an electoral district specified in category 2 and to each member of the Legislative Assembly for an electoral district specified in category 2.
- (3) \$12,600 per annum to each member of the Legislative Council whose usual place of residence is situated in an electoral district specified in category 1 and to each member of the Legislative Assembly for an electoral district specified in category 1.

A member is entitled to only one allowance under paragraphs (1) to (3).

The electoral districts included in each category, are as determined in the Tribunal's Determination of 29 May 1991, under section 12 of the Parliamentary Remuneration Act 1989, and are set forth in Appendix B.

REIMBURSEMENT OF EXPENSES FOR CHARTER TRANSPORT OF MEMBERS OF THE LEGISLATIVE ASSEMBLY

For the purposes of this clause "charter transport" means charter transport used within and for the service of the member's electorate and includes charter aircraft, drive yourself

vehicles and any other mode of charter transport which may be deemed appropriate in the circumstances by the Speaker of the Legislative Assembly.

Each accounting year for the purposes of the reimbursement of expenses for charter transport shall commence on 1 July; and

- (1) The member for the Electoral District of Broken Hill shall be reimbursed to a maximum amount of \$16,092 per annum for charter transport.
- (2) The member for the Electoral District of Murray shall be reimbursed to a maximum amount of \$12,404 per annum for charter transport.
- (3) The members for the Electoral Districts of Barwon, Lachlan, Murrumbidgee and Upper Hunter shall each be reimbursed to a maximum amount of \$8,716 per annum for charter transport.
- (4) The members for the Electoral Districts of Albury, Burrinjuck, Clarence, Dubbo, Monaro and Northern Tablelands shall each be reimbursed to a maximum amount of \$5,362 per annum for charter transport.

While charter transport, reimbursable under this determination, is intended to be used within and for the service of the member's electorate, where the source of available charter transport is outside the boundaries of the electorate, the reasonable additional expenses consequently incurred may be included in the reimbursement available under this determination.

COMMITTEE ALLOWANCES

Members of the Legislative Council and of the Legislative Assembly serving as Chairmen of Joint Committees and Select Committees shall be paid the sum of \$98.00 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.

Members of the Public Accounts Committee, other than the Chairman, shall each receive a committee allowance of \$2,225 per annum.

TRAVELLING ALLOWANCES FOR THE PREMIER, MINISTERS OF THE CROWN, OTHER RECOGNISED OFFICE HOLDERS, COMMITTEE MEMBERS, SPOUSES OR APPROVED RELATIVES

When travelling on official business the following shall be the travelling allowances per day payable respectively to the undermentioned:-

	<u>Capital Cities (incl. Canberra)</u>	<u>Other Areas</u>	<u>Where no overnight stay is involved</u>
Premier	\$308	\$170	\$78
Ministers	\$248	\$142	\$64
President of the Legislative Council and Speaker of the Legislative Assembly	\$248	\$142	\$64
The Leader of the Opposition in the Legislative Council			
Leader and Deputy Leader of the Opposition in the Legislative Assembly			
Leader and Deputy Leader of a Recognised Political Party of which not less than ten members are members of the Legislative Assembly			
Chairman of Select, Joint, Standing and Public Accounts Committees			
Members of Select, Joint, Standing and Public Accounts Committees	\$186	\$118	\$46

An absence from Sydney for a period in excess of six hours shall be the minimum requirement for the payment of travelling allowance where no overnight absence is involved. Where absence overnight is involved, the absence must extend six hours beyond the first period of twenty-four hours before a second day's allowance is payable. Therefore, the second day's allowance is as shown in the column headed "Where no overnight stay is involved".

On occasions when the rates of travelling allowance set out above prove to be insufficient, reimbursement of actual and reasonable expenses shall be allowed, subject to the production of receipts relating to accommodation and a statement from the member concerned outlining other costs such as meals and incidental expenses.

A Minister, whose spouse accompanies him or her to a State or other official function and who consequently incurs expenses in respect of meals and accommodation for self and spouse exceeding the allowance to which he or she is entitled as indicated above, shall be entitled to be reimbursed such excess expenses. This provision applies to the "approved relative" of a Minister in a case where there is no spouse.

REIMBURSEMENT OF CERTAIN TRAVELLING EXPENSES

- (1) (a) When a member of the Legislative Council or of the Legislative Assembly travels by taxi from Sydney Airport to the city for the purpose of attending a sitting of the House of Parliament or any Joint, Select or Standing Committee or the Public Accounts Committee, of which she or he is a member, the member shall be entitled to be reimbursed the actual cost of the taxi fare incurred for the journey between Sydney Airport and the city. The member shall also be entitled to be reimbursed the actual cost of the taxi fare incurred for the return journey between the city and Sydney Airport from such a sitting.
- (b) A member of the Legislative Council or of the Legislative Assembly shall be entitled to be reimbursed the actual cost of the fare incurred on up to twenty five taxi journeys per annum when travelling in the course of other parliamentary business between Sydney Airport and the city.

- (2) Where the residence of a member of the Legislative Council is more than 25 kilometres from the airport or the closest practicable railway station from which the member is to commence a flight or train journey to Sydney for the purpose of attending a sitting of the Council or of a Select, Joint or Standing committee of which she or he is a member, and travels by private motor vehicle to such airport or railway station, the member shall be paid an amount equivalent to 49 cents per kilometre for the distance driven in excess of 25 kilometres on each single journey between the member's place of residence and such airport or railway station. A separate allowance, calculated on the same basis, shall be payable in respect of the return journey.

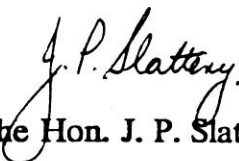
This allowance is also payable in respect of other journeys between the member's residence and Sydney on parliamentary business, but excluding party business, provided that, in the case of air travel, the fare is payable by the Government under the air travel entitlement provisions for journeys between the member's residence and Sydney.

These allowances are payable upon the following conditions:-

- (i) that the member satisfies the President of the Legislative Council as to the existence of the circumstances mentioned above; and
- (ii) that the member certifies to the President as to the distance driven by her or him to reach the airport or railway station and return home therefrom.

Dated this 26th day of May, 1993.

THE PARLIAMENTARY REMUNERATION TRIBUNAL


(The Hon. J. P. Slattery)

ELECTORAL DISTRICTSAS DETERMINED IN THE TRIBUNAL'S DETERMINATION OF 29 MAY, 1991
UNDER SECTION 12 OF THE PARLIAMENTARY REMUNERATION ACT
1989Group 1

Ashfield	North Shore
Bligh	Port Jackson
Coogee	Vaucluse
Marrickville	

Group 2

Auburn	Lakemba
Bankstown	Lane Cove
Baulkham Hills	Liverpool
Blacktown	Manly
Cabramatta	Maroubra
Campbelltown	Miranda
Canterbury	Moorebank
Cronulla	Mount Druitt
Davidson	Northcott
Drummoyne	Parramatta
East Hills	Penrith
Eastwood	Pittwater
Ermington	Riverstone
Fairfield	Rockdale
Georges River	Smithfield
Gladesville	St Marys
Gordon	Strathfield
Granville	Sutherland
Heffron	The Hills
Hurstville	Wakehurst
Kogarah	Willoughby
Ku-ring-gai	

Group 3

Badgerys Creek	Londonderry
Blue Mountains	Newcastle
Bulli	Peats
Camden	Swansea
Charlestown	The Entrance
Gosford	Wallsend
Illawarra	Waratah
Keira	Wollongong
Kiama	Wyong
Lake Macquarie	

APPENDIX A (CONTINUED)

Group 4

Ballina
Cessnock
Coffs Harbour
Hawkesbury
Lismore
Maitland

Murwillumbah
Myall Lakes
Port Macquarie
Port Stephens
South Coast
Southern Highlands

Group 5

Bathurst
Bega
Orange

Oxley
Tamworth
Wagga

Group 6

Albury
Burrinjuck
Clarence

Dubbo
Monaro
Northern Tablelands

Group 7

Barwon
Lachlan
Murray

Murrumbidgee
Upper Hunter

Special Group

Broken Hill

ELECTORAL DISTRICTS INCLUDED IN EACH CATEGORY
AS DETERMINED IN THE TRIBUNAL'S DETERMINATION OF 29 MAY 1991
UNDER SECTION 12 OF THE PARLIAMENTARY REMUNERATION ACT
1989.

Category 1

Badgerys Creek	Londonderry
Blue Mountains	Newcastle
Bulli	Peats
Camden	Southern Highlands
Charlestown	Swansea
Gosford	The Entrance
Hawkesbury	Wallsend
Illawarra	Waratah
Keira	Wollongong
Kiama	Wyong
Lake Macquarie	

Category 2

Albury	Monaro
Ballina	Murray
Barwon	Murrumbidgee
Bathurst	Murwillumbah
Bega	Myall Lakes
Broken Hill	Northern Tablelands
Burrinjuck	Orange
Cessnock	Oxley
Clarence	Port Macquarie
Coffs Harbour	Port Stephens
Dubbo	South Coast
Lachlan	Tamworth
Lismore	Upper Hunter
Maitland	Wagga Wagga

