

**ANNUAL REPORT AND DETERMINATION OF ADDITIONAL
ENTITLEMENTS FOR MEMBERS OF THE PARLIAMENT OF
NEW SOUTH WALES**

by the

PARLIAMENTARY REMUNERATION TRIBUNAL

pursuant to the

Parliamentary Remuneration Act 1989

29 May 2009

Parliamentary Remuneration Act 1989

Report Pursuant to Section 13(1) of the Act

Introduction

Section 11 of the Parliamentary Remuneration Act 1989 (“the Act”) prescribes that the Parliamentary Remuneration Tribunal (“the Tribunal”) shall make an annual Determination as to the additional entitlements for Members and Recognised Office Holders (as defined under the Act) on or before 1 June in each year or on such later date as the President of the Industrial Relations Commission of New South Wales determines.

Section 13(1) of the Act requires that the Tribunal makes a report to the President of the Industrial Relations Commission of New South Wales for each Determination made by the Tribunal. The President is then required, as soon as practicable after receipt of the report, to forward it to the Minister (see section 13(2)).

As is the usual practice of the Tribunal, letters were sent to all Members and the Presiding Officers inviting them to raise with the Tribunal matters they wished to have considered as part of the review. The Tribunal received submissions from the major political parties, individual Members and the Presiding Officers.

Part One of this Report will outline general matters raised as part of the annual review and those issues that, in the Tribunal’s view, merit further consideration and/or comment. Consistent with the usual practice, the Tribunal has made changes that are considered minor or of an administrative nature to the Determination without the need for detailed separate reasons being provided. Part Two provides a general summary of the Determination.

Part one

1. General Matters Raised

Electoral Allowance

The Tribunal has received a number of submissions seeking an adjustment in the quantum of the Electoral Allowance in line with the Consumer Price Index (CPI). For a number of years the Tribunal has increased the Electoral Allowance in line with the annual CPI. For this review the Tribunal has adopted its usual approach and increased the electoral allowance by 2.5 per cent which was the CPI increase between March 2008 and March 2009.

The Tribunal also received one submission seeking to have the unspent portion of the Electoral Allowance not fully expended returned to the Consolidated Fund rather than being retained by Members. In respect of the Electoral Allowance the Tribunal's sole function is to determine the quantum of the allowance. Any changes to the Electoral Allowance beyond its quantum can only be made by way of legislative amendment. The Tribunal has previously addressed the treatment of the unspent portion of this Allowance in its 2007 and 2008 Annual Reports. No further comment is necessary as part of this review.

Electorate Groupings

Many of the additional entitlements determined by the Tribunal are based on electoral groupings. The Tribunal groups electorates for allowance purposes by using a range of factors including electorate size, distance from Sydney, transport links and the number of urban centres in the electorate. The Tribunal has received submissions from Members seeking recategorisation of the particular electorates as the current groupings appear anomalous.

Specific submissions include:

- The Member for the Northern Tablelands has sought recategorisation from electorate Group 5 to Group 6

- The Member for Kiama has sought recategorisation from electorate Group 2 to Group 3
- The Member for Londonderry has suggested that a new category be created to include outer metropolitan electorates with an area of greater than 200 km square.

The Tribunal undertook a review of the electorate groupings for the purpose of the Electoral Allowance in 2006. That review took into account changes in the size and nature of electorates following the 2004 electoral redistribution and made changes to the Electoral Allowance groupings accordingly. The Tribunal has had regard to the submissions received and finds that a further adjustment in the electoral groupings is warranted.

The electorate of Northern Tablelands increased in size by 45% following the 2004 redistribution of electorates. This electorate is the largest in area of those electorates classified in electoral group 5 and larger than the two electorates currently classified in electoral group 6. Also the electorate of Northern Tablelands is a comparable distance from Sydney as those electorates currently classified in electoral group 6. On this basis the Tribunal considers that the electorate of Northern Tablelands is more appropriately categorised in electoral group 6 for the purpose of receiving allowances and has determined so.

The Tribunal notes that redistribution increased the size of the electorate of Kiama by 71%. This resulted in the nature of electorate changing from being predominantly an urbanised coastal electorate to being one with substantial tracks of rural and farming land. This feature is common with group 3 electorates. Electorates in group 3 are predominantly a mix of urban centres and villages with large rural areas in contrast to electorates in electoral grouping 2 which are characterised as being predominantly urban in nature. On that basis the Tribunal finds that the electorate of Kiama is more appropriately grouped with those electorates in electoral grouping 3.

The Tribunal has also considered the proposal to introduce a new category to include outer metropolitan electorates with an area of greater than 200 km square. While the Tribunal has had regard to this proposal it does not intend to introduce further categories at this stage or to differentiate electorates within the greater metropolitan Sydney area.

In respect of the Sydney Allowance, the Tribunal has received a submission seeking to categorise the electorates of Camden, Hornsby, Londonderry and Mulgoa into Zone 1 for the purpose of receiving the Sydney Allowance. One submission suggested that the Sydney Allowance could be provided to these electorate as a daily rate only in recognition of the reduced need to stay overnight given their relative proximity to Parliament.

The Tribunal has previously addressed the categorisation of these electorates in respect of the Sydney Allowance in the 2006 and 2007 annual reports and finds that the reasons for excluding these electorates from the Sydney Allowance Groupings remain valid. As previously stated the Tribunal does not at this time intend to differentiate electorates within the greater metropolitan Sydney area for the purpose of providing allowances.

Electorates will next be reviewed by the NSW Electoral Commission in 2011 and will come into effect at the time of the State general election in 2015. The Tribunal does not anticipate making any further changes to the electoral grouping until then.

Sydney Allowance

The Tribunal received submissions seeking to increase the quantum of the Sydney Allowance by either the CPI or to levels equivalent to the travel allowances payable to public servants for overnight stays in Sydney.

In 2005 the Tribunal undertook a fundamental review of the Sydney Allowance. In that review the history and purpose of the Allowance was discussed. Since the introduction of the Allowance in 1975 the Tribunal has set the daily rate of the Sydney Allowance at a lower level than the ad hoc capital city travel rate available to public sector employees on the premise that Members would make longer term accommodation arrangements in Sydney.

The Tribunal is aware that Members from non-metropolitan electorates make a variety of arrangements when staying overnight in Sydney on Parliamentary business. For this reason the Tribunal has regard to a number of factors when determining the appropriate quantum

of this allowance, including movements in the CPI and commercial and rental accommodation costs.

Between 2005 and 2008 the Tribunal increased the Sydney Allowance by 33% (from \$180 per night to \$240 per night) in recognition of the considerable increases in accommodation costs in Sydney during that period. Since making the Tribunal's 2008 Report and Determination, the global economic downturn has impacted upon the Sydney property market reducing rental and commercial accommodation costs in parts of Sydney. On this basis the Tribunal finds that any increase greater than the CPI for 2009 is not warranted and determines that the Sydney Allowance be increased to \$246 per day .

The Tribunal has also received submissions from Members requesting payment of the in transit allowance for occasions when Members travel to Sydney on parliamentary business but no overnight stay is required. The Tribunal accepts that some Members, especially those who reside in Category 1 electorates, may travel from home to Sydney and return in one day. Such trips are likely to occur on non sitting days when a Member is undertaking other parliamentary business. On such occasions the Tribunal finds that it is appropriate for Members to claim reasonable actual meal expenses incurred on the journey to and from their usual place of residence and Sydney up to the "in transit" allowance. 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.

The Tribunal has also considered a submission regarding the administration of the Sydney Allowance and in particular the inflexibility associated with the level of proof to be presented by Members to confirm the overnight stay. The Tribunal considers the existing conditions provide sufficient administrative flexibility in regard to the certification of attendance in Sydney on parliamentary business.

The Tribunal is aware of recent reports concerning the use of the living away from home allowances in other jurisdictions. The Tribunal reiterates that the purpose of the living away from home allowance, such as the Sydney Allowance, is to compensate Members who reside in non metropolitan electorates for the additional costs incurred in coming to and staying in Sydney for parliamentary business. The amount of time that Members have to spend in Sydney each year on Parliamentary business requires that they make long term

accommodation arrangements. These arrangements are a matter for each individual Member. The Tribunal is however prepared to further review this allowance as part of the 2010 annual review and will write to Members appropriately.

Logistic Support Allocation

The Tribunal has received a number of submissions that seek an adjustment in the quantum of the Logistic Support Allocation in line with the Consumer Price Index (CPI). The Tribunal has reviewed the Logistic Support Allocation in accordance with its usual approach and provided an increase of 2.5 per cent.

The Tribunal has also considered a request from the Presiding Officers to clarify the use of the LSA in respect of whether or not Members may use their LSA to purchase promotional products for constituents. These items may include fridge magnets, notepads, shopping lists, key rings and pens.

The Tribunal does not consider that promotional material, such as that described, should be funded from a Member's Logistic Support Allocation. The provision of such items is inconsistent with the guidelines and general conditions regarding additional entitlements for Members.

The Presiding Officers have also requested that the Tribunal transfer responsibility for providing portable electronic communication devices (laptops, blackberries) from the Parliament to the Member to be purchased with their LSA. Under the existing arrangements these items are provided out of the Parliament's operational budget. In this respect the Parliament is restricted to providing a standard issue of equipment to Members. Since the entitlement was originally determined by the Tribunal in 2000 there have been significant advances in technology. Currently Members are required to purchase non standard equipment from their existing LSA.

To ensure that Members have the flexibility to access equipment best suited to meet their individual communication needs the Tribunal considers it more appropriate for Members to purchase these items from their LSA. The Tribunal has reviewed the quantum of the LSA and finds that the existing entitlement is sufficient to cover the costs of procuring electronic

communication devices. The purchase of such items is to be in accordance with the Parliament's procurement policies and administrative guidelines.

Electorate Charter Transport

The Tribunal has received submissions requesting that the Members of the electorates of Barwon and Murray Darling be reimbursed for the cost of using their own aircraft for travel within their electorates.

Members from the largest electorates (electorate groups 5 to 7) are reimbursed for the cost of using charter transport services within their electorates. This includes the use of charter aircraft, drive yourself vehicles and any other mode of charter transport that may be deemed appropriate. This Allowance shall only be used in connection with parliamentary duties within the Member's electorate and cannot be used during election campaigns or for other electioneering or party political activities.

The electorate of Murray Darling is the largest in NSW covering an area of 250,475 sq km which is equivalent to 31% of the State of NSW. The electorate of Barwon is the second largest in NSW with an area of 221,768 sq km or 28% of the State. The Members of these electorates are eligible to be reimbursed up to \$21,080 per annum for charter transport costs. Given the size of these electorates Members are required to travel vast distances to visit constituents in remote communities.

The Tribunal has been advised that it is more practical for Members to service these electorates by air rather than by motor vehicle, however they are restricted in their ability to charter aircraft because of costs and limited services. Under the existing arrangements, Members are only reimbursed costs associated with using commercial charter services and not costs associated with using their own aircraft or motor vehicle.

To enable Members to adequately service their electorate and to provide greater flexibility the Determination will be amended to enable the Member for the Electorate of Murray Darling and the Member for the Electorate of Barwon to seek reimbursement for the use of their own aircraft where applicable. This entitlement does not extend to the reimbursement of costs associated with other private means of transport such as a private motor vehicle.

These Members may seek reimbursement for the cost of fuel used in the Member's private aircraft for travel within the Member's Electorate on parliamentary business.

Administration of Entitlements

During 2008 the Parliament engaged the Internal Audit Bureau to conduct a review of the Management of Members' entitlements. In response to that review the Parliament will introduce measures to improve accountability by providing Members with the ability to manage their own entitlements: introducing risk management practices; and centralising services that support Members and the business or corporate services functions.

The Tribunal welcomes the Parliament's initiatives to simplify and streamline the existing administrative practices and procedures to reduce the administrative burden for Members and the Parliament's administrative staff whilst complying with the Tribunal's determination, the relevant legislation and NSW Audit Office requirements.

Motor Vehicles

Members have again raised with the Tribunal the matter of being provided with motor vehicles. The Tribunal has addressed this matter on a number of occasions, most recently in the 2007 Annual Report. The Tribunal continues to support the provision of motor vehicles to Members but notes that legislative amendments would be required for this to occur.

The provision of motor vehicles to Members in NSW would be consistent with the provision of entitlements to Members in other jurisdiction, including the Commonwealth jurisdiction, where Members are provided with private plated motor vehicles for undertaking parliamentary business. There would be no additional costs associated with providing motor vehicles to Members in NSW as costs would be offset by a reduction in existing allowances.

In order for this matter to progress it would be necessary for the Parliament to remove any legislative impediment to Members being able to access vehicles from State contract on similar terms and conditions available to the public sector generally. Once the legislative aspects have been finalised the Tribunal would be prepared to undertake a special reference on this matter.

Redundancy benefit for Members not eligible to receive pension or superannuation benefits

The Tribunal has been asked to consider providing a resettlement allowance to Members who “retire involuntarily” from Parliament. The Tribunal was asked to have regard to the Commonwealth Remuneration Tribunal’s determination which provides eligible former Federal Parliamentarians with a Resettlement Allowance equal to 12 weeks of the basic parliamentary salary.

In accordance with the Commonwealth Remuneration Tribunal’s determination Senators and Members eligible for the Resettlement Allowance are those who have joined the Parliament since November 2001 and are not able to access pension or superannuation benefits (relating to their service in the Parliament) immediately upon ceasing to be a Member of Parliament. Eligible Members must also have retired involuntarily through electing not to stand for re-election following loss of party endorsement, for reasons other than misconduct, or through defeat at an election.

The Act provides for the Tribunal to make determinations for additional entitlement for Members and Recognised Office Holders. The Act does not provide the Tribunal with authority to make determinations applicable to former Members. Without expressing a view on the merits of a “resettlement” type allowance for Members, the Act would need to be amended to allow the Tribunal to make a determination on this matter.

2. Other Entitlements

Committee Allowance

The purpose of this Allowance is to remunerate Members serving as Chairpersons on Committees for the extra time and effort required to carry out their committee roles. In previous Determinations this allowance has been increased in line with Members’ salary increases.

There has been no increase in Members’ salaries since 1 July 2007. Therefore, consistent with the Tribunal’s usual approach no further increase in Committee Allowances is warranted.

Electorate Mail-out Account (EMA)

The EMA has been adjusted to reflect enrolment statistics as of March 2009 and these are outlined in Schedule 4 of the Determination.

Travelling Allowances for Recognised Office Holders

The Tribunal's Determination is based on those rates provided to New South Wales Public Servants and those deemed "reasonable" by the Australian Taxation Office (ATO). In both the New South Wales Public Sector and ATO guidelines, travel allowances are differentiated on the basis of destination and salary level of officer. These rates have been adjusted to reflect those rates applicable at the time of publication.

Part two

Summary of 2009 Determination

Electoral Allowance	2.5 per cent increase
Sydney Allowance	2.5 per cent increase
Logistic Support Allocation	2.5 per cent increase
Electorate Mailout Account	No increase
Committee Allowance	No increase
Electorate Charter Allowance	No increase
Travel Allowances	Adjusted to reflect public sector rates.

Dated this 29th day of May 2009

The Honourable Justice C G Staff

THE PARLIAMENTARY REMUNERATION TRIBUNAL

The Determination of the Parliamentary Remuneration Tribunal

The Determination

Pursuant to section 10(2) and 11(1) of the Parliamentary Remuneration Act 1989 (“the Act”), the Tribunal makes the Determination appearing hereunder.

With effect on and from 1 July 2009, 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 2009.

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.

“Parliamentary duties” has the meaning attributed to it by section 3 of the Act,

“Electoral groups” are the groups of electorates specified in Schedule 1.

For the purpose of the Logistic Support Allocation for Members of the Legislative Council, “Zones” shall be those areas described in Schedule 2A.

“Approved relative” is a person who meets one of the following criteria:

- Wife or husband of the Member
- A person living in a domestic relationship as defined in the Property Partner (Relationships) Act 1984
- Single or widowed Members may nominate a Member of their immediate family (parents, siblings, children who are not minors i.e. below 16 years of age) as an approved relative.

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.

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

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.
 - 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 as well as activities outside Australia organised by the Commonwealth Parliamentary Association provided such activities arise directly from Membership of the New South Wales Branch and officially endorsed by the Branch (exclusive of air travel).

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 *Parliamentary 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, and

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

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:

- 3.1 Some intermingling of a Member's Parliamentary duties and private activities is, in practical terms, not always easily avoided, but the onus is always on the Member to show that any expenditure or any claim for reimbursement relates to Parliamentary duties, or to the Parliamentary duties component of costs incurred for intermingled Parliamentary duties and private purposes.
- 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. Conditions

The following general conditions will apply to all additional entitlements determined hereunder. These conditions are in addition to any special conditions attaching to the provision of allowances or other benefits (as specified later in this Determination):

- 1 All procurement by Members will be in accordance with the Parliament's purchasing policies.
- 2 Members must ensure that they have sufficient funds to meet the costs associated with their Parliamentary duties.
- 3 Each Member shall have, in addition to payments of the Electoral and Sydney Allowance, an account entitled the "Logistic Support Allocation" which shall cover expenditure in the areas of transport (except for electorate to Sydney travel), communications, printing, stationery and office supplies and other purposes related to a Member's Parliamentary duties not specifically excluded by the Parliamentary Remuneration Tribunal, the Parliament's administration or taxation ruling TR99/10.

- 4 The Logistic Support Allocation shall be established and maintained by the Executive Manager, Department of Parliamentary Services. Members should be advised by the Department of Parliamentary Services each month as to the balance of their Logistic Support Allocation.
- 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 Logistic Support Allocation.
- 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 All Members' additional entitlements in the nature of fixed allocations and Sydney allowance provided to Members shall be audited annually for compliance. In addition to any internal audit conducted by the Parliament, Members' additional entitlements in the nature of fixed allocations and the Sydney allowance provided to Members shall be the subject of an external audit conducted by the Auditor-General of NSW. The cost of any audit shall be met by the Parliament. Members should ensure they maintain appropriate records of expenditure for the purpose of any audit.
- 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, as well as the Logistic Support Allocation 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 relative and/or staff employed by the Parliament when that expenditure is in connection with official Parliamentary duties.
- 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.
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Additional Entitlements in the Nature of Allowances

1. Electoral Allowance

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.

Entitlement

The allowances shall be paid as follows:

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 for the electorate of the Member.

2 The allowance payable per annum for each electorate group shall be as follows:

Electorate Group	Electoral Allowance
Group 1	\$39,950
Group 2	\$46,785
Group 3	\$55,140
Group 4	\$60,195
Group 5	\$64,030
Group 6	\$70,190
Group 7	\$82,095

3 The electoral allowance for each Member of the Legislative Council shall be \$46,785 per annum.

4 The allowance shall be payable calendar monthly in arrears in conjunction with salary payments.

2. 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.

For the purpose of this Allowance the non-metropolitan electorates (Electorate Groups 2-8) have been divided into two categories based on distance from Sydney. Members whose principal place of residence is in either Category 1 or Category 2 electorates, as specified in Schedule 2, are eligible to receive the Sydney Allowance.

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 Categories 1 and 2 shall be in accordance with Table 1 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.

TABLE 1

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.	Category 1 or 2	180	\$246	Actual reasonable expenses for meals and incidentals up to a maximum of \$77.55 per day
Deputy Speaker, Chairman of Committees (Assembly and Council), Whip and Deputy Whip (Assembly and Council), Parliamentary Secretary. Deputy Leader of Third Party in Assembly with not less than 10 Members.	Category 1 or 2	140	\$246	As above
Chairs of Standing/Select Committees	Category 1 or 2	140	\$246	As above
Legislative Council Members	Category 2	135	\$246	As above
	Category 1	105	\$246	As above
Legislative Assembly Members	Category 2	135	\$246	As above
	Category 1	105	\$246	As above

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 Financial Controller of the Legislature will calculate the annual entitlement by multiplying the number of overnight stays for the particular Member or Recognised Office Holder by the daily rate.
- 3 In order to receive the Allowance each Member must certify to the Executive Manager, Department of Parliamentary Services their principal place of residence.

- 4 Where a Member chooses to receive the daily rate of allowance the Member shall receive the overnight daily rate as specified in Table 1. The Member is entitled to the number of overnight stays per annum specified in Table 1 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 1 above. 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.
- 7 When in receipt of the annual allowance Members are required to certify 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 1.
- 8 Members are required to maintain records or other relevant proof that clearly document the occasions they stayed in Sydney in connection with their Parliamentary duties. Subject to the proviso below, Members attending Parliament House on Parliamentary business when Parliament is not sitting are required to sign in and out of the Parliamentary Register as proof of being in Sydney. On those occasions where Members are in Sydney on parliamentary business but are not required to attend Parliament House e.g., attending a function, then the Member must provide sufficient proof to the Executive Manager to substantiate each such occasion. Provided, however, it will be sufficient for Members to provide entries

from their diaries, or other forms of documentary proof, acceptable to the Executive Manager to certify as proof of their attendance in Sydney.

- 9 Members in receipt of the annual amount will be required to return to Parliament the unspent portion of the Allowance. Such repayments must be made by 30 September each year or within 30 days of ceasing to be a Member.
- 10 Members are not to claim the Sydney Allowance if they stay in Government owned or funded accommodation including Parliament House.

3. 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 its role in Government activities, an annual rate of allowance is payable to Members of the Public Accounts Committee.

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 \$170.00 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 *Parliamentary Remuneration Act 1989*.

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 Parliamentary Remuneration Act 1989, shall each receive a committee allowance of \$3,910 per annum.

Additional Entitlements In The Nature Of Fixed Allocations

1. Electorate to Sydney Travel

Purpose and Operation of the Provisions

Members of the Legislative Assembly who reside in electorate groups 2 to 7 and Members of the Legislative Council who reside in zones 2 or 3 qualify for return air travel warrants between their electorates/zones and Sydney.

These entitlements are provided for the performance of Parliamentary duties.

All eligible Members shall receive one hundred and four (104) single economy class journeys per annum between electorate/zone and Sydney.

Where eligible, each of the below mentioned recognised office holders shall be entitled to the following additional electorate to Sydney travel entitlements per annum.

Entitlements

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
Chairman of Committees Legislative Assembly and 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

- 1 All electorate to Sydney travel and return is restricted to economy class.
- 2 Entitlements may be used to meet the cost of using a private motor vehicle or rental vehicle in lieu of electorate to Sydney air travel. The amount to be reimbursed for this purpose is not to exceed the commercial airfare for an equivalent distance flight.
- 3 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.
- 4 Entitlements are not transferable between Members, or approved relatives, or Members' staff.
- 5 Members may use electorate to Sydney entitlements to defray part of the cost of intrastate and interstate Parliamentary travel when such travel is via Sydney.
- 6 Members may charter a plane in lieu of travelling on commercial flights provided that travel is for electorate and/or Parliamentary business and that sufficient entitlements based on the equivalent commercial cost of each person travelling are surrendered. The cost of Member's approved relative travelling on the charter is to be met from the Member's Logistic Support Allocation. 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.
- 7 A Member's air transport booking for Parliamentary duties and that of their spouse/approved relative and staff are to be made by the Member with an appropriate transport provider.
- 8 Members will need to maintain records or other relevant evidence that clearly document the occasions they travelled to Sydney in connection with their Parliamentary duties. A copy of this documentation including airline boarding passes if travelling by commercial air is to be retained for subsequent review by internal and/or external auditors if required.

2. Logistic Support Allocation

Purpose and Operation of the Provision

The purpose of the Logistic Support Allocation is to provide Members with sufficient funds to cover the operational costs of undertaking their Parliamentary duties.

The items in respect of which the LSA may be used must not duplicate services already provided to Members by the Parliament and the expenditure must be consistent with the Determination and in accordance with General Condition 3 on page 17 of this Determination.

Entitlement

Each Member and Recognised Office Holder of the Legislative Assembly who resides in one of the following electorate groups will be entitled to an annual allocation for the Logistic Support Allocation as follows:

Electorate Group	LSA
Group 1	\$31,380
Group 2	\$35,110
Group 3	\$37,560
Group 4	\$37,560
Group 5	\$37,560
Group 6	\$40,005
Group 7	\$40,005

Each Member and Recognised Office Holder of the Legislative Council who resides in one of the following zones will be entitled to an annual allocation for the Logistic Support Allocation as follows:

Zone	Entitlement
Zone 1 Electorates	\$21,285
Zone 2 Electorates	\$21,920
Zone 3 Electorates	\$32,470

Recognised Office Holders are entitled to further additional entitlements as specified in Schedule 3

General Conditions

The following general conditions shall apply to the Logistic Support Allocation Account:

- 1 The Department of Parliamentary Services shall be available to assist Members in self-assessing that use of their LSA is consistent with this Determination. Assistance provided shall be in the form of an advisory service and will include the provision of information and guidelines that have regard to taxation, accounting and funding implications. This advice shall not abrogate Members from their responsibilities under General Guidelines 3.1 on page 17 and other provisions of this Determination.
- 2 Subject to these conditions, each Member shall determine at his/her own discretion the use of the funds within this Account for the purpose and operations specified above.
- 3 It is the primary responsibility of Members to ensure that they manage their Logistic Support Allocation Account to ensure that they do not over-expend their budget. The Tribunal will not provide for supplementation of this Allocation. However, the Logistic Support Allocation is not intended to restrict the proper use of the Electoral Allowance.
- 4 Members may not use their Logistic Support Allocation to procure goods or services to be used for direct electioneering purposes or political campaigning.
- 5 Any unused Logistic Support Allocation remaining in the Members' account at the end of the financial year within the four year Parliamentary term shall be carried over to the following financial year. At the end of each four year term or the earlier dissolution of the Legislative Assembly, any unused Logistic Support Allocations are forfeited.
- 6 Members must personally authorise expenditure from their Logistic Support Allocation. Whilst subject to both the general and particular conditions, together with the Parliament's administrative guidelines Members may determine at their discretion use of the LSA available for any purpose and operation provided the total allocation is not exceeded. The following table outlines the basis upon which the

Tribunal has established the quantum of the account for future assessment. The table shall also be used for particular purposes such as the calculation of additional entitlements for Recognised Office Holders.

Electorate Group or Zone	Transport	Communication – electronic	Communication – non- electronic	Printing and Stationery, Office Supplies & Services	Total Logistic Support Allowance
Legislative Assembly					
Group 1	\$4,900	\$4,280	\$14,415	\$7,785	\$31,380
Group 2	\$7,350	\$5,560	\$14,415	\$7,785	\$35,110
Group 3	\$9,800	\$5,560	\$14,415	\$7,785	\$37,560
Group 4	\$9,800	\$5,560	\$14,415	\$7,785	\$37,560
Group 5	\$9,800	\$5,560	\$14,415	\$7,785	\$37,560
Group 6	\$12,245	\$5,560	\$14,415	\$7,785	\$40,005
Group 7	\$12,245	\$5,560	\$14,415	\$7,785	\$40,005
Legislative Council					
Zone 1 Electorates	\$4,900	\$4,925	\$3,675	\$7,785	\$21,285
Zone 2 Electorates	\$4,900	\$5,560	\$3,675	\$7,785	\$21,920
Zone 3 Electorates	\$12,245	\$8,765	\$3,675	\$7,785	\$32,470

Particular Conditions

Transport (Other than Electorate or Electorate to Sydney transport)

- 1 A Member may use any form of transport within Australia subject to the requirement that the transport was used for Parliamentary or electorate duties and that the cost was reasonable.
- 2 A Member may travel to any place in Australia, subject to the requirement that all such travel must be for Parliamentary duties and that there must be, at the time of the making of the relevant reservation, sufficient funds in that Member's Account to pay for the expenses involved.
- 3 All transport costs associated with approved relative or Members' staff travel (excluding travel costs associated with staff training) are to be provided from the Logistic Support Allocation Account. Staff training costs are to be met by the Legislature.
- 4 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 Logistic Support Allocation. The reimbursement of these expenses may not exceed the travel allowance rates as determined for Group 2 in Table 2 hereunder. Staff employed by the Parliament who travel with their Member or separately for Parliamentary business purposes may be paid travel allowances in accordance with appropriate Public Service Award conditions.
- 5 A Member and his or her approved relative may travel together or separately in connection with attendance at a function in the course of Parliamentary duties.
- 6 A Member, his or her approved relative and staff employed by the Parliament, may use taxis or hire cars for Parliamentary duties.
- 7 A Member's air transport booking for Parliamentary duties and that of their spouse/approved relative and staff are to be made by the Member with an appropriate transport provider.

- 8 Members should ensure that records are maintained that clearly document the occasions that staff employed by the Parliament stayed 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.
- 9 A Member may use charter transport in connection with Parliamentary duties, but only within the limits of the Member's individual Logistic Support Allocation. No passenger, except the Member's approved relative and staff employed by the Parliament accompanying the Member on Parliamentary duties, may be carried at the cost of the Member's Logistic Support Allocation entitlement. Where more than one Member is travelling on the air charter, the total air charter costs should be shared equally between the Members travelling.
- 10 It is a condition of all air transport charters that the Member responsible for organising the charter obtain a passenger manifest from the charter operator and attach it to the invoice when it is submitted for payment to the Legislature.
- 11 Members together with their approved relative will need to maintain records or other relevant evidence that clearly document the occasions they travelled in connection with their Parliamentary duties. A copy of this documentation including airline boarding passes if travelling by commercial air flights is to be retained for subsequent review by internal and external auditors if required.

Communication – electronic

- 1 The Tribunal accepts that there will be some private usage in connection with mobile telephones supplied by the Parliament and electronic communication equipment installed at public expense in a Member's principal place of residence. To ensure the Legislature does not pay Fringe Benefits Tax for the private usage of electronic equipment, the Financial Controller will undertake a survey over an appropriate period of time to ascertain public/private percentage use of Members' home telecommunication services. Once established, Members will be reimbursed the Parliamentary business cost of each home telecommunication call or usage account

- and an adjustment shall be made to previous accounts reimbursed from the effective date of this Determination on or from the date of election, whichever is the later.
- 2 Members may utilise any telecommunication services or network features with the exception of overseas calls, charged information/service calls, reverse charge calls, home-link calls and Telecard calls.
 - 3 The following Recognised Office Holders shall be entitled to 100 per cent reimbursement for electronic-communication costs including overseas calls for Parliamentary business.
 - Ministers
 - Presiding Officers
 - Leader of the Opposition (Assembly and Council)
 - Leader of a Party not less than 10 Members in the Legislative Assembly
 - Chairman of Committees (Assembly and Council)
 - Deputy Speaker
 - Deputy Leader of the Opposition (Assembly and Council)
 - Deputy Leader of a Party with not less than 10 Members in the Legislative Assembly
 - Parliamentary Secretaries (Assembly and Council)
 - Government and Opposition Whips (Assembly and Council)
 - Whip of a third party with not less than 10 Members (Legislative Assembly)
 - Deputy Whips (Legislative Assembly).
 - 4 Call charges pertaining to a data line installed at Legislative Council Members' home offices be reimbursed at the rate of 100 per cent where Members do not have a broadband service connected, subject to the line being used for Parliamentary duties.
 - 5 Members will be required to meet the cost of all overseas calls, other charged information/service calls, reverse charge calls and home-link and Telecard calls.
 - 6 Members are to meet the cost of their portable communication equipment and the associated operating costs from the Logistic Support Allocation. The purchase of such

items is to be in accordance with the Parliament's procurement policies and administrative guidelines.

Communication - non-electronic

Members are permitted to purchase postage stamps or other mail distribution and delivery services to enable them to undertake their Parliamentary duties.

Printing, Stationery, Office Supplies and Services

- 1 Members may only use the printing, stationery, office supplies and services entitlement for Parliamentary duties.
- 2 The entitlement may be used to purchase printing, stationery, office supplies and services from the Parliament or other providers and in accordance with Parliamentary procurement policies and practices.
- 3 A Member may not use their printing, stationery, office supplies and services allowances to procure goods or services to be used for direct electioneering purposes or political campaigning.
- 4 The purchase of computer software from the Logistic Support Allocation is subject to the following conditions:
 - The software will not be supported by the Parliament's I.T. Section.
 - The software is required to be removed from the computers supplied by the Parliament if there is any conflict with the Parliament's computer network.
 - The software is not to be used for political campaigning or electioneering purposes.
- 5 Members may use the entitlement to engage a suitably qualified independent professional to manage their financial record keeping to monitor their use of their additional entitlements in the form of fixed allocations to ensure they do not exceed their entitlements. These services are not to be used for any other purpose including the preparation of the Member's tax return.

3. Electorate Mailout Account

Each Member of the Legislative Assembly will be provided with an amount as specified in the attached Schedule for the following specific purposes:

- A. For preparing and distributing letters/newsletters to each constituent in his/her electorate. Members are provided with an annual amount based on the cost of issuing two newsletters/letters per enrolled voter per annum. Members may issue additional newsletters/letters subject to available funds in their Electorate Mail-Out Account and the Legislative Assembly's administrative guidelines.
- B. Upon the gazettal of new electoral districts following an electoral redistribution (undertaken pursuant to s 27(1)(c) of the *Constitution Act 1902*), Members may use their Electorate Mailout Account 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.

Conditions

- 1 The Electorate Mailout Account shall be established and maintained by the Executive Manager Department of Parliamentary Services. Members should be advised by the Department of Parliamentary Services each month as to the balance of their Account.
- 2 Members are to fund the cost of preparing, printing and distributing letters/Newsletters to each constituent in his/her electorate and for no other purpose.
- 3 All procurement by Members will be in accordance with the Parliament's purchasing policies.
- 4 No supplementation to the allocation will be considered. Any additional costs are to be met from the Member's Logistic Support Allocation.
- 5 Unused Electorate Mail-out Account allocations are to be forfeited at the end of each financial year.

- 6 Printing and distribution of newsletters/letters from the Electorate Mailout Account is to be in accordance with the Parliament's administrative guidelines.
- 7 Communication with prospective constituents following gazettal of electoral districts will be limited only to those electors who will transfer from adjoining electorates to the new electorate. Each Member is to receive the details of the prospective constituents from the State Electoral Office.
- 8 Communications with constituents/prospective constituents will be limited to matters affecting the Member's electorate.

4. Electorate Charter Transport for Members of the Legislative Assembly

Purpose and operation of the provision

Members of the largest electorates (Electoral Groups 5-8) shall be provided with an allowance from which is met charter transport costs incurred within their electorates. For the purposes of this allowance “charter transport” means charter transport used with and for the service of the Member’s electorate and includes charter aircraft, drive yourself vehicles and any other mode of charter transport that may be deemed appropriate in the circumstances by the Speaker of the Legislative Assembly.

Entitlement

Members of the Legislative Assembly in the following Electorate Groups shall be entitled to Charter Transport Allowance up to the maximum amount shown below:

Electorates	Entitlement
Group 5	\$6,980
Group 6	\$11,400
Group 7	\$21,080

Conditions

The following conditions shall apply in respect of Charter Transport Allowance:

- 1 This Allowance shall only be used in connection with Parliamentary duties within the Member’s electorate and shall not be used during election campaigns or for other electioneering or party political activities. For the purpose of this condition the last day available for the issue of the writs shall be used as the effective commencement date of the election campaign.
- 2 Only the cost of the Member’s approved relative or Member of staff accompanying the Member may be met from this Allowance.
- 3 It is a condition of all air transport charters that the Member responsible for organising the charter obtains a passenger manifest from the charter operator and attaches it to the invoice when it is submitted for payment to the Parliament.
- 4 The charter transport shall only be used within and for the service of the Member's electorate. Where the closest source of available charter transport to the Member’s

electorate, electorate office or principal place of residence is outside the boundaries of the electorate, the reasonable additional expenses consequently incurred may be included in the reimbursement available under this Determination.

- 5 Members may use their Charter Transport Allowance to fly to an airfield located outside their electorate in circumstances where there is no suitable airfield located in the part of the electorate being visited by the Member. In these circumstances the Member would fly to the relevant airfield outside his/her electorate and then drive back to the electorate to conduct electorate business.
- 6 Members may also use the Charter Transport Allowance to attend regional or other meetings within an adjoining electorate relating to matters affecting their electorate. Members will need to maintain and retain records to verify that the purpose of the journey relates to electorate business for subsequent audit review if required.
- 7 A Member representing the Electorate of Murray Darling 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.
- 8 These additional entitlements shall be audited annually for compliance. In addition to any internal audit conducted by the Parliament, Members' additional entitlements shall be the subject of an external audit conducted by the Auditor-General of NSW. The cost of any auditing shall be met by the Parliament. Members should ensure they maintain appropriate records of expenditure.

5. Travelling Allowances for Recognised Office Holders

Table 2 – Indicative Upper Limits for Travel Expenditure

Office Holders	Capital Cities		Other Areas	Where no overnight stay is required
Group 1	\$416.00 (Brisbane, Melbourne, Perth)	\$357.45 (Adelaide, Canberra, Darwin, Hobart)	\$327.00	Actual reasonable meal expenses
Group 2	\$351.50 (Brisbane, Melbourne, Perth)	\$293.50 (Adelaide, Canberra, Darwin, Hobart)	\$214.30	Actual reasonable meal expenses

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

Group 1

Premier,
Deputy Premier,
Senior and Other Ministers,
President of the Legislative Council and Speaker of the Legislative Assembly,
Chairman of Select, Joint Standing, Standing and Public Accounts Committees,
Leader of the Opposition in the Legislative Assembly and Legislative Council,
Deputy Leader of the Opposition in the Legislative Assembly,
Deputy Speaker in the Legislative Assembly,
Deputy President of the Legislative Council,
Assistant Speaker Legislative Assembly,
Assistant President Legislative Council,
Parliamentary Secretary (Leader of the House) Legislative Assembly,
Deputy Leader of the Opposition in the Legislative Council.

Group 2

Deputy Leader in the Legislative Council (other than the Leader or Deputy Leader of the Opposition) of a recognised political party not fewer than 9 Members of which are Members of the Legislative Council and of which no Member is a Minister,
Leader and Deputy Leader of a Recognised Political Party of which not less than ten Members are Members of the Legislative Assembly,
Government and Opposition Whips,

Deputy Government and Deputy Opposition Whips,
Parliamentary Secretary,

Whip in the Legislative Assembly of a recognised political party, not fewer than 10 Members of whom are Members of the Legislative Assembly,

Deputy Whip in the Legislative Assembly of a recognised political party, not fewer than 40 Members of which are Members of the Legislative Assembly,

Members of Select, Joint Standing, Standing and Public Accounts Committees.

The following conditions shall apply in respect of this allowance:

- 1 Recognised Office Holders are to be reimbursed travelling expenses when travel is undertaken in association with their role as a Recognised Office Holder only. These allowances will not apply when a Member travels on Parliamentary business in their own capacity.
- 2 Recognised Office Holders are eligible to claim reasonable actual travelling expenses for overnight absences from Sydney or their electorate/principal home residence. Where no overnight absence is involved Recognised Office Holders may claim reasonable actual meal expenses. Indicative upper limits for travel expenditure are outlined in Table 2.
- 3 The payment of actual travelling expenses will be paid subject to the production of tax invoices/receipts relating to accommodation, meal and other incidental expenses by the Recognised Office Holder concerned.
- 4 A Recognised Office Holder whose approved relative accompanies him or her to a State or other official function and who consequently incurs expenses in respect of meals and accommodation exceeding the allowance to which he or she is entitled, shall be entitled to be reimbursed the additional expenses associated with the approved relative.
- 5 Those Recognised Office Holders for whom non-Parliamentary funded budgets are provided are to meet travel allowance costs from those budgets and not from the Parliament.

6. Equipment, Services and Facilities

Members of the Legislative Assembly and the Legislative Council shall be provided by the Parliament with the equipment, services and facilities necessary to perform their Parliamentary duties as follows:

- 1 All Members shall receive at Parliament House, Sydney, a fitted out, equipped and maintained office, and secretarial services.
- 2 Each Member of the Legislative Assembly shall receive a fitted out, equipped and maintained Electorate Office to an appropriate standard. The Member for Murray-Darling and the Member for Barwon is to be provided with an additional electorate office.
- 3 Each Member shall be supplied equipment and ancillary services in the Member's private residence (or if the Member has more than one private residence then in the Member's principal private residence) including a telephone and a facsimile machine, for the performance by the Member of Parliamentary duties.
- 4 The Presiding Officers are to provide administrative support to each Member in accordance with the following:
 - i. Subject to (ii), each Member of the Legislative Assembly shall have two staff Members employed at each electoral office.
 - ii. Each Member of the Legislative Assembly elected as an Independent shall have an additional staff Member employed at his/her electoral office.
 - iii. Each Member of the Legislative Assembly, not elected as an Independent, shall be provided with a budget specific for the recruitment of temporary staff. The budget is to provide for an additional staff Member to work in the electorate office or at Parliament House. The budget is to be the equivalent of the salary of an electorate officer grade 2 for a period of 61 days per annum. Within this budget, Members have the flexibility to use this entitlement to employ additional staff.

- iv. Each Member of the Legislative Council, who is not a Minister, shall be entitled to one staff Member. When the staff Member is on annual recreation leave or other extended period of leave, a relief staff Member may be employed for the period of absence.
- v. 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.
- vi. Ministers shall receive a reasonable allocation of staff Members.
- vii. The Whip of each recognised political party of not less than 10 Members to each be provided with one Member of staff.
- viii. This provision specifies the minimum staffing required in electorate offices.
Nothing in this Determination removes from the employer of staff the obligations arising under the Occupational Health and Safety Act 2000.

Dated this 29th day of May 2009

The Honourable Justice C G Staff

THE PARLIAMENTARY REMUNERATION TRIBUNAL

ELECTORAL GROUPS**SCHEDULE 1**

Group 1 Electorates		
1. Auburn	19. Heffron	37. Parramatta
2. Balmain	20. Hornsby	38. Penrith
3. Bankstown	21. Kogarah	39. Pittwater
4. Baulkham Hills	22. Ku-ring-gai	40. Riverstone
5. Blacktown	23. Lakemba	41. Rockdale
6. Cabramatta	24. Lane Cove	42. Ryde
7. Camden	25. Liverpool	43. Smithfield
8. Campbelltown	26. Londonderry	44. Strathfield
9. Canterbury	27. Macquarie Fields	45. Sydney
10. Castle Hill	28. Manly	46. Toongabbie
11. Coogee	29. Maroubra	47. Vacluse
12. Cronulla	30. Marrickville	48. Wakehurst
13. Davidson	31. Menai	49. Willoughby
14. Drummoyne	32. Miranda	
15. East Hills	33. Mount Druitt	
16. Epping	34. Mulgoa	
17. Fairfield	35. North Shore	
18. Granville	36. Oatley	
Group 2 Electorates		
1. Blue Mountains	7. Lake Macquarie	13. Wallsend
2. Charlestown	8. Newcastle	14. Wollondilly
3. Gosford	9. Shellharbour	15. Wollongong
4. Hawkesbury	10. Swansea	16. Wyong
5. Heathcote	11. Terrigal	
6. Keira	12. The Entrance	

SCHEDULE 1 continued ...

Group 3 Electorates		
<ol style="list-style-type: none"> 1. Ballina 2. Cessnock 3. Coffs Harbour 4. Goulburn 	<ol style="list-style-type: none"> 5. Kiama 6. Maitland 7. Myall Lakes 8. Port Macquarie 	<ol style="list-style-type: none"> 9. Port Stephens 10. South Coast 11. Tweed
Group 4 Electorates		
<ol style="list-style-type: none"> 1. Albury 2. Bathurst 3. Bega 	<ol style="list-style-type: none"> 4. Dubbo 5. Lismore 6. Orange 	<ol style="list-style-type: none"> 7. Oxley 8. Tamworth 9. Wagga Wagga
Group 5 Electorates		
<ol style="list-style-type: none"> 1. Burrinjuck 2. Clarence 3. Monaro 		
Group 6 Electorates		
<ol style="list-style-type: none"> 1. Murrumbidgee 2. Upper Hunter 3. Northern Tablelands 		
Group 7 Electorates		
<ol style="list-style-type: none"> 1. Barwon 2. Murray Darling 		

SYDNEY ALLOWANCE GROUPINGS

SCHEDULE 2

Category 1		
1. Blue Mountains	9. Newcastle	16. Wollongong
2. Charlestown	10. Shellharbour	17. Wyong
3. Gosford	11. Swansea	
4. Hawkesbury	12. Terrigal	
5. Heathcote	13. The Entrance	
6. Keira	14. Wallsend	
7. Kiama	15. Wollondilly	
8. Lake Macquarie		

Category 2		
1. Albury	12. Lismore	21. Port Macquarie
2. Ballina	13. Maitland	22. Port Stephens
3. Barwon	14. Monaro	23. South Coast
4. Bathurst	15. Murray-Darling	24. Tamworth
5. Burrinjuck	16. Murrumbidgee	25. Tweed
6. Bega	17. Myall Lakes	26. Upper Hunter
7. Cessnock	18. Northern Tablelands	27. Wagga Wagga
8. Clarence	19. Orange	
9. Coffs Harbour	20. Oxley	
10. Dubbo		
11. Goulburn		

LEGISLATIVE COUNCIL ZONES

SCHEDULE 2A

Zone 1 Electorates		
1. Auburn	19. Heffron	37. Parramatta
2. Balmain	20. Hornsby	38. Penrith
3. Bankstown	21. Kogarah	39. Pittwater
4. Baulkham Hills	22. Ku-ring-gai	40. Riverstone
5. Blacktown	23. Lakemba	41. Rockdale
6. Cabramatta	24. Lane Cove	42. Ryde
7. Camden	25. Liverpool	43. Smithfield
8. Campbelltown	26. Londonderry	44. Strathfield
9. Canterbury	27. Macquarie Fields	45. Sydney
10. Castle Hill	28. Manly	46. Toongabbie
11. Coogee	29. Maroubra	47. Vaucluse
12. Cronulla	30. Marrickville	48. Wakehurst
13. Davidson	31. Menai	49. Willoughby
14. Drummoyne	32. Miranda	
15. East Hills	33. Mount Druitt	
16. Epping	34. Mulgoa	
17. Fairfield	35. North Shore	
18. Granville	36. Oatley	
Zone 2 Electorates		
1. Blue Mountains	8. Lake Macquarie	14. Wallsend
2. Charlestown	9. Newcastle	15. Wollondilly
3. Gosford	10. Shellharbour	16. Wollongong
4. Hawkesbury	11. Swansea	17. Wyong
5. Heathcote	12. Terrigal	
6. Keira	13. The Entrance	
7. Kiama		

LEGISLATIVE COUNCIL ZONES**SCHEDULE 2A**

Zone 3 Electorates		
1. Albury	11. Goulburn	21. Port Macquarie
2. Ballina	12. Lismore	22. Port Stephens
3. Barwon	13. Maitland	23. South Coast
4. Bathurst	14. Monaro	24. Tamworth
5. Bega	15. Murrumbidgee	25. Tweed
6. Burrinjuck	16. Murray-Darling	26. Upper Hunter
7. Cessnock	17. Myall Lakes	27. Wagga Wagga
8. Clarence	18. Northern Tablelands	
9. Coffs Harbour	19. Orange	
10. Dubbo	20. Oxley	

RECOGNISED OFFICE HOLDER AND**SCHEDULE 3****Other Member Entitlements**

Recognised Office Holder	Transport	Communication (electronic)	Communication (non- electronic)	Printing & Stationery
Presiding Officer	30%		55%(A) 175%(C)	40%
Minister				40%
Deputy Speaker, Chair of Committees				40%
Leader of the Opposition	20%(A)		140%(A) 175%(C)	40%
Deputy Leader of the Opposition	10%		15%(C)	40%
Whips			15%(C)	40%
Party Leader (not less than 10 Members)	15%			40%
Deputy Party Leader (not less than 10 Members LA or 9 Members LC)	10%			40%
Leader of the National Party (in Opposition with not less than 10 Members in LA)	15%		15%	40%
Other Recognised Office Holders				40%
Independent Members				20%

Recognised Office Holders and Members referred to in schedule 3 receive additional entitlements for only one office; that office being the office which attracts the greater level of entitlement. These entitlements, as they apply to Recognised Office Holders, are to be available only for Recognised Office Holder duties.

Where entitlements formerly provided for the Recognised Office Holder's approved relative these have been included in the allocation.

Where an entitlement is followed by (A) or (C) it applied only to the Office Holder in either the Assembly or the Council.

Electorate Mailout Account

SCHEDULE 4

ELECTORAL DISTRICT	NUMBER OF ELECTORS (as at 31 March 2009 as provided by the State Electoral Office)	ANNUAL ENTITLEMENT
1. Albury	49,496	\$64,345
2. Auburn	49,573	\$64,445
3. Ballina	47,494	\$61,742
4. Balmain	50,053	\$65,069
5. Bankstown	48,055	\$62,472
6. Barwon	44,199	\$57,459
7. Bathurst	48,735	\$63,356
8. Baulkham Hills	50,448	\$65,582
9. Bega	49,019	\$63,725
10. Blacktown	48,203	\$62,664
11. Blue Mountains	48,133	\$62,573
12. Burrinjuck	48,120	\$62,556
13. Cabramatta	50,295	\$65,384
14. Camden	48,176	\$62,629
15. Campbelltown	45,156	\$58,703
16. Canterbury	50,854	\$66,110
17. Castle Hill	50,944	\$66,227
18. Cessnock	49,653	\$64,549
19. Charlestown	47,626	\$61,914
20. Clarence	49,588	\$64,464
21. Coffs Harbour	49,301	\$64,091
22. Coogee	48,201	\$62,661
23. Cronulla	48,651	\$63,246
24. Davidson	48,095	\$62,524
25. Drummoyne	49,183	\$63,938
26. Dubbo	48,643	\$63,236
27. East Hills	47,049	\$61,164
28. Epping	48,807	\$63,449
29. Fairfield	50,783	\$66,018
30. Gosford	48,916	\$63,591
31. Goulburn	48,717	\$63,332
32. Granville	50,036	\$65,047

ELECTORAL DISTRICT	NUMBER OF ELECTORS (as at 31 March 2009 as provided by the State Electoral Office)	ANNUAL ENTITLEMENT
33. Hawkesbury	49,680	\$64,584
34. Heathcote	47,466	\$61,706
35. Heffron	50,323	\$65,420
36. Hornsby	50,850	\$66,105
37. Keira	47,267	\$61,447
38. Kiama	49,163	\$63,912
39. Kogarah	48,917	\$63,592
40. Ku-Ring-Gai	48,441	\$62,973
41. Lake Macquarie	48,328	\$62,826
42. Lakemba	51,176	\$66,529
43. Lane Cove	47,543	\$61,806
44. Lismore	49,797	\$64,736
45. Liverpool	49,192	\$63,950
46. Londonderry	46,593	\$60,571
47. Macquarie Fields	50,104	\$65,135
48. Maitland	50,987	\$66,283
49. Manly	47,152	\$61,298
50. Maroubra	48,651	\$63,246
51. Marrickville	50,534	\$65,694
52. Menai	48,189	\$62,646
53. Miranda	46,740	\$60,762
54. Monaro	48,882	\$63,547
55. Mount Druitt	47,012	\$61,116
56. Mulgoa	48,245	\$62,719
57. Murray-Darling	46,645	\$60,639
58. Murrumbidgee	47,641	\$61,933
59. Myall Lakes	49,406	\$64,228
60. Newcastle	48,233	\$62,703
61. North Shore	50,221	\$65,287
62. Northern Tablelands	49,799	\$64,739
63. Oatley	48,121	\$62,557
64. Orange	48,568	\$63,138
65. Oxley	47,763	\$62,092

ELECTORAL DISTRICT	NUMBER OF ELECTORS (as at 31 March 2009 as provided by the State Electoral Office)	ANNUAL ENTITLEMENT
66. Parramatta	49,347	\$64,151
67. Penrith	46,399	\$60,319
68. Pittwater	47,768	\$62,098
69. Port Macquarie	48,072	\$62,494
70. Port Stephens	48,136	\$62,577
71. Riverstone	53,418	\$69,443
72. Rockdale	48,574	\$63,146
73. Ryde	47,693	\$62,001
74. Shellharbour	48,073	\$62,495
75. Smithfield	51,032	\$66,342
76. South Coast	48,728	\$63,346
77. Strathfield	48,249	\$62,724
78. Swansea	49,187	\$63,943
79. Sydney	52,991	\$68,888
80. Tamworth	48,517	\$63,072
81. Terrigal	47,325	\$61,523
82. The Entrance	48,721	\$63,337
83. Toongabbie	48,606	\$63,188
84. Tweed	47,746	\$62,070
85. Upper Hunter	48,697	\$63,306
86. Vaucluse	49,026	\$63,734
87. Wagga Wagga	49,654	\$64,550
88. Wakehurst	49,617	\$64,502
89. Wallsend	47,302	\$61,493
90. Willoughby	49,145	\$63,889
91. Wollondilly	49,027	\$63,735
92. Wollongong	49,536	\$64,397
93. Wyong	48,862	\$63,521

Advice of the Secretary of NSW Treasury Pursuant to Section 12A of the *Parliamentary Remuneration Act, 1989*

The following comments on the Parliamentary Remuneration Tribunal's 2009 annual Determination are made pursuant to Section 12A of the *Parliamentary Remuneration Act, 1989* by the Secretary of the Treasury.

Financial Implications

The table below shows the variation in entitlements over the 2008 Determination. For the purpose of calculating the costs, the estimates are based on the 2008 composition of the Legislative Assembly and the Council membership.

Estimates have not been provided where the maximum remuneration limits for the particular allowances are not defined (ie. Travelling Allowance for Recognised Office Holders). The Sydney Allowance is calculated on the annual amount allocated to Members.

ENTITLEMENT	2008 DET.	2009 DET.	CHANGE
Electoral Allowance	\$6,216,335	\$6,371,710	\$155,375 +2.5%
Sydney Allowance	\$1,940,400	\$1,988,910	\$48,510 +2.5%
Logistic Support Allocation	\$4,077,905	\$4,179,840	\$101,935 +2.5%
Electorate Mail-out Account ⁽¹⁾	\$5,888,271	\$5,898,463	\$10,192 +0.2%
Committee Allowance ⁽²⁾	\$19,531	\$19,531	Nil
Electorate Charter Transport Allowance - LA Members	\$97,180	\$97,180	Nil
Travelling Allowance for Recognised Office Holders	Not estimated	Not estimated	Not estimated ⁽³⁾
TOTAL MINIMUM EXPENDITURE	\$18,239,622	\$18,555,634	\$316,012 +1.7%

(1) Based on an increase in electors as provided by the NSW Electoral Commission.

(2) Includes members of Public Accounts Committee only.

(3) Adjusted in line with movements in public sector rates which vary depending on travel destination.

Member entitlements have increased by **\$316,012** over the 2008 Determination, which represents a rise of 1.7 per cent.

The increase in Electoral Allowance, Sydney Allowance and Logistic Support Allocation of 2.5% is in line with the CPI increase for the period March 2008 to March 2009.

The rates for calculating the Electorate Mailout Account (EMA) and the Charter Transport Allowance have not changed, although there is an overall increase of 0.2 per cent for EMA entitlements as a result of an increase in electors.

There is also no increase to the Travel Allowance for Recognised Office Holders.

The increase in entitlement is supported. The increase can be met from the \$2.4 million extra funding provided to the Legislature for cost escalation for 2009-10.

Accountability and Control

Additional guidelines have been set by the Parliamentary Remuneration Tribunal to ensure greater accountability and control over the use of entitlements by Members.

Michael Schur
Secretary
29 May 2009