

NEW SOUTH WALES

REPORT

and

DETERMINATIONS

under the

PARLIAMENTARY REMUNERATION ACT 1989

29th MAY, 1991



THE PARLIAMENTARY
REMUNERATION TRIBUNAL

The Honourable the Chief Justice
of New South Wales,
Chief Justice's Chambers,
Supreme Court of New South Wales,
SYDNEY. N.S.W. 2000.

29 MAY 1991

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 Determinations on the effect of the redistribution of electoral districts on the additional allowances which should be payable to Members of Parliament.

Yours faithfully,
THE PARLIAMENTARY REMUNERATION TRIBUNAL

A handwritten signature in cursive script that reads 'J. P. Slattery'.

(THE HON. MR. ACTING JUSTICE J.P. SLATTERY)

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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 The Parliamentary Remuneration Act 1989, ("the Act"), which was assented to on 12th December, 1989, repealed the Parliamentary Remuneration Tribunal Act 1975, and reconstituted a Parliamentary Remuneration Tribunal with new functions.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 12 of the Act, the Parliamentary Remuneration Tribunal determines additional allowances to be payable to a member or recognised office holder on matters referred to it by the Minister.
2. Pursuant to Schedule 2 of the Parliamentary Remuneration Act 1989, I, THE HONOURABLE JOHN PATRICK SLATTERY, being an Acting Judge of the Supreme Court of New South Wales was, on 22nd December, 1989, appointed by the Chief Justice of the Supreme Court of New South Wales to be the Parliamentary Remuneration Tribunal.
3. A distribution of electoral districts carried out under and in accordance with the Parliamentary Electorates and Elections Act 1912, was proclaimed on 22nd March 1991.
4. On 8th April 1991 the Premier directed the Tribunal pursuant to section 12 of the Act to inquire into the level and payment of additional allowances to Members of Parliament having regard to the revised electoral districts.

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 effect of the redistribution of electoral districts on the additional allowances which should be paid to Members of Parliament. 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 on 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.

ELECTORAL ALLOWANCES OF MEMBERS OF BOTH HOUSES

8. The history of electoral allowances was set out in paragraphs 9 to 13 of the Tribunal's report of 23rd May, 1980. In paragraph 14 of that report, the Tribunal went on to discuss the various criteria taken into account in the determination of electoral allowances on that occasion, as a result of which the number of different rates of electoral allowance was increased from six to eight. In 1987 the Tribunal maintained the eight rates of electoral allowance.

9. In the present determination, the Tribunal broadly adopts the criteria previously used, although noting that the average enrolment for each electoral district has been set at 37,040 compared with 31,139 in 1987, with a projected average enrolment of 38,004 as at April 1992. The Tribunal has also concluded that the number of different rates of electoral allowances should be maintained. The formula for calculating these electoral allowances has been appropriately changed. A primary concern has been to ensure the correct allocation of electorates in order to recognise the relative disabilities experienced as a result of remoteness, area and other factors which may add to the cost of servicing an electorate. Without creating a multiplicity of rates, it is inevitable that there will be borderline cases where it is arguable that a higher or lower rate should be payable. The Tribunal has reallocated existing electorates after having regard to the new boundaries.

SPECIAL EXPENSES OR "LIVING AWAY FROM HOME" ALLOWANCES

10. The Special Expenses Allowances or "Living Away From Home" Allowances are provided to assist country Members of both Houses of Parliament with the cost of overnight accommodation whilst in Sydney on parliamentary business or in transit to and from Sydney. The Tribunal has been primarily concerned to ensure the correct allocation of electorates to the two existing Categories for the purpose of benefits relating to remote location.

11. The Tribunal is persuaded to move to daily rates of allowance but has placed an upper limit on the number of overnight stays per annum that may be claimed by a Member. However, special provisions have been determined to cover situations where a Member finds that he or she requires additional overnight stays in excess of the upper limit.
12. The Tribunal considers that Members should continue to be given the option of an annual Special Expenses Allowance. The annual Special Expenses Allowance is to be calculated by multiplying the daily rate of allowance by the upper limit on the number of overnight stays per annum that may be claimed by the Member.
13. An election is to be made by the Member, when elected to Parliament, to be paid either a daily or annual allowance once only during the life of a Parliament.

CHARTER TRAVEL

14. Provision for the reimbursement of the cost of chartering transport (primarily air transport) was introduced with effect from 1st January, 1982, on a trial basis. It originally applied only to the electoral district of Broken Hill and those electoral districts in the then Group 7. It has proven invaluable in enabling Members for the largest electorates to fulfil their responsibilities and there have been many submissions over the years for its extension to further electorates. A charter allowance was extended to the then largest Group 6 electorate (Northern Tablelands) as from 1st January, 1984.

15. In 1987 the Tribunal noted the particularly awkward, often elongated shapes of many country electorates following the distribution and the consequent difficulty in servicing them. It therefore decided to extend charter allowances to Members for the then Group 6 electorates, in addition to the then Group 7 electorates and the Broken Hill electorate.

16. In the light of the increasing cost of charter travel, higher allowances have now been provided. The Tribunal notes that the provision made is still less favourable than that prescribed for Members of the Commonwealth Parliament.

GENERAL

17. The Tribunal does not propose to make any variation to any of the other additional allowances which may form part of the remuneration of a Member of the Parliament.

PARLIAMENTARY REMUNERATION ACT 1989DETERMINATIONS PURSUANT TO SECTION 12 OF THE ACT

For the reasons set forth in the above Report, the Parliamentary Remuneration Tribunal hereby determines that the additional allowances payable to Members of Parliament with effect on and from the day of the poll for the general election on 25th May 1991, shall be at the rates payable immediately prior to that date except as set forth hereunder.

In lieu of the amounts payable on the day prior to the taking of the poll for the general election on 25th May 1991, for each of the purposes indicated below, and not in addition thereto, the following additional allowances shall be payable:-

ELECTORAL ALLOWANCES

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	\$21,600
Group 2	\$25,800
Group 3	\$30,200
Group 4	\$35,600
Group 5	\$38,800
Group 6	\$41,300
Group 7	\$45,200
Broken Hill	\$53,000

The electoral allowance payable to each Member of the Legislative Council shall be \$30,200 per annum.

The Electoral districts included in each group shall be as follows:-

Group 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	

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 Wagga

Group 6

Albury
 Burrinjuck
 Clarence

Dubbo
 Monaro
 Northern Tablelands

Group 7

Barwon
 Lachlan
 Murray

Murrumbidgee
 Upper Hunter

Special Group

Broken Hill

SPECIAL EXPENSES ALLOWANCES

Special Expenses Allowances or "Living Away From Home" 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.

The Member may elect, when elected to Parliament, to be paid either a daily or annual Special Expenses Allowance for the life of a Parliament.

A Special Expenses Allowance or "Living Away From Home" Allowance shall be payable to country Members for the cost of overnight accommodation whilst in Sydney on Parliamentary business or while 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.

SPECIAL EXPENSES ALLOWANCE - DAILY ALLOWANCE

The daily Special Expenses Allowance or "Living Away From Home" 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.	\$130.00	\$100.00
The Leader of the Opposition in the Legislative Council, resident in Category 1 or Category 2.	\$130.00	\$100.00
The Leader of the Opposition in the the Legislative Assembly, resident in Category 1 or Category 2.	\$130.00	\$100.00
Speaker of the Legislative Assembly, resident in Category 1 or Category 2.	\$130.00	\$100.00

SPECIAL EXPENSES ALLOWANCE - DAILY ALLOWANCE (CONTINUED)

	<u>Sydney</u>	<u>In Transit To and From Sydney</u>
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.	\$130.00	\$100.00
Chairman of Committees in the Legislative Assembly, resident in Category 1 or Category 2.	\$130.00	\$100.00
Member of the Legislative Council and Member of the Legislative Assembly resident in Category 1 or Category 2.	\$130.00	\$100.00

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

	<u>Overnight Stays 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(50)
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)

MAXIMUM NUMBER OF OVERNIGHT STAYS PER ANNUM (CONTINUED)Overnight Stays
Per Annum

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 \$130.00 for each overnight stay in Sydney and \$100.00 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 or "Living Away From Home" Allowances per overnight stay are as follows:

(1) \$18,200 per annum to:-

- (i) 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;
- (ii) 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;
- (iii) the Leader of the Opposition in the Legislative Council whose usual place of residence is situated in an electoral district specified in Category 1 or Category 2;
- (iv) the Speaker of the Legislative Assembly, being the Member for an electoral district specified in Category 1 or Category 2;
- (v) the Leader of the Opposition in the Legislative Assembly, being the Member for an electoral district specified in Category 1 or Category 2;

(vi) 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 specified in the Second Schedule to the Constitution Act 1902, being the Member for an electoral district specified in Category 1 or Category 2;

(2) \$15,600 per annum to:-

- (i) the Chairman of Committees in the Legislative Assembly, being the Member for an electoral district specified in Category 1 or Category 2;
- (ii) 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) \$11,700 per annum to each Member of the Legislative Council whose usual place of residence is situated in an electoral division 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) above.

The electoral districts included in each category for the purpose of determining the entitlement of Members to Special Expenses Allowances shall be as follows:-

Category 1

Badgerys Creek
 Blue Mountains
 Bulli
 Camden
 Charlestown
 Gosford
 Hawkesbury
 Illawarra
 Keira
 Kiama
 Lake Macquarie

Londonderry
 Newcastle
 Peats
 Southern Highlands
 Swansea
 The Entrance
 Wallsend
 Waratah
 Wollongong
 Wyong

Category 2

Albury
 Ballina
 Barwon
 Bathurst
 Bega
 Broken Hill
 Burrinjuck
 Cessnock
 Clarence
 Coffs Harbour
 Dubbo
 Lachlan
 Lismore
 Maitland

Monaro
 Murray
 Murrumbidgee
 Murwillumbah
 Myall Lakes
 Northern Tablelands
 Orange
 Oxley
 Port Macquarie
 Port Stephens
 South Coast
 Tamworth
 Upper Hunter
 Wagga Wagga

Provided, however, that with effect on and from the day of the taking of the poll for the general election on 25th May 1991:-

- (a) A Member of the Legislative Council or the Legislative Assembly who is not entitled to a special expenses allowance under the above provisions but who was entitled to and was in receipt of such an allowance prior to the general election, and who has

not changed his/her place of residence, shall continue to receive a special expenses allowance as though the electorates specified in Category 1 and Category 2 were unchanged.

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.

- (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 Members for the Electoral Districts of Barwon, Lachlan, Murray, Murrumbidgee, and Upper Hunter shall each be reimbursed to a maximum amount of \$8,716 per annum for charter transport.
- (3) The Members for the Electoral Districts of Albury, Burrinjuck, Clarence, Dubbo, Monaro and Northern Tablelands shall 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.

Dated this 29th day of May, 1991.

THE PARLIAMENTARY REMUNERATION TRIBUNAL

A handwritten signature in cursive script, reading "J.P. Slattery". The signature is written in black ink and is positioned centrally below the tribunal's name.

(THE HON. MR. ACTING JUSTICE J.P. SLATTERY)

