

**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**

**4 May 2012**

# **Parliamentary Remuneration Act 1989**

## **Report Pursuant to Section 14(H)(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 14(H)(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 14(H)(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 this review. The Tribunal received submissions from the major parties, individual Members and the Presiding Officers. The Tribunal also met with the Presiding Officers and representatives from the NSW Liberal Party, the NSW Nationals and the State Parliamentary Labor Party.

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 of the Report will comprise the Tribunal’s review of the Sydney Allowance. On 9 February 2012 the Premier, the Hon Barry O’Farrell MP, wrote to the Tribunal requesting that the Tribunal undertake a special reference, pursuant to section 12 of the Act, in regard to the issue of the minimum distance criteria for payment of the Sydney Allowance. The Tribunal’s Sydney Allowance Special Reference has now been completed and is incorporated into the 2012 Annual Report and Determination

Part Three provides a general summary of the Determination.

# Part one

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## General Matters Raised

### Basic Salary

In accordance with section 4(2) of the Act the Tribunal is required to determine the basic salary of Members.

In determining the basic salary the Tribunal is required, pursuant to section 4(3), to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the *Industrial Relations Act 1996* when making or varying awards or orders relating to the conditions of employment of public sector employees.

The current policy on wages pursuant to section 146(1)(a) of the *Industrial Relations Act 1996* is articulated in the Industrial Relations (Public Sector Conditions of Employment) Regulation 2011. The effect of the Regulation is that public sector wages cannot increase by more than 2.5 per cent.

On that basis the Tribunal determines that the basic salary of Members shall be \$143,033 per annum.

The Tribunal notes the recent determination of the Commonwealth Remuneration Tribunal (the Commonwealth Tribunal) and the disparity which now exists between the remuneration paid to state MPs and Federal MPs. The Commonwealth Tribunal undertook an extensive review and work value assessment of the role and functions of a Federal MP. The findings of that review were published by the Commonwealth Tribunal on 15 December 2011 in its report "Review of the Remuneration of Members of Parliament - Initial Report" which can be found on the Commonwealth Tribunal's website.

That report recommended that the base salary of Federal MPs should increase from \$140,910 to \$185,000 per annum. The Commonwealth Tribunal subsequently determined that from 15 March 2012 the base salary of a Senator and Member of the House of Representatives shall be \$185,000 per annum.

The Commonwealth Tribunal also noted on page 3 of its report of 15 December 2011 that

*“1.22 The Tribunal recommends that any existing linkages between the remuneration of state and territory parliamentarians and assembly members and the base salary of federal parliamentarians be severed on the basis that it cannot be justified without a state or territory based work-value assessment similar to that conducted for federal parliamentarians. In addition, such linkages might not differentiate salaries for superannuation purposes and inappropriately create a flow-on of the increased base salary to state/territory pension benefits”*

The Tribunal notes that the linkage that previously existed between the salary paid to a NSW Member of Parliament and that of a Federal Member of Parliament was effectively severed by the amendments to the Act in 2011.

### **Electoral Allowance, Sydney Allowance and Logistic Support Allocation**

The Tribunal received three submissions which addressed the general increase in these allowances. These submissions sought either an overall increase of 2.5 per cent, equivalent to the increase in the basic salary for Members, or an increase equivalent to the CPI increase.

Previously the Tribunal has increased these allowances in line with the annual CPI. In 2011 however, following the amendments to the Act, the Tribunal determined that these allowances would be increased by an amount equivalent to that provided to the basic salary. The Tribunal continues to support this arrangement and therefore determines that the increase in these allowances will again be 2.5 per cent.

### **Committee Allowances**

Historically this allowance has been increased in line with Members' salary increases. In accordance with that practice Committee Allowances will be increased by 2.5 per cent.

### **Electoral Groupings**

Electorates are classified in groups, categories or zones for the purposes of determining certain additional entitlements. The Electorates are not determined by the Tribunal but arise from a review of Electoral Districts.

Section 27 (1) (c) of the *Constitution Act 1902*, requires a redistribution of electoral boundaries after two elections have been conducted using the same electoral boundaries.

The last distribution occurred prior to the 2007 election. The Tribunal expects that a review of the electoral boundaries will occur prior to the next election.

Ordinarily the Tribunal would not make any adjustments to the groups, categories or zones of electorates until such time as the redistribution of electoral boundaries is completed. However, the Tribunal has been directed, pursuant to section 12 of the Act to review the minimum distance criteria for payment of the Sydney Allowance. This has had an impact on the categorisation of electorates for the purposes of determining eligibility for receiving the Sydney Allowance.

The Tribunal's review of the minimum distance criteria for payment of the Sydney Allowance is contained in Part 2 of this report.

### **Electorate Charter Transport**

This allowance has historically been provided to Members of the largest electorates (Electoral Groups 5 – 7) to meet charter transport costs incurred within their electorates. The Tribunal has received two submissions requesting an extension to this entitlement to enable the Member for Port Macquarie to fund the cost of travel to Lord Howe Island.

The electorate of Port Macquarie includes Lord Howe Island. The island has a population of around 360 and is administered by the Lord Howe Island Board. It is located approximately 589 km from the electorate (Port Macquarie) and 724 km from Sydney. The Tribunal has been advised that in order to fulfil their parliamentary duties, the Member for Port Macquarie meets with the Lord Howe Island Board up to four times each year. The Member does not currently receive an Electorate Charter Transport allocation or any other additional extra entitlement to facilitate representation of Lord Howe Island.

The Tribunal has reviewed this request and notes that it is reasonable for Members to expect to be able to visit all communities within their electorate, regardless of location. Members are expected to meet the cost of this travel from either their Logistic Support Allocation or Electoral Allowance. In the case of the electorate of Port Macquarie, should the Member choose to visit Lord Howe Island on electorate or parliamentary business, the cost of travel to this location would far exceed the cost of travel ordinarily expected of Members within electorate group 3.

On that basis the Tribunal finds that it is appropriate that the Member for Port Macquarie be granted an additional entitlement to meet these costs. The Member for Port Macquarie shall be granted a specific entitlement under the electorate charter transport entitlement. As specified in the determination, the Member for Port Macquarie shall be entitled to use the Charter Transport Allowance applicable to Group 5 electorates. The allowance may be used for up to four return trips to Lord Howe Island per year, flying from either Port Macquarie or from Sydney subject to available commercial flights. The entitlement is only to be used for transport costs between the electorate and Lord Howe Island and does not extend to the Member's approved relative or staff employed by the Parliament.

It is noted that similar provisions exist for Members of the Commonwealth Parliament. Member or Senators that represent various external territories eg Cocos (Keeling) Islands, Christmas Island or Norfolk Island receive additional travel entitlements to undertake official travel to these destinations.

#### **Electorate Mail-out Account (EMA)**

The Tribunal received a number of submissions requesting that the EMA either be increased or the entitlement expanded to allow for electronic methods of communication including e-newsletters and other publications.

The Tribunal previously considered a request to expand the use of the EMA in 2010. At that time, submissions requested that the Tribunal allow Members of the Legislative Assembly to use the EMA to fund the development and hosting of websites. The Tribunal did not support the extension of the EMA for that purpose at that time noting that within the LSA, Members are provided with funds for electronic and non-electronic communication. Additionally Members could use their Electoral Allowance for this purpose. The Tribunal also noted:

*“There will however be an ongoing and ever increasing demand for Members to communicate with their constituents in more flexible forms such as the internet. The Tribunal would be prepared to consider such an arrangement for all Members of Parliament. Any such arrangement would have cost implications and the Tribunal would need to explore all options to ensure minimum impact on the public purse. The Tribunal would also need to consider what guidelines should be put in place to ensure proper content for members’ website.”*

For this review the Tribunal has not been asked to extend the use of the entitlement to fund the development and hosting of websites. Instead, the Tribunal has been asked to extend

the use of the EMA to include electronic communication methods such as e-newsletters or other publications. It is also suggested that the EMA be renamed the Electorate Communication Allowance to reflect the broader usage.

The current entitlement provides for the preparation, printing and distribution of newsletters or letters to constituents in Members' electorates. The distribution refers to the dispatch of the newsletter or letters via traditional means of postage. The submission requests that the Tribunal extend this entitlement to e-newsletters and other publications. In respect of e-newsletters the Tribunal interprets this to mean the distribution of material, that complies with the conditions outlined for the EMA, via email or publication on the internet.

The Tribunal considers it is appropriate to provide Members with greater flexibility in the distribution of the existing EMA entitlement. On that basis the Tribunal will extend the application of the EMA to include the preparation and distribution of e-newsletters. The Tribunal does not extend this entitlement to include the development or hosting of websites or the electronic distribution of "other publications" which have not been defined.

As requested the EMA has been renamed the Electorate Communication Allowance to reflect the broader usage of this entitlement.

Apart from the adjustment to reflect enrolment statistics as at February 2012, there will be no overall increase in this allowance. It is considered that the cost of distributing material via email or the internet would be less than conventional postage methods and on that basis an increase in the entitlement is not warranted.

### **Allocation of Staff**

The Tribunal has again received submissions requesting that the Tribunal review the allocation of staff to Members. Those submissions include a request to extend the allocation of the additional staff resource, which is currently the allocation of a budget equivalent to an electorate officer grade 2 for a period of 61 days per annum, to a third full time member of staff for all Members of the Legislative Assembly. The Tribunal has also received a submission requesting that all members of the Legislative Council and Assembly, whether they be Government, Opposition or cross bench Members should have the same number of staff allocated to them. Members have argued that the quantity and complexity of issues associated with parliamentary business are sufficient to warrant an additional staff resource.

The additional staff entitlement currently provided to Members of the Legislative Assembly was first determined by the Tribunal in the 2006. The entitlement has been reviewed and modified a number of times since then and was last considered in any detail by the Tribunal in 2010. In that review the Tribunal found, while there had been an increase in workload, it was not sufficient to justify the salary, on costs and the additional expense of refitting electorate offices associated with a third full time electorate officer.

The Tribunal made the following comments in relation to the additional staff entitlement in the 2011 Report and Determination.

*...the Tribunal would be prepared to consider this matter again during the 2012 annual review. Any potential increase of staffing would require a thorough work value assessment across a large number of both rural and metropolitan electorates. The Tribunal should be advised if this claim is to be pursued so that a timetable for the review could be put in place in advance of the 2012 review.*

While the Tribunal did not receive a special reference to undertake a separate review of this matter following the 2011 annual review, it is clear that the issue continues to be one of concern for Members. On that basis the Tribunal will undertake a thorough review of the allocation of staff to all Members as part of its 2013 annual review. To ensure that sufficient time is available to undertake a thorough work-value assessment, the Tribunal will commence its 2013 annual review in July 2012. At that time the Tribunal will write to the Presiding Officers and all Members seeking submissions on the allocation of staff. The Tribunal intends to meet with Members, and where appropriate, electorate office and parliament house staff during the review. It is anticipated that these meetings will occur in October 2012.

The Tribunal will as usual also invite submissions from Members in early 2013 in relation to general matters to be addressed during the 2013 annual review.

### **Staff travel**

The Tribunal has received two submissions associated with the cost of staff travel. One submission relating to the additional costs associated with paying travel expenses for staff travelling to Sydney with the Member for parliamentary duties. The second relating the costs associated with the cost of travel for staff attending training.

The cost of staff travelling to Sydney with the Member, when the Member attends to parliamentary duties, is met from the Member's LSA. The Tribunal made the following comments in relation to these costs in the 2010 Report and Determination.

*“The Tribunal has determined that Members of Parliament may employ an additional staff member for a total of 61 days to cover parliamentary sittings. The Tribunal understands that some Members bring their staff member to Sydney on such occasions to work out of the Member's Parliament House office but others do not.*

*While submissions have asked for a general increase for this purpose, there has been no evidence provided as to how broadly, and with what frequency, staff travel to Sydney with the Member on parliamentary sitting days. The Tribunal has also not been advised as to the types of duties these staff members perform while in Sydney. If, for example, such staff members undertake basic secretarial and/or reception services, there is no reason why such staff cannot be employed from Sydney. Furthermore, with the electronic communication equipment now available to all Members, the Tribunal has not been persuaded, based on the evidence available, why a staff member would be required to be in Sydney to attend to electorate based matters.*

*Until such time as a proper review of these arrangements is undertaken, the Tribunal is not prepared to increase the LSA for this purpose. “*

The Tribunal has not received sufficient information to warrant any deviation from the position stated in the 2010 Report and Determination. However, as discussed above, the Tribunal will undertake a review of the staffing arrangements for all Members during the 2013 annual review. Members may wish to raise the matter of costs associated with staff travelling with the Member to attend to parliamentary business in Sydney at that time.

In respect of the costs associated with staff travelling to Sydney or other locations to attend training, the Tribunal has been advised that, when staff attend training that is sponsored by the Parliament, these costs are met by the Parliament and not from the Member's LSA.

## **Additional Entitlements for Shadow Ministers**

The Tribunal has received a submission requesting additional entitlements for Shadow Ministers.

As outlined in previous determinations the Tribunal continues to support the provision of additional entitlements for Shadow Ministers. Shadow Ministers perform an important role in our system of government and, to perform this role properly, they require sufficient resources and support.

The Tribunal notes that an amendment to the Act is required. While this is a matter for the Government, the Tribunal would recommend again that the Act be amended to allow for additional entitlements to be provided to Shadow Ministers.

## Part two

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### Special reference: minimum distance criteria for payment of the Sydney Allowance

On 9 February 2012 the Premier, the Hon Barry O'Farrell MP, directed the Tribunal to make a special determination on the Sydney allowance, pursuant to section 12 of the Act. Section 12 of the Act provides that:

- "(1) The Minister may direct that a special determination be made as regards additional entitlements.*
  
- (2) Such a direction:*
  - (a) may relate to all or any additional entitlements or to any class of them, and*
  
  - (b) may relate to all or any individual members and recognised office holders or to any class of them.*
  
- (3) A special determination is to be made by such time as the Minister directs and is to take effect from such time as the Tribunal specifies in the determination."*

Specifically, the Premier asked that the Tribunal determine the

*"...minimum distance criteria between Parliament House and a Member's principal place of residence in their electorates to trigger eligibility for the allowance."*

The Tribunal wrote to all Members in receipt of the Sydney Allowance, and the Presiding Officers, and sought their views on the matter. A number of submissions were received and, where relevant, Members discussed the matter with the Tribunal during the course of meetings held as part of the annual review.

#### **Current entitlement**

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 2-7) 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 of the 2011 determination, are eligible to receive the Sydney Allowance.

### **History of categorisation to determine eligibility for Sydney Allowance**

The decision to grant the Sydney Allowance (or, as it was previously known, "Special Expenses (Living Away from Home) Allowances") predates the creation of the Tribunal. Prior to 1975 Members of the Legislative Council, who resided outside the metropolitan area, were provided with a daily "living away from home" allowance. Records indicate that electorates have been grouped for the purposes of determining eligibility for this and other allowances since at least 1956. At that time electorates were grouped into four divisions being, Metropolitan Electoral, Urban Electoral, Inner Country Electoral and Outer Country Electoral. At that time (1956) Members of the Legislative Council that resided in electorates classified as Urban, Inner Country and Outer Country were eligible to receive the living away from home expense allowance. The electoral groupings were subsequently expanded to six groups in 1966 following the report of B H Matthews, The Emoluments and Other Benefits of Members of the Parliament of New South Wales 1966.

The Tribunal first considered special expense allowances in its report and determination of 3 November 1975 where it was decided to maintain the existing structure of the allowances. Members who resided in those electorates closest to Sydney received a lower allowance than those residing in electorates further away from Sydney. The Tribunal was later to distinguish these electorates as Category 1 and Category 2 electorates. Category 1 electorates were those electorates which were far enough away from Parliament House to require an overnight stay in Sydney particularly when Parliament is sitting. Unlike Members living in the more remote Category 2 electorates, the Category 1 Members do not need to spend Monday nights and/or Thursday nights in Sydney. For this reason Category 1 Members received a lower annual entitlement.

In placing electorates into categories, for the purposes of determining additional entitlements, the Tribunal has regard to a number of factors including population, population density, infrastructure, electorate size, distance from Sydney, transport links and the number of urban centres in the electorates. In respect of the Sydney Allowance the distance from Sydney and the time spent travelling to and from Sydney are key factors in establishing eligibility.

## Review

In seeking advice in relation to this review the Tribunal requested that submissions address the following issues only:

- Appropriate minimum distance criteria
- Whether the Tribunal should continue to differentiate electorates eligible to receive the allowances ie categories 1 and 2, and
- An appropriate number of overnight stays, should the Tribunal determine a single eligibility criteria.

While the Tribunal received a number of suggestions in relation to determining appropriate minimum distance criteria, the submissions did not address, nor did Members communicate orally with the Tribunal, the differentiation of electorates into categories 1 and 2.

On that basis, the Tribunal will consider an appropriate minimum distance criterion which will form the basis for determining eligibility to receive the Sydney Allowance. Members that reside in more remote parts of the state, being those electorates currently categorised as Category 2, will continue to be identified as a separate group and will continue to receive a higher annual entitlement.

In reviewing the minimum distance criteria the Tribunal was presented with three proposals to consider. Those proposals are summarised below.

### **Option 1 - Eligibility to be based on location subject to the boundaries of the Sydney Metropolitan Area**

For the purposes of this review the Tribunal has been asked to consider the metropolitan boundaries as drawn by the Metropolitan Transport District Map published by the Department of Planning in 2006. For the purposes of determining eligibility to receive the Sydney allowance it has been suggested that only those Members that reside outside the boundaries of the Metropolitan Transport District Map be eligible to receive the Allowance.

### **Option 2 - Eligibility to be based on minimum distance criteria as determined by the Tribunal**

The Tribunal has been asked to determine eligibility for the Sydney Allowance based on a minimum distance criteria between a Member's principal place of residence and Parliament House. It has been suggested that the minimum distance between a Members' principal place of residence and Parliament House be determined at 50 to 55 kilometres.

### **Option 3 - Eligibility to be based on existing categories plus the creation of a new category or allowance to recognise late sittings of parliament.**

The Tribunal has been asked to consider retaining the existing categories and to provide a new allowance to those Members who reside a minimum of 50kms from Parliament House for a restricted number of nights per annum.

The new entitlement would enable those Members that are currently not eligible to receive the Sydney Allowance, but whose principal place of residence is located in outer metropolitan areas, to stay overnight in Sydney instead of travelling home late at night. The availability of the new entitlement would be restricted to those nights when the Parliament is scheduled to meet during the evening. Under current arrangements evening sessions of Parliament are scheduled for one evening a week.

The extension of the Sydney Allowance would be restricted to the daily rate only. This proposal would extend the eligibility of this allowance to an estimated additional seven Members.

### **Findings**

As part of this review the Tribunal undertook a review of the various living away from home entitlements provided to Members of Parliament in the Commonwealth and the various state and territory governments. The Tribunal found that no two jurisdictions were the same and that eligibility to receive the allowance, and the value and conditions governing the use of the allowance, varied significantly. Western Australia, like NSW, determines eligibility on the basis of categorisation or grouping of electorates whereas the Commonwealth, Victoria and South Australia determine eligibility based on minimum distance criteria. Members of the Queensland Parliament do not receive a living away from home allowance as Members reside in accommodation provided by the Parliament.

The Tribunal also undertook an analysis of the distance and travelling times from Parliament House to various points within electorates currently categorised in Category 1 and other electorates in the metropolitan region. The Tribunal found that there may exist an inequity in the categorisation of some electorates.

The Tribunal has also examined the relative merits of the options presented during the review process. Option 1 requires the minimum distance criteria to be based on location subject to a boundary for the Sydney Metropolitan Area.

Government departments classify the Sydney metropolitan area for a variety of purposes. These include the classification of metropolitan centres of regional significance, identifying major transport and infrastructure needs, and the identification of areas of future development and population growth. Depending on the purpose, the Sydney metropolitan area may be defined using statistical divisions such as local government areas, major transport corridors or geographic factors.

The Tribunal notes that classification schemes are developed for particular purposes and no two schemes are identical. The boundaries outlined in the Metropolitan Transport District Map were developed for a purpose different from the categorisation undertaken by the Tribunal for determining eligibility for the Sydney Allowance. The boundaries of the Metropolitan Transport District Map does not appear to correspond to other existing identifiers including electoral boundaries, local government areas, freeways/major roads or other geographical landmarks. On that basis, it would be difficult for Members to determine their eligibility based on the map alone. In addition the boundaries established by the Metropolitan Transport District Map do not establish a minimum distance criteria.

On that basis, eligibility to receive the Sydney Allowance based on the Metropolitan Transport District Map, or any other definition of the metropolitan area developed for a specific purpose, is not supported.

In respect of option 2, the Tribunal finds that a minimum distance criteria is the most equitable option for determining eligibility for the Sydney Allowance for those Members who reside on the fringe of the city. The outer metropolitan electorates are generally classified as those electorates with significant residential and business development as well as large areas of predominantly rural, crown or undeveloped land. Those areas most densely populated are usually located a short distance from a freeway/major road or public transport facility.

It was submitted that the minimum distance criteria be determined at 50 to 55 kms from Parliament House. Based on the Tribunal's analysis of distance and travelling times destinations 50 to 55 kms from Parliament House could comfortably be travelled in under an hour. The Tribunal considers that commuting times of one hour would be considered reasonable by community standards. A review of locations in outer Sydney reveals that most residential areas are within a distance 70 kms by road from Parliament House with an estimated travel time of one hour.

On that basis the Tribunal determines, for electorates other than those specified in Category 2, that Members' whose principal place of residence is located a minimum distance of 70 kms by road from Parliament House shall be eligible to receive the Sydney Allowance.

A minimum distance criterion is also considered to be more equitable than the current determinant which is based on electoral boundaries as it has regard to each Member's individual circumstances. Members can reside anywhere within their electorate or within an electorate other than the one for which they are the elected representative. Depending upon their principal place of residence, under the new arrangements some current Members will no longer be eligible to receive the Sydney Allowance while other Members not currently in receipt of the allowance may meet the minimum distance criteria.

In determining eligibility Members will need to nominate their principal place of residence immediately following their election to Parliament. Members are not to relocate during the parliamentary term for the purposes of meeting the eligibility criteria.

Based on the information provided the Tribunal does not support Option 3. Extending the Sydney Allowance to Members, who reside a minimum of 50kms from Parliament House, would mean an (estimated) additional 7 Members would be eligible to receive the allowance. It was proposed to the Tribunal that the availability of the new entitlement would be restricted to those nights when the Parliament is scheduled to meet during the evening, which, based on the 2012 sitting day calendar, is estimated at 22 nights per annum. Based on this information the estimated cost of extending this entitlement would be approximately \$40,000 per annum. The Tribunal has been advised, however, that an increase in the overall cost to the Parliament would be unlikely, as the budget for the Sydney Allowance is generally not fully expended.

While the Tribunal notes that the scheduling of Parliamentary sittings, specifically the days and times that Parliament will sit, is a matter for the Government, it would be prepared to consider this matter further following the receipt of additional information in respect of the likely impact on Members and additional costs to the Parliament.

## Part three

### Summary of 2012 Determination

Electoral Allowance	2.5 per cent increase
Sydney Allowance	2.5 per cent increase
Logistic Support Allocation	2.5 per cent increase
Electorate Communication Allowance	nil
Committee Allowance	2.5 per cent increase
Electorate Charter Allowance	2.5 per cent increase
Travel Allowances	Adjusted as per Australian Tax Office Determination 2011/17

Dated this 4<sup>th</sup> day of May 2012

(signed)

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 2012, 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 2012.

## **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.

“Basic salary” has the meaning given by section 4 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 (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 (CPA) as well as activities outside Australia (exclusive of air travel) 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. Members may utilise Frequent Flyer Points which have been accrued as a result of the use of public funds to purchase international flights or obtain an upgrade in seat class in order to attend CPA activities.

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.
-

## Basic Salary

With effect from 1 July 2012 the basic salary of Members, pursuant to section 4 of the Act, shall be \$143,033 per annum.

## 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:

<b>Electorate Group</b>	<b>Electoral Allowance</b>
Group 1	\$43,195
Group 2	\$50,580
Group 3	\$59,615
Group 4	\$65,075
Group 5	\$69,220
Group 6	\$75,880
Group 7	\$88,750

- 3 The electoral allowance for each Member of the Legislative Council shall be \$50,580 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.

Members whose principal place of residence is either a minimum distance of 70 kms by road from Parliament House or the Member resides in an electorate categorised as outer non-metropolitan, 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 Members whose principal place of residence is either a minimum distance of 70 kms by road from Parliament House or who resides in an outer non-metropolitan electorate 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.	A minimum distance by road of 70 kms from Parliament House or the Member resides in an outer non-metropolitan electorate	180	\$266	Actual reasonable expenses for meals and incidentals up to a maximum of \$87.00 per day
Deputy Speaker, Legislative Assembly, Deputy President and Chair of Committees (Legislative Council), Whip and Deputy Whip (Assembly and Council), Parliamentary Secretary, Assistant Speaker Legislative Assembly, Assistant President Legislative Council. Deputy Leader of Third Party in Assembly with not less than 10 Members.	A minimum distance by road of 70 kms from Parliament House or the Member resides in an outer non-metropolitan electorate	140	\$266	As above
Chairs of Standing/Select Committees	A minimum distance by road of 70 kms from Parliament House or the Member resides in an outer non-metropolitan electorate	140	\$266	As above
Legislative Council Members	Outer non-metropolitan electorate	135	\$266	As above
	Minimum distance of 70 kms by road from Parliament House	105	\$266	As above
Legislative Assembly Members	Outer non-metropolitan electorates	135	\$266	As above
	Minimum distance of 70 kms by road from Parliament House	105	\$266	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 provide their annual reconciliation for payments made in the previous financial year and, if applicable, return to Parliament any part of the annual amount that they have not substantiated by 30 September each year or within 30 days of ceasing to be a Member.
- 10 Members who do not reimburse outstanding amounts by 30 September each year are to have their annual entitlement suspended and are to revert to the daily rate of Sydney Allowance until the reimbursement is made.
- 11 Members are not to claim the Sydney Allowance if they stay in Government owned or funded accommodation including Parliament House.
- 12 In determining eligibility Members will need to nominate their principal place of residence immediately following their election to Parliament. Members are not to relocate during the parliamentary term for the purposes of meeting the eligibility criteria.

### **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 their role in Government activities, the annual rate of allowance is payable to Members of these Committees.

#### **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 \$180.00 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 \$4,215 per annum.

# Additional Entitlements in the Nature of Fixed Allocations

## 1. Electorate to Sydney Travel

### Purpose and Operation of the Provisions

Members whose principal place of residence is either a minimum distance of 70 kms by road from Parliament House or the Member resides in an electorate categorised as outer non-metropolitan, as specified in Schedule 2, qualify for return air travel warrants between their electorates 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
Deputy President and Chair of Committees, Legislative Council Assistant Speaker, Legislative Assembly	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 23 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:

<b>Electorate Group</b>	<b>LSA</b>
Group 1	\$33,925
Group 2	\$37,960
Group 3	\$40,605
Group 4	\$40,605
Group 5	\$40,605
Group 6	\$43,250
Group 7	\$43,250

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:

<b>Zone</b>	<b>Entitlement</b>
Zone 1 Electorates	\$23,005
Zone 2 Electorates	\$23,690
Zone 3 Electorates	\$35,100

**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 23 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
<b>Legislative Assembly</b>					
Group 1	\$5,295	\$4,630	\$15,585	\$8,415	\$33,925
Group 2	\$7,950	\$6,010	\$15,585	\$8,415	\$37,960
Group 3	\$10,595	\$6,010	\$15,585	\$8,415	\$40,605
Group 4	\$10,595	\$6,010	\$15,585	\$8,415	\$40,605
Group 5	\$10,595	\$6,010	\$15,585	\$8,415	\$40,605
Group 6	\$13,240	\$6,010	\$15,585	\$8,415	\$43,250
Group 7	\$13,240	\$6,010	\$15,585	\$8,415	\$43,250
<b>Legislative Council</b>					
Zone 1 Electorates	\$5,295	\$5,325	\$3,970	\$8,415	\$23,005
Zone 2 Electorates	\$5,295	\$6,010	\$3,970	\$8,415	\$23,690
Zone 3 Electorates	\$13,240	\$9,475	\$3,970	\$8,415	\$35,100

## 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.
- Ministers
  - Presiding Officers
  - Leader of the Opposition (Assembly and Council)
  - Leader of a Party not less than 10 Members in the Legislative Assembly
  - Deputy Speaker
  - Deputy President and Chair of Committees, Legislative Council
  - Assistant Speaker, Legislative Assembly
  - 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 Communication Allowance**

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. This includes paper based communication methods and e-newsletters. 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 Communication Allowance and the Parliament'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 Communication Allowance 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 Communication Allowance 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. This includes paper based communication methods and e-newsletters.
- 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 Communication Allowance allocations are to be forfeited at the end of each financial year.

- 6 Printing and distribution of paper based or e-newsletter from the Electorate Communication Allowance 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 5-7) and the Member for Port Macquarie 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:

<b>Electorates</b>	<b>Entitlement</b>
Group 5 (incl. Port Macquarie)	\$7,545
Group 6	\$12,325
Group 7	\$22,785

## 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, landing fees and one annual service.

- 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.
  
- 9 The Member for Port Macquarie may use the Charter Transport Allowance to undertake up to four return trips to Lord Howe Island per year, flying from Port Macquarie or from Sydney subject to available flights. The entitlement is only to be used for transport costs between the electorate and Lord Howe Island and does not extend to the Member's approved relative or staff employed by the Parliament.

## 5. Travelling Allowances for Recognised Office Holders

**Table 2 – Indicative Upper Limits for Travel Expenditure**

Office Holders	Destinations	Where no overnight stay is required
<b>Group 1</b>	Darwin	\$436.15
	Perth	\$433.15
	Melbourne	\$423.15
	Brisbane	\$394.15
	Canberra	\$388.15
	Adelaide	\$367.15
	Hobart	\$353.15
	Other areas	\$348.15
<b>Group 2</b>	Brisbane	\$370.80
	Darwin	\$366.80
	Perth	\$363.80
	Melbourne	\$353.80
	Canberra	\$345.80
	Adelaide	\$322.80
	Hobart	\$304.80
	Other areas	\$239.65

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 and Chair of Committees in 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 4th day of May 2012

(signed)

The Honourable Justice C G Staff

THE PARLIAMENTARY REMUNERATION TRIBUNAL

**ELECTORAL GROUPS****SCHEDULE 1**

<b>Group 1 Electorates</b>		
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	
<b>Group 2 Electorates</b>		
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 ...

<b>Group 3 Electorates</b>		
1. Ballina 2. Cessnock 3. Coffs Harbour 4. Goulburn	5. Kiama 6. Maitland 7. Myall Lakes 8. Port Macquarie	9. Port Stephens 10. South Coast 11. Tweed
<b>Group 4 Electorates</b>		
1. Albury 2. Bathurst 3. Bega	4. Dubbo 5. Lismore 6. Orange	7. Oxley 8. Tamworth 9. Wagga Wagga
<b>Group 5 Electorates</b>		
1. Burrinjuck 2. Clarence 3. Monaro		
<b>Group 6 Electorates</b>		
1. Murrumbidgee 2. Upper Hunter 3. Northern Tablelands		
<b>Group 7 Electorates</b>		
1. Barwon 2. Murray Darling		

**SYDNEY ALLOWANCE GROUPING****SCHEDULE 2**

<b>Outer non-metropolitan electorates</b>		
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**

<b>Zone 1 Electorates</b>		
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	
<b>Zone 2 Electorates</b>		
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**

<b>Zone 3 Electorates</b>		
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**

<b>Recognised Office Holder</b>	<b>Transport</b>	<b>Communication (electronic)</b>	<b>Communication ( non- electronic)</b>	<b>Printing &amp; Stationery</b>
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 Communication Allowance**

**SCHEDULE 4**

<b>ELECTORAL DISTRICT</b>	<b>NUMBER OF ELECTORS (as at February 2012 as provided by the State Electoral Office)</b>	<b>ANNUAL ENTITLEMENT</b>
1. Albury	49,396	\$66,191
2. Auburn	51,293	\$68,733
3. Ballina	47,895	\$64,179
4. Balmain	51,972	\$69,642
5. Bankstown	48,687	\$65,241
6. Barwon	43,328	\$58,060
7. Bathurst	49,789	\$66,717
8. Baulkham Hills	50,676	\$67,906
9. Bega	49,686	\$66,579
10. Blacktown	49,171	\$65,889
11. Blue Mountains	49,226	\$65,963
12. Burrinjuck	48,705	\$65,265
13. Cabramatta	49,970	\$66,960
14. Camden	50,829	\$68,111
15. Campbelltown	45,139	\$60,486
16. Canterbury	51,027	\$68,376
17. Castle Hill	51,770	\$69,372
18. Cessnock	51,353	\$68,813
19. Charlestown	47,347	\$63,445
20. Clarence	51,997	\$69,676
21. Coffs Harbour	50,226	\$67,303
22. Coogee	49,179	\$65,900
23. Cronulla	49,820	\$66,759
24. Davidson	48,361	\$64,804
25. Drummoyne	53,546	\$71,752
26. Dubbo	48,798	\$65,389
27. East Hills	47,380	\$63,489
28. Epping	48,952	\$65,596
29. Fairfield	51,023	\$68,371
30. Gosford	49,871	\$66,827
31. Goulburn	50,262	\$67,351
32. Granville	51,314	\$68,761
33. Hawkesbury	51,743	\$69,336
34. Heathcote	48,000	\$64,320
35. Heffron	53,642	\$71,880

<b>ELECTORAL DISTRICT</b>	<b>NUMBER OF ELECTORS (as at February 2012 as provided by the State Electoral Office)</b>	<b>ANNUAL ENTITLEMENT</b>
36. Hornsby	50,729	\$67,977
37. Keira	48,087	\$64,437
38. Kiama	50,576	\$67,772
39. Kogarah	49,698	\$66,595
40. Ku-Ring-Gai	49,779	\$66,704
41. Lake Macquarie	49,724	\$66,630
42. Lakemba	51,141	\$68,529
43. Lane Cove	47,658	\$63,862
44. Lismore	49,841	\$66,787
45. Liverpool	49,940	\$66,920
46. Londonderry	47,645	\$63,844
47. Macquarie Fields	52,336	\$70,130
48. Maitland	52,740	\$70,672
49. Manly	48,864	\$65,478
50. Maroubra	50,254	\$67,340
51. Marrickville	52,318	\$70,106
52. Menai	49,233	\$65,972
53. Miranda	47,215	\$63,268
54. Monaro	49,896	\$66,861
55. Mount Druitt	48,015	\$64,340
56. Mulgoa	49,498	\$66,327
57. Murray-Darling	45,208	\$60,579
58. Murrumbidgee	47,310	\$63,395
59. Myall Lakes	50,465	\$67,623
60 Newcastle	49,080	\$65,767
61. North Shore	51,467	\$68,966
62. Northern Tablelands	50,098	\$67,131
63. Oatley	48,809	\$65,404
64. Orange	49,522	\$66,359
65. Oxley	48,686	\$65,239
66. Parramatta	51,187	\$68,591
67. Penrith	46,917	\$62,869
68. Pittwater	50,583	\$67,781
69. Port Macquarie	49,552	\$66,400
70. Port Stephens	49,658	\$66,542
71. Riverstone	58,530	\$78,430

<b>ELECTORAL DISTRICT</b>	<b>NUMBER OF ELECTORS (as at February 2012 as provided by the State Electoral Office)</b>	<b>ANNUAL ENTITLEMENT</b>
72. Rockdale	49,469	\$66,288
73. Ryde	48,014	\$64,339
74. Shellharbour	49,175	\$65,895
75. Smithfield	51,843	\$69,470
76. South Coast	50,860	\$68,152
77. Strathfield	48,841	\$65,447
78. Swansea	50,202	\$67,271
79. Sydney	57,714	\$77,337
80. Tamworth	49,294	\$66,054
81. Terrigal	48,469	\$64,948
82. The Entrance	49,775	\$66,699
83. Toongabbie	48,711	\$65,273
84. Tweed	48,612	\$65,140
85. Upper Hunter	49,137	\$65,844
86. Vaucluse	50,512	\$67,686
87. Wagga Wagga	51,497	\$69,006
88. Wakehurst	50,652	\$67,874
89. Wallsend	48,173	\$64,552
90. Willoughby	49,611	\$66,479
91. Wollondilly	50,778	\$68,043
92. Wollongong	50,345	\$67,462
93. Wyong	50,904	\$68,211

## Advice of the Secretary of NSW Treasury

The following comments on the Parliamentary Remuneration Tribunal's 2012 Determination are made pursuant to Section 12A of the *Parliamentary Remuneration Act 1989*.

### Financial Impact of the 2012 Determination

Member entitlements are estimated to increase by around \$323,000 (or around 1.6 per cent) over the 2011 Determination.

**I advise that this additional cost can be managed within the Legislature's existing funding arrangements.**

The table below shows the changes in entitlements compared to the 2011 Determination. As per the 2012 Determination, all allowances, except the Electorate Communication Allowance, are estimated to increase by 2.5 per cent. The total cost estimated for the Electoral Charter Transport Allowance also accounts for the cost of an additional Member entitled to the allowance.

<b>ENTITLEMENT</b>	<b>2011</b>	<b>2012</b>	<b>CHANGE</b>	
Electoral Allowance	\$6,720,402	\$6,888,412	\$168,010	2.5%
Sydney Allowance	\$2,097,753	\$2,150,197	\$52,444	2.5%
Logistic Support Allocation	\$4,408,581	\$4,518,796	\$110,215	2.5%
Electorate Communication Allowance <sup>(1)</sup>	\$6,231,389	\$6,212,535	-\$18,854	-0.3%
Committee Allowance <sup>(2)</sup>	\$26,025	\$26,676	\$651	2.5%
Electorate Charter Transport Allowance – Legislative Assembly Members <sup>(3)</sup>	\$102,498	\$112,605	\$10,107	9.9%
Travelling Allowance for Recognised Office Holders <sup>(4)</sup>	Not estimated	No Increase	NIL	NIL
<b>TOTAL</b>	<b>\$19,586,648</b>	<b>\$19,909,220</b>	<b>\$322,572</b>	<b>1.6%</b>

Notes:

1. While the Tribunal does not propose to change this allowance, the decrease in the estimated cost results from revised enrolment statistics as at February 2012.
2. Includes members of Public Accounts Committee only.
3. An additional Member is now entitled to the Charter Transport Allowance provided to Group 5 Electorates. This is in addition to the annual 2.5% increase.
4. There is no estimate provided as the allowance rate varies depending on travel destination.

Philip Gaetjens

(signed)

Secretary

4 May 2012