

**PARLIAMENTARY REMUNERATION ACT 1989**  
**REPORT PURSUANT TO SECTIONS 6(B) OF THE ACT**

1. On 4 January 2010 the Premier of New South Wales, the Hon Kristina Keneally MP, directed the Parliamentary Remuneration Tribunal ("the Tribunal"), pursuant to section 6(C) of the *Parliamentary Remuneration Act 1989* ("the Act"), to make a determination in relation to the types of employment benefits to be made available by way of salary packaging to Members of Parliament.
2. The Act was amended in 2009 to allow Members of Parliament to salary package for specified employment benefits. Salary packaging for employment benefits is widely available to government and private sector employees. Salary packaging enables individuals to choose whether to take their remuneration as cash salary or select a mix of cash and employment benefits to suit their individual needs. The provision of employment benefits to Members of Parliament by way of salary packaging will be provided at no cost to the state with any costs associated with these benefits borne by the Members themselves.
3. In accordance with section 6B(2) of the Act the Tribunal may fix the type of benefits that may be provided as employment benefits, fix conditions on which employment benefits are to be provided, and make provision for the costing of employment benefits. The determination may relate to all or any Members or to any class of Members.
4. Pursuant to section 6B(5) of the Act, in fixing the type of benefits which may be provided, the Tribunal may only approve a benefit of a kind that is available to a member of the Government Service (other than those provided exclusively to officers of the Chief and Senior Executive Service).

5. The employment benefits which are currently made available to members of the Government Service are outlined in the Department of Premier and Cabinet Circular 2007-11. With the exception of salary sacrifice for superannuation, which is provided to members in accordance with section 14F of the Act, the Tribunal may determine the availability of the following employment benefits:
  - motor vehicles (one 100% private novated lease only)
  - housing (remote areas only)
  - child-care (in-house only)
  - priority of access fee for child care
  - professional subscriptions
  - taxi expenses
  - mobile phones (mainly used for business purposes)
  - education (self and professional)
  - laptops, e-organisers and brief cases.
  
6. The Tribunal wrote to the Presiding Officers seeking their advice on the type of employment benefits to be provided, any specific conditions and method of costing which should apply to particular benefits and whether the benefits should be provided to all or any individual Members and Recognised Office Holders or to any class of them.
  
7. In responding to the Tribunal the Presiding Officers have requested that all available benefits should be extended to all Members of Parliament for the following reasons:
  - *“It is equitable to allow members of Parliament to access the same benefits as other members of the public sector and many employees outside of the public sector*
  - *The additional administrative costs associated with salary packaging arrangements are borne by the members themselves under the existing service contract so there is no cost to the Legislature.*
  - *Participation by members is voluntary and can be tailored by the individual to suit their own personal financial circumstances; and*

- *Access to a wider range of packaging arrangements is an additional incentive to those seeking entry to public office and reflects best practice remuneration policy observable elsewhere in the community.”*

8. Having regard to this advice, and after making its own enquiries, the Tribunal makes the following determination in respect of salary packaging benefits for Members of Parliament.

## **DETERMINATION PURSUANT TO SECTIONS 6 (B) OF THE ACT**

### **Employment Benefits**

Pursuant to section 6(B) of the *Parliamentary Remuneration Act 1989* the Tribunal determines the following types of employment benefits which may be provided to members of the parliament of New South Wales.

- motor vehicles (one 100% private novated lease only)
- housing (remote areas only)
- child-care (in-house only)
- priority of access fee for child care
- professional subscriptions
- taxi expenses
- mobile telephones (mainly used for business purposes)
- education expenses (self and professional)
- laptops, e-organisers and briefcases.

These benefits are consistent with those currently made available to members of the Government Service (other than those provided exclusively to officers of the Chief and Senior Executive Service) as outlined in the Department of Premier and Cabinet Circular 2007-11. The approved list of benefits and applicable conditions will be included in the Tribunal's annual determination and reviewed annually. The Tribunal may also make a new determination at such time as the approved list is varied by way of Department of Premier and Cabinet Circular.

## **Conditions**

These benefits are to be subject to the following conditions.

1. The employment benefits as determined are to be made available to all Members and Recognised Office Holders.
2. In regard to the cost of these benefits members must comply with the legislative and procedural requirements generally attached to each benefit as already applicable to members of the Government service (excluding those arrangements provided exclusively to officers of the Chief and Senior Executive Service).
3. Members comply with the appropriate administrative requirements and declarations as required by the Parliament and the service provider.

Dated this 16<sup>th</sup> day of February 2010

The Honourable Justice C G Staff

**THE PARLIAMENTARY REMUNERATION TRIBUNAL**