

NEW SOUTH WALES

R E P O R T

and

D E T E R M I N A T I O N S

under the

PARLIAMENTARY REMUNERATION ACT 1989

30th 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.

30 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 to be effective for the year commencing on 1st July, 1991.

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 The Parliamentary Remuneration Act 1989 ("the Act"), which was assented to on 12th December, 1989, repealed the Parliamentary Remuneration Tribunal Act 1975, and reconstituted a Parliamentary Remuneration Tribunal with new functions.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 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, 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. 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 1st 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 recognised the increasing costs incurred by Members in servicing their electorates. The increased rates of allowance reflect, in particular, the effect of the electoral redistribution.

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 29th 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 Determination substantially increased the amounts of the Special Expenses Allowances. The Special Expenses Allowances should be sufficient to permit the acquisition of rented accommodation.



COMMITTEE ALLOWANCES

12. The allowances fixed for Chairmen of Joint or Select Committees and for members of the Public Accounts Committee have been increased by approximately 5 per cent.
13. It was submitted that the Tribunal should accord all Members of Joint, Select or Standing Committees an annual fee. The Tribunal, however, considers that committee work is part of the normal work of a Member of Parliament and that an annual meeting fee is not appropriate. In this regard, attention is invited to the Tribunal's advice to Members concerning Committee allowances which was set out in paragraph 17 of its Report under section 13(1) of the Parliamentary Remuneration Act 1989 dated 26th October 1990.

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

14. These have been increased to reflect the relevant change in the level of expenses covered by the allowances.

CHARTER TRAVEL

15. A survey conducted during the current review revealed that charter costs continue to rise. The quantum of the charter allowance has been increased by 8 per cent, on the basis of a survey of actual charter costs.

REIMBURSEMENT OF CERTAIN TRAVELLING EXPENSES

16. 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 has increased the car allowance.
17. Submissions were received proposing that country Members of the Legislative Assembly should also be paid a car allowance. The Tribunal has, however, had regard to such car usage in the electoral allowances for Members of the Legislative Assembly and for this reason no change has been made.

PARLIAMENTARY REMUNERATION ACT 1989DETERMINATIONS 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 determinations of the additional allowances which should be paid on and from 1st July, 1991, 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

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

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

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
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</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(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)
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 district specified in Category 1 and to each Member of the Legislative Assembly for an electoral district specified in Category 1.

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

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

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.

- (a) Each accounting year for the purposes of the reimbursement of expenses for charter transport shall commence on 1 July; and
- (b) (i) The Member for the Electoral District of Broken Hill shall be reimbursed to a maximum amount of \$16,092 per annum for charter transport.
- (ii) 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.

- (iii) 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 \$92.40 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 \$2,100 per annum.

TRAVELLING ALLOWANCES FOR THE PREMIER, MINISTERS OF THE CROWN,  
OTHER RECOGNISED OFFICE HOLDERS AND COMMITTEE MEMBERS

(a) 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	\$293.00	\$160.00	\$73.00
Ministers	\$236.00	\$134.00	\$60.00
President of the Legislative Council and Speaker of the Legislative Assembly ) )			
The Leader of the Opposition) in the Legislative Council ) )			
Leader and Deputy Leader of ) the Opposition in the ) Legislative Assembly )	\$236.00	\$134.00	\$60.00
Leader and Deputy Leader of ) a Recognised Political ) Party of which not less ) than ten members are ) Members of the Legislative ) Assembly ) )			
Chairmen of Select, Joint, ) Standing and Public ) Accounts Committees )			
Members of Select, Joint, Standing and Public Accounts Committees	\$177.00	\$111.00	\$43.00

- (b) 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".
  
- (c) 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.
  
- (d) A Minister, whose spouse accompanies him/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/she is entitled under paragraph (a) 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 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 he/she 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 him to reach the airport or railway station and return home therefrom.

Dated this 30th day of May, 1991.

THE PARLIAMENTARY REMUNERATION TRIBUNAL

A handwritten signature in cursive script, appearing to read 'J.P. Slattery'.

(The Hon. Mr. Acting Justice J.P. Slattery)



ELECTORAL DISTRICTS AS DETERMINED  
IN THE TRIBUNAL'S DETERMINATION  
OF 29th MAY, 1991 UNDER  
SECTION 12 OF THE  
PARLIAMENTARY REMUNERATION ACT 1989

## 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	

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  
Tammworth  
Wagga 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 29th MAY, 1991 UNDER SECTION 12 OF THE  
PARLIAMENTARY REMUNERATION ACT 1989

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

