

Parliamentary Remuneration Tribunal

Annual Report and Determination

*Report and determination of salary and additional entitlements for
Members of the Parliament of New South Wales pursuant to the
Parliamentary Remuneration Act 1989*

**20 May
2016**

Parliamentary Remuneration Tribunal

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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 make 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 part of the 2015 annual review the Tribunal was asked by the Presiding Officers to consider considerable changes aimed at simplifying and reducing the cost of the administration of allowances, while providing greater flexibility. The Tribunal was of the view that the Presiding Officers’ proposals had merit but required further review, including extensive consultation with Members, to ensure any new model is compliant with the intent of the Act and is able to meet both the needs of Members and the Parliament, and be in keeping with public expectations. For that reason the Tribunal determined that a thorough review of the proposals raised by the Presiding Officers would be undertaken as part of the 2016 annual review.

The Presiding Officers’ proposal has been reviewed in consultation with Members. The Tribunal’s deliberations in respect to the Presiding Officers’ submission on proposed changes to additional entitlements and general matters raised are contained in **Section 1** of the Report.

The Report also addresses general matters raised as part of the annual review and those issues that, in the Tribunal’s view, merit further consideration and/or comment. **Section 2** of the Report provides a general summary of the Determination.

Section 1

1. Basic Salary

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

NSW Government wages policy

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* (“the IR Act”) 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 IR Act is articulated in the *Industrial Relations (Public Sector Conditions of Employment) Regulation 2014* (“the IR Regulation”). The effect of the IR Regulation is that public sector wages cannot increase by more than 2.5 per cent. Clause 6 of the IR Regulation provides the following clarification in relation to superannuation employment benefits:

“...Other policies

(1) *The following policies are also declared, but are subject to compliance with the declared paramount policies:*

(a) *Public sector employees may be awarded increases in remuneration or other conditions of employment but only if employee-related costs in respect of those employees are not increased by more than 2.5 % per annum as a result of the increases awarded together with any new or increased superannuation employment benefits provided (or to be provided) to or in respect of the employees since their remuneration or other conditions of employment were last determined.*

(4) *In subclause (1)(a), **new or increased superannuation employment benefits** means any new or increased payments by an employer to a superannuation scheme or fund of an employee as a consequence of amendments to the Superannuation Guarantee (Administration) Act 1992 of the Commonwealth or the State Authorities Non-contributory Superannuation Act 1987.”*

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2016 basic salary increase

The Tribunal notes that no further adjustments in the compulsory superannuation guarantee contributions are expected until 1 July 2021 and on that basis the basic salary for Members may be increased by 2.5 per cent to \$157,112 per annum.

2. Additional entitlements subject to change

Background

The current additional entitlements are specified in Section 3 of the Tribunal's 2015 Annual Determination and are listed below.

Section 3 (4) Additional entitlements in the nature of allowances	Section 3 (5) Additional entitlements in the nature of fixed allocations
<ul style="list-style-type: none">• Electoral Allowance• Sydney Allowance• Committee Allowances	<ul style="list-style-type: none">• Electorate to Sydney Allowance• Logistics Support Allocation• Electorate Communication Allowance• Electorate Charter Transport for Members of the Legislative Assembly• Travelling Allowances for Recognised Office Holders• Equipment, Services and Facilities

In the 2015 Annual Determination the Tribunal provided an overview of proposed changes to some of the above additional entitlements as requested by the Presiding Officers. The Tribunal foreshadowed that the 2016 annual review would commence earlier than usual to allow the Tribunal to thoroughly review the Presiding Officers' suggested changes to additional entitlements as outlined in their submission of 19 June 2015:

"... As part of the 2015 annual review the Tribunal has been asked by the Presiding Officers to consider considerable changes aimed at simplifying and reducing the cost of the administration of allowances, while providing greater flexibility. The suggested changes, if adopted, would result in the abolition of a number of existing allowances to create new allowances. Those allowances would incorporate much of the existing entitlements but could provide greater flexibility in their application and/or administration. The proposal put forward by the Presiding Officers would not result in an overall increase in the quantum of allowances available to Members or the overall cost to the Parliament. Instead the suggested changes, if approved, should result in improved efficiencies and administrative processes.

... The Tribunal is of the view that the Presiding Officers' proposals have merit but require further review, including extensive consultation with Members, to ensure

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any new model is compliant with the intent of the PR Act and is able to meet both the needs of Members and the Parliament, and be in keeping with public expectations.

On that basis, the Tribunal will undertake a thorough review of the proposals raised by the Presiding Officers as part of the 2016 annual review. To ensure that sufficient time is available to undertake this review, the Tribunal will commence the 2016 review immediately following the making of the 2015 Annual Determination. The Tribunal will consult further with the Presiding Officers to clarify their proposals and then write to Members to seek their views.”

2016 review

The Tribunal delayed the early commencement of the 2016 review on advice that the Presiding Officers would be requesting the Premier to consider directing the Tribunal to make a special determination, prior to the making of the 2016 Annual Determination.

The Tribunal was subsequently advised that a special determination direction would not be forthcoming and that the Presiding Officers intended to revise their submission of 19 June 2015, following a consultation process with Members. The Tribunal received the Presiding Officers’ revised submission on 18 December 2015.

The revised submission from the Presiding Officers proposed the abolition of some additional entitlements, changes to existing entitlements and the creation of new entitlements as summarised below.

Abolish/Change	Create/Revise
1. Logistics Support Allocation (LSA): a. Communications electronic b. Communications non-electronic c. Printing & Stationary d. Transport	1. Communications Allowance: a. Base Allocation b. Additional Allocation
2. Electorate Communication Allowance (ECA)	2. General Travel Allowance: a. Base Allocation b. Additional Allocation
3. Electorate Charter Transport Allowance	3. Electoral Allowance: a. Base Allowance b. Additional Allowance
4. Electoral Allowance	c. Recognised Office Holder Allowance (except Independents) d. Independents Allowance
5. Recognised Office Holder and Other Member Entitlements (Schedule 3): a. LSA-Communications electronic b. LSA-Communications non-electronic c. LSA-Printing and Stationery d. LSA-Transport	4. Recognised Office Holder and Other Member Entitlements (Schedule 3): a. General Travel Allowance (Base Allocation) b. Communications Allowance (Base Allocation)

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On 6 January 2016, the Tribunal wrote to each Member of Parliament in respect to the 2016 annual review and provided a copy of the Presiding Officers' submission of 18 December 2015. In respect to the Presiding Officers' submission, Members were invited to make written submissions in relation to the following additional entitlements that are subject to the proposed changes:

- Electoral Allowance
- Logistic Support Allocation (LSA)
- Electorate Communication Allowance
- Electorate Charter Transport Allowance

Presiding Officers' proposal - impact on existing entitlements

The most significant impact will be on the Logistic Support Allocation (LSA).

The LSA is an amount of money allocated to Members from which they can purchase products or services associated with undertaking their parliamentary duties. The LSA is notionally comprised of the following four components - transport (other than electorate or electorate to Sydney transport); electronic communication; non-electronic communication; and printing, stationery, office supplies and services. While the total funds identify notional amounts for each of the groups, in practise Members can determine at their own discretion what their LSA funds are used for, subject to the terms and conditions of the LSA.

The Presiding Officers proposed that the LSA cease to exist and that the funds allocated for the purchase of items and/or services from this account be transferred to other entitlements.

The following components will transfer to the existing **Electoral Allowance**:

- LSA - printing, stationery, office supplies and services
- LSA - communication - electronic

Two new entitlements will be created which will combine the remaining components of the LSA with the Electorate Communication Allowance and the electorate charter transport allowance as follows:

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General Transport Allowance (GTA)

- LSA – transport
- Electorate charter transport allowance

Communications Allowance (CA)

- LSA – communication – non-electronic
- Electorate communication allowance

The reasons for proposing each of these changes is summarised below.

General Transport Allowance (GTA)

Members currently use their LSA for transport costs (but not transport within the electorate or electorate to Sydney travel). This includes all modes of transport, accommodation, some staff travel and approved relative travel.

The Members of the 6 most remote electorates in NSW (and the Member of Port Macquarie) also receive an electorate charter transport allowance. This allowance is provided for the purpose of travel within the electorate.

Both of these entitlements have limitations in respect of providing for staff travel, access to travel providers which are based outside of an electorate, and apportioning costs when Members combine travel with electorate to Sydney travel or other travel associated with their recognised office holder responsibilities.

The General Travel Allowance (GTA) would encompass all transport costs associated with Members undertaking their parliamentary duties including costs for staff travel. This will include transport within the electorate and intrastate and interstate travel, providing Members with greater flexibility to meet all travel costs associated with their role as a Member of Parliament. The ability to claim transport costs within the electorate will provide Members with greater flexibility to use their Electoral Allowance for other purposes.

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Communications Allowance (CA)

Members may use their LSA for the cost of postage and delivery services (including letters and e-communication i.e. websites) associated with undertaking their parliamentary duties. Members of the Legislative Assembly are also provided with the Electorate Communication Allowance (ECA) for the purposes of communicating with their constituents. Communication with constituents from the ECA is limited to matters affecting the Member's electorate.

The Presiding Officers propose that the communication – non-electronic component of the LSA and the ECA be combined to form a new entitlement – the Communications Allowance (CA). The Communications Allowance (CA) will be used to meet the production and distribution costs of communicating with constituents including newsletters, brochures, the printing of letterheads, flyers, e-publications, developing, hosting and maintaining a website and/or other social media, email distribution services, advertisements and any other forms of communication approved by the Parliament.

The establishment of the Communications Allowance (CA) is intended to streamline the administrative practices currently associated with the use of the LSA and ECA. The Tribunal notes that the Parliament will need to amend the Publication Guidelines and establish social media guidelines to ensure compliance with the Determination. It is envisaged that the new global communication allocation will make it easier for Members to communicate with their constituents.

Electoral Allowance (EA)

The electoral allowance is paid to all Members for the performance of parliamentary or electoral duties and is paid to cover incidental expenditure incurred in discharging these responsibilities. The electoral allowance can be used by a member in undertaking either parliamentary or electorate duties.

Members are not required to account for the use of this allowance to the Parliament. Instead Members are subject to the substantiation rules determined by the Australian Taxation Office (ATO). If the allowance is not fully expended or the expenditure incurred is not allowed as a tax deduction by the ATO, that portion is subject to the same tax rates as normal income.

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Members currently use their LSA for the cost of telephone and internet services and the provision of office supplies and equipment (including mobile phones and other portable devices) not otherwise supplied by the Parliament.

In the majority of cases, Members are required to establish personal accounts with a range of suppliers/providers. Upon incurring an eligible expense, the Member then submits a claim for the cost to be met. There are a high number of low value claims associated with these entitlements.

As the Parliament is an end-user in the entire process, i.e. responsible for processing and paying eligible claims, it is proposed the amounts designated for these expenses be paid directly to the Members in the form of additional Electoral Allowance. The onus will then solely rest with the Member to expend the funds in accordance with ATO Tax Ruling 1999/10 and to determine the appropriate level of resources to be allocated to tasks associated with their parliamentary duties and the functioning of their office(s).

The proposal is aimed at giving Members greater flexibility and control over their expenditure while reducing the cost of the administration of these entitlements.

Recognised Office Holders

Recognised office holders receive additional allowances for the following components of the existing LSA – transport, communication non-electronic and printing and stationery. The additional allowances are expressed as a percentage and are outlined in Schedule 3 of the Tribunal’s 2015 Annual Determination.

The Presiding Officers have proposed that these allowances will continue to be provided under the new arrangements at their existing rates.

In respect of the Electoral Allowance the recognised office holder loadings that apply to the former printing and stationery component of the LSA will be expressed as a monetary amount in the following format (2015 amounts used for illustrative purposes):

Electoral Group	Base Allowance	Additional Allowance	Recognised Office Holder Allowance (except Independents)	Independents Allowance
Group 1	\$46,325	\$13,980	\$3,610	\$1,805

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In respect of the Communications Allowance (CA) and General Travel Allowance (GTA) the recognised officer loadings will continue to be expressed as percentages in the following terms:

Recognised Office Holder	General Travel Allowance - Base Allocation	Communications Allowance - Base Allocation
Presiding Officer	30%	55% (A) 175% (C)
Leader of the Opposition	20%	140% (A) 175% (C)

Findings

For a number of years the Tribunal has received submissions, from both Members and the Parliament, seeking a simplification of the administrative procedures associated with the provision of additional entitlements. Members have argued that the Parliament's compliance requirements are not clear and create an administrative burden for staff and the Member. The Parliament has advised that the use and provision of entitlements requires a high level of oversight from the Parliament's administrative staff to ensure that Members use entitlements appropriately. There is considerable scrutiny of the use of Members' entitlements from the media and integrity agencies such as the NSW Audit Office and the Independent Commission Against Corruption. The Parliament's administrative procedures are in place to ensure that the use of entitlements complies with the Tribunal's Determination, the relevant legislation and the NSW Audit Office requirements.

The Tribunal has encouraged the Parliament to work with Members to simplify and streamline the existing administrative practices and procedures to reduce the administrative burden for Members and the Parliament's administrative staff.

The Tribunal has carefully examined the Presiding Officers' proposal and has considered the views expressed by Members. The Tribunal supports the Presiding Officers' proposed changes which are aimed at simplifying and reducing the cost of administration of allowances, while providing Members with greater flexibility. The Determination has been amended to reflect the new entitlement model.

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The Tribunal received three submissions from the major parties that addressed, to varying degrees, the Presiding Officers' proposed changes to additional entitlements. Two submissions supported the proposed changes and one submission considered that some of the Presiding Officers' proposed changes had considerable merit and some should be changed. In respect to suggested changes, it was submitted that both components of the proposed Communications Allowance (CA) should carry over at the end of each financial year, until such time as the Parliament is dissolved. Also, that the LSA-Transport allocation should be added to the proposed Communications Allowance (CA) or the Electoral Allowance (EA), rather than the proposed General Travel Allowance (GTA), to provide greater flexibility for Members. In respect to the proposed Electoral Allowance - Additional Allowance, it was submitted that three different systems should operate for the administration of this allowance to cater for the different views of Members.

The Tribunal has considered the alternative models put forward but finds that they are unlikely to achieve the proposed savings or reduce administrative complexity.

The new entitlement model will not significantly alter the overall cost of providing allowances, entitlements and services to Members.

With the exception of the Communications Allowance (CA), there is no overall monetary increase to additional entitlements resulting from the Presiding Officers' proposed changes as the current amounts will be re-allocated to the new entitlements (with the addition of the 2.5 per cent increase).

The Communications Allowance (CA) will increase by an amount of more than 2.5 per cent as a result of an increase of more than 2.5 per cent in the additional allocation component of this entitlement. The additional allocation component is calculated on the basis of constituent numbers and an original costing factor (OCF). The additional allocation component will increase by more than 2.5 per cent because of an increase in the number of enrolled voters and the Tribunal's decision to vary the OCF to part reflect increased postal costs.

From 1 January 2016 the cost of an ordinary postage stamp increased from \$0.70 to \$1. An increase in the OCF to \$1 was not considered appropriate as the OCF is comprised of both production and postage factors. Members can access discounted postal rates which

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are available for bulk mail outs. In addition, the Communications Allowance (CA) additional allocation is not solely provided for traditional paper-based modes of communication. A portion of this entitlement is used by Members for electronic forms of communication which incur no postal charges. Importantly, it was found that an increase in the OCF to \$1 would increase the overall cost of the Communications Allowance (CA) by an amount which is inconsistent with public expectations and likely to offset any proposed savings resulting for the revised administrative arrangements.

Instead the OCF will increase from \$0.71 to \$0.75 to part reflect the increase in postal costs. The overall increase in the Communications Allowance (CA) is estimated at \$580,631 or 6.5 per cent over the amount provided in 2015. If there had been no adjustment in the OCF the increase would have been 4.2 percent (2.5 per cent plus revised constituent numbers). The additional increase is therefore only \$205,244 or 2.3 per cent which is considered reasonable given the additional costs associated with communicating with constituents.

An adjustment in this allowance to reflect higher postal costs was requested by the Presiding Officers, the Liberal Party, The Nationals and the Labor Party.

The Tribunal notes that it does not intend to adjust the OCF component of the additional allocation on an annual basis. This is consistent with the historic treatment of this entitlement. The OCF has been increased on three occasions since it was introduced in 1992 – twice to reflect increases in the cost of an ordinary stamp and once in line with the general increase provided to all entitlements.

The Tribunal notes that the Parliament will need to vary some of its administrative procedures and guidelines to ensure compliance with the Determination and the Act in respect of both the Communications Allowance (CA) and the General Travel Allowance (GTA).

There will also be some minor changes in costs associated with how some entitlements are provided and managed at the end of each financial year. The unexpended portion of the LSA associated with printing and stationery and communication – electronic costs will not be forfeited to the Parliament at the end of the parliamentary term. Instead Members will retain these amounts as part of the revised electoral allowance. However, additional

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savings should be realised in the additional entitlements provided to recognised office holders. The recognised office holder loadings on transport and communication non-electronic will no longer carry over to the end of the parliamentary term. Instead any unspent funds will be forfeited at the end of the financial year.

3. Additional entitlements remaining the same

The Tribunal has reviewed the additional entitlements that are not included in the Presiding Officer's submission. The Tribunal determines that the following additional entitlements will increase by 2.5 per cent consistent with the increase in the basic salary.

- Sydney Allowance
- Committee Allowances
- Electorate to Sydney Allowance

4. Other matters

Allocation of staff

The Tribunal has received a submission requesting that all Members in the Legislative Assembly (LA) be entitled to the same staff allocation on the basis that all Members undertake the same role and functions. Under the existing arrangement each Member of the LA elected as an Independent or a Cross Bench Member is entitled to an additional staff member employed at his/her electoral office. The submission argues this is unfair and is based on historic reasoning that is no longer applicable.

The Tribunal determines the allocation of staff to Members of the LA and Members of the Legislative Council (LC). A thorough review of the allocation of staff was undertaken as part of the 2013 annual review and the existing entitlements are specified on pages 50 and 51 of the 2015 Annual Determination. A summary is shown below.

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Member of the LA (not elected as an Independent or Cross Bench Member)	The equivalent of two full time staff Members employed at the electorate office. Plus, 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 a Senior Electorate Officer for a period of 70 days per annum. Within this budget, Members have the flexibility to use this entitlement to employ additional staff.
Member of the LA elected as an Independent or Cross Bench Member	The equivalent of three full time staff Members employed at the electorate office
Member of the LC, who is not a Minister	One staff member
Member of the LC, who is not a Minister and who is elected as a Cross Bench Member	Two staff Members
The Whip of each recognised political party of not less than 10 Members	One additional staff member

The matter of extending the allocation of the ATS to a third full time staff member has been raised with the Tribunal on a number of occasions and found to be not warranted. In the 2014 Annual Determination the Tribunal made the following comments:

“During 2013 the Tribunal undertook a review of the allocation of staff to Members of Parliament.

The Tribunal found that, overall, there was a need for additional support in electorate offices. This was based on the increase in constituent numbers and innovations in technology and communication which have an impact on the number of interactions Members and electorate staff have with electors and the wider community.

While the Tribunal found that additional support was warranted, it was not satisfied that the workload is sufficient to warrant the additional salary, on-costs and the cost of reconfiguring electorate offices for the existing Additional Temporary Staff (ATS) entitlement to be extended to a third full time electorate officer. Instead the Tribunal determined that the existing additional staff entitlement increase from a budget of 61 days per annum to 70 days per annum.

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The Tribunal also determined that Members of the Legislative Assembly who are elected as a member of a minor party will receive the same entitlement to staff as those elected as independents members..

...The Tribunal has again received submissions requesting that the Tribunal extend the allocation of the ATS to a third full time member of staff for all Members of the Legislative Assembly. One submission has suggested that the third full time staff member could be a trainee, which could reduce the salary costs associated with this entitlement and provide employment opportunities for young people.

The Tribunal finds that since undertaking the 2013 there has been no significant changes to warrant a further extension of the ATS at this time.”

The Tribunal has not received sufficient information to warrant a further change to the existing staff allocation entitlements. The Tribunal would be prepared to consider this matter again during the 2017 annual review. Similar to previous staffing reviews, any potential increase in staffing would require a thorough work value assessment across a larger number of both rural and metropolitan electorates and consideration of financial impacts.

Auditor-General’s Report - Loyalty and Incentive Schemes

In the 2015 Annual Determination the Tribunal noted a recommendation contained in the *Auditor-General’s Report to the Parliament on the Additional Entitlements for Members of Parliament (Volume Three 2015)* in respect to loyalty and incentive schemes.

The Tribunal foreshadowed that it would consider the Auditor-General’s recommendation as part of the 2016 annual review:

“Additional entitlements are provided subject to the guidelines and conditions as specified in the Tribunal’s determination. If particular Members do not comply with this condition, or any other condition, the Tribunal will consider introducing a new condition which will prohibit the provision of further entitlements until such time as the Member complies. The Tribunal will consider this step as part of its general review of members’ entitlements for the 2016 determination.”

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The Tribunal remains of the view that Members must comply with the conditions contained within the Determination and complete an annual declaration form provided by the Parliament's administration at the end of the 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.

However, the proposal to consider suspending the payment of additional entitlements in cases of non-compliance is not considered appropriate for 2016/17 given the scale of the changes to entitlements. The Parliament may wish to consider including advice to Members about these requirements in any new guidance associated with the General Travel Allowance (GTA). The Tribunal will monitor compliance during 2016/17 and will consider the matter again during the 2017 annual review.

Family reunion travel

The Tribunal has again received a submission requesting that in limited circumstances a Member be entitled to use the LSA for 'family reunion travel' to enable his or her spouse or nominee, dependent child(ren) and designated person(s) to accompany or join the Member on travel within NSW on parliamentary, electorate or official business.

The example provided to the Tribunal to support this request is the case of a Member with a young child (2 years or less). If the Member's spouse and child accompany him/her when travelling in connection with official parliamentary duties, he/she can use his/her LSA entitlement to meet the official costs of one person only, that being the "the approved relative". It is submitted that the Member should have capacity when needed to take his/her spouse and child when travelling in connection with official parliamentary duties, and use their LSA entitlement to meet the official travel cost of both spouse and child.

In respect of the use of additional entitlements the Tribunal notes that the following general condition applies to all additional entitlements:

"2.2 Conditions

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

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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.”

The meaning that applies to the term “approved relative” is contained in the definitions as follows:

“1. Definitions

“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.”

It is proposed that the family reunion travel entitlement be provided to allow Members to balance their work and family responsibilities and to reconcile the need for them to be away from home for long periods with their family obligations, similar to that provided to Federal Members of Parliament. While it is not intended that it be a general travel entitlement for a Member’s spouse or nominee, dependent children or designated persons, it is suggested that the Federal Members’ entitlements for Family Reunion Travel be adapted for State Members.

It is open to the Tribunal to extend the use of a Member’s entitlements to meet the official cost of the dependent child(ren) for the purposes of a family reunion, including a definition for the ‘dependent child(ren)’ and appropriate conditions. However, the Tribunal has not received sufficient information to warrant any deviation from the current

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arrangement. On this basis the Tribunal will seek the views of all Members and the Presiding Officers during the 2017 annual review.

Electoral Groupings

Electorates are classified into groups, categories or zones for the purposes of determining certain additional entitlements.

An anomaly exists in the 2015 Annual Determination in respect of the classification of the electorate of Kiama for the purposes of receiving the electoral allowance. Under the current arrangements the electorate of Kiama is classified for the purposes of receiving the electoral allowance into Legislative Assembly (LA) electoral Group 3. Members of the Legislative Council (LC) do not have electorates but the quantum of entitlements they receive is based on the electorate they reside in. For the LC, electorates are similarly grouped but those groups are referred to as zones. For the LC Kiama is classified in Zone 2. LA electoral groups and LC electoral zones are identical with the exception of Kiama. This anomaly may have arisen as Kiama was classified differently for the purposes of determining eligibility for the Sydney Allowance as outlined in the 2009 Annual Determination.

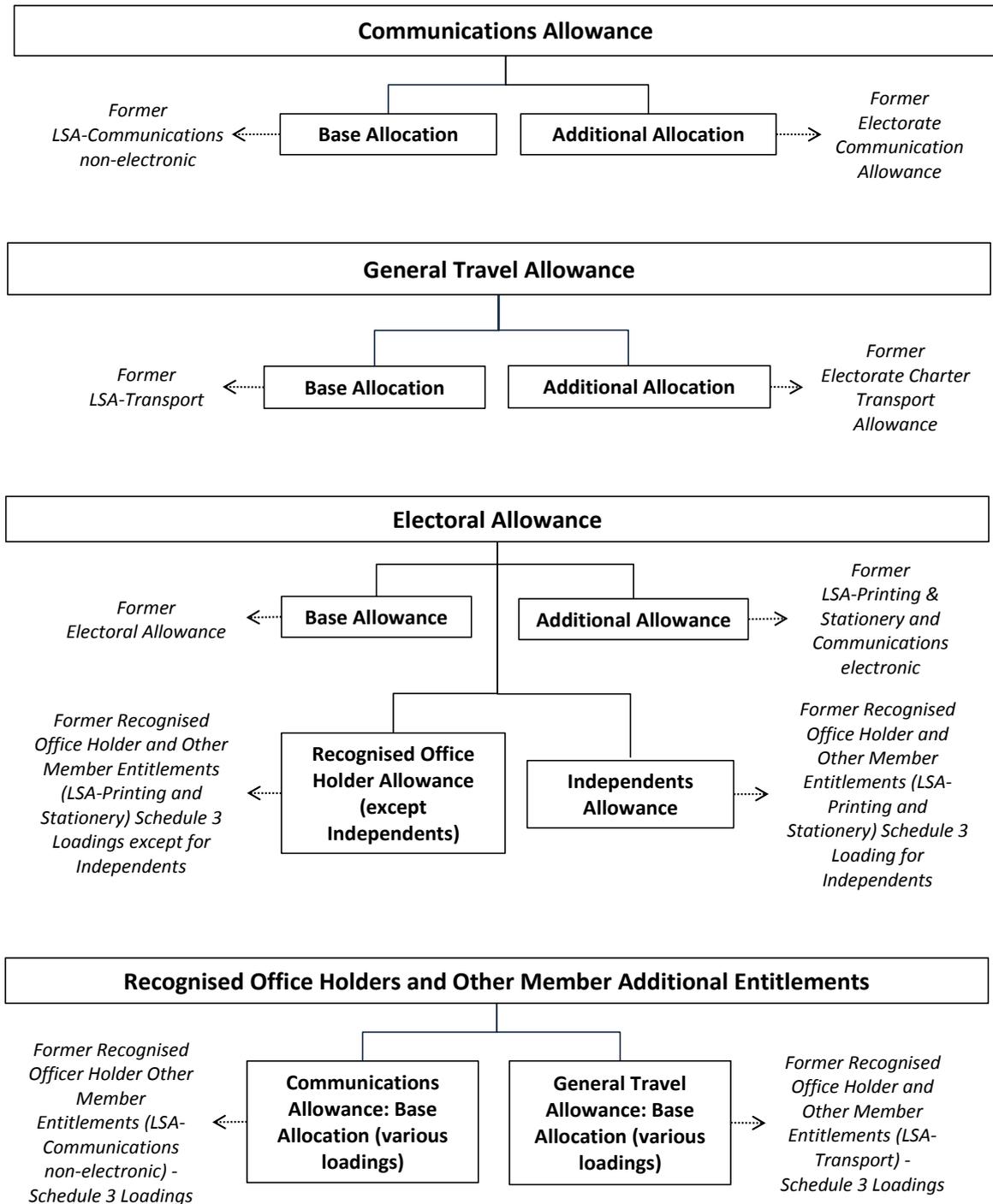
The reasons for treating Kiama differently for the purposes of the Sydney Allowance are no longer relevant as eligibility is now based on the distance from the Parliament to the Members principal place of residence, rather than on an identified list of electorates determined by the Tribunal.

There would appear to be no reason to continue to treat Kiama differently for the purpose of receiving additional entitlements. Therefore the Determination is amended to move Kiama from Zone 2 to Zone 3 for the purposes of receiving additional entitlements.

Section 2 General Summary of the Determination

1. Changes to additional entitlements

Determined Changes



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2. 2016 increases

Additional entitlement	Increase
Electoral Allowance:	
Base Allowance	2.5 per cent increase
Additional Allowance	2.5 per cent increase
Recognised Office Holder Allowance (except Independents)	2.5 per cent increase
Independents Allowance	2.5 per cent increase
Sydney Allowance	2.5 per cent increase
Communications Allowance:	
Base Allocation	2.5 per cent increase
Additional Allocation	5.6 per cent increase in OCF 6.5 per cent increase in quantum of allowance
Committee Allowances	2.5 per cent increase
General Travel Allowance:	
Base Allocation	2.5 per cent increase
Additional Allocation	2.5 per cent increase
Travel Allowances	Continue as per Australian Tax Office Determination TD2015/14

The Parliamentary Remuneration Tribunal



The Hon C G Staff

Dated: 20 May 2016

Section 3 The Determination

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

With effect on and from 1 July 2016, 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 2016.

1. 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 Table 1.

“Zones” are the areas for Members of the Legislative Council as specified in Table 2.

“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

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Member to meet their parliamentary duties and individual circumstances that apply at the time.

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

2.1 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.

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- 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 CPA 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.

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- 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 *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;
 - 2.2.5 costs previously borne by political parties which are not principally related to a Member's parliamentary or electorate duties; and
 - 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 members parliamentary duties and non-parliamentary duties is in practical terms not always easily avoided. The onus is always on the Member to show that expenditure or any claims for

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reimbursement relate to parliamentary duties. Where there is intermingling of non-parliamentary activity which is incidental to a Member's parliamentary duties, such incidental non-parliamentary use is permissible. If it is not practical to separate intermingled parliamentary and non-parliamentary use a Member must estimate the component of non-parliamentary use and, using the Member's best efforts, meet these costs independently.

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.

2.2 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 Allowance and Sydney Allowance, an account entitled the "Communications Allowance" and "General Travel Allowance" which shall cover expenditure in the areas of transport (except for electorate to Sydney travel) and communications as provided for in the Tribunal's Determination. The Communications Allowance and General Travel Allowance accounts shall be established and maintained by the Executive Manager,

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Department of Parliamentary Services. Members should be advised by the Department of Parliamentary Services each month as to the balance of these allocations.

4. 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 Communications Allowance and General Travel Allowance.
5. All accounts and Members' claims must be submitted to the Legislature for payment within 60 days of receipt or occurrence of the expense.
6. 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.
7. 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).
8. The various allowances determined here, 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.
9. 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

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loyalty/reward benefits accrued through the use of their additional entitlements for non-parliamentary or electorate purposes.

10. 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.

2.3 List of Tables Relating to Additional Entitlements

Table 1 Electoral Groupings for the Legislative Assembly

Table 2 Zones for the Legislative Council

Table 3 Electoral Allowance Legislative Assembly and Legislative Council

Table 4 Sydney Allowance Daily Rates

Table 5 Electorate to Sydney Travel Entitlements – Additional Entitlements for Recognised Office Holders

Table 6 Communications Allowance –Base Allocation

Table 7 Communications Allowance – Additional Allocation

Table 8 General Travel Allowance

Table 9 Travel Allowances Indicative Upper Limits for Recognised Officer Holders

Table 10 Travel Allowances Group Classifications for Recognised Office Holders

Table 11 Recognised Office Holder and Other Member Additional Entitlements

3. Basic Salary

With effect from 1 July 2016 the basic salary of Members, pursuant to section 4 of the Act, shall be \$157,112 per annum.

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4. Electoral Groupings and Zones for Fixing Additional Entitlements

The electoral groupings for the Legislative Assembly and Zones for the Legislative Council to be used for the purposes of determining the quantum of additional entitlements shall be as follows:

Table 1: Electoral Groupings for the Legislative Assembly		
<p style="text-align: center;">Group 1</p> <ol style="list-style-type: none"> 1. Auburn 2. Balmain 3. Bankstown 4. Baulkham Hills 5. Blacktown 6. Cabramatta 7. Camden 8. Campbelltown 9. Canterbury 10. Castle Hill 11. Coogee 12. Cronulla 13. Davidson 14. Drummoyne 15. East Hills 16. Epping 17. Fairfield 18. Granville 19. Heffron 20. Holsworthy 21. Hornsby 22. Kogarah 23. Ku-ring-gai 24. Lakemba 25. Lane Cove 26. Liverpool 27. Londonderry 28. Macquarie Fields 29. Manly 30. Maroubra 31. Miranda 32. Mount Druitt 33. Riverstone 34. Rockdale 	<p style="text-align: center;">Group 2</p> <ol style="list-style-type: none"> 1. Blue Mountains 2. Charlestown 3. Gosford 4. Hawkesbury 5. Heathcote 6. Keira 7. Lake Macquarie 8. Newcastle 9. Shellharbour 10. Swansea 11. Terrigal 12. The Entrance 13. Wallsend 14. Wollondilly 15. Wollongong 16. Wyong 	<p style="text-align: center;">Group 3</p> <ol style="list-style-type: none"> 1. Ballina 2. Cessnock 3. Coffs Harbour 4. Kiama 5. Maitland 6. Myall Lakes 7. Port Macquarie 8. Port Stephens 9. South Coast 10. Tweed <hr/> <p style="text-align: center;">Group 4</p> <ol style="list-style-type: none"> 1. Albury 2. Bathurst 3. Bega 4. Clarence 5. Dubbo 6. Goulburn 7. Lismore 8. Orange 9. Oxley 10. Tamworth 11. Wagga Wagga <hr/> <p style="text-align: center;">Group 5</p> <ol style="list-style-type: none"> 1. Cootamundra 2. Monaro 3. Upper Hunter <hr/> <p style="text-align: center;">Group 6</p> <ol style="list-style-type: none"> 1. Northern Tablelands <hr/> <p style="text-align: center;">Group 7</p> <ol style="list-style-type: none"> 1. Murray <hr/> <p style="text-align: center;">Group 8</p> <ol style="list-style-type: none"> 1. Barwon

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Table 2: Zones for the Legislative Council

Zone 1	Zone 2	Zone 3
1. Auburn	1. Blue Mountains	1. Albury
2. Balmain	2. Charlestown	2. Ballina
3. Bankstown	3. Gosford	3. Barwon
4. Baulkham Hills	4. Hawkesbury	4. Bathurst
5. Blacktown	5. Heathcote	5. Bega
6. Cabramatta	6. Keira	6. Cessnock
7. Camden	7. Lake Macquarie	7. Clarence
8. Campbelltown	8. Newcastle	8. Coffs Harbour
9. Canterbury	9. Shellharbour	9. Cootamundra
10. Castle Hill	10. Swansea	10. Dubbo
11. Coogee	11. Terrigal	11. Goulburn
12. Cronulla	12. The Entrance	12. Lismore
13. Davidson	13. Wallsend	13. Kiama
14. Drummoyne	14. Wollondilly	14. Maitland
15. East Hills	15. Wollongong	15. Monaro
16. Epping	16. Wyong	16. Murray
17. Fairfield		17. Myall Lakes
18. Granville		18. Northern Tablelands
19. Heffron		19. Orange
20. Holsworthy		20. Oxley
21. Hornsby		21. Port Macquarie
22. Kogarah		22. Port Stephens
23. Ku-ring-gai		23. South Coast
24. Lakemba		24. Tamworth
25. Lane Cove		25. Tweed
26. Liverpool		26. Upper Hunter
27. Londonderry		27. Wagga Wagga
28. Macquarie Fields		
29. Manly		
30. Maroubra		
31. Miranda		
32. Mount Druitt		
33. Mulgoa		
34. Newtown		
35. North Shore		
36. Oatley		
37. Parramatta		
38. Penrith		
39. Pittwater		
40. Prospect		
41. Riverstone		
42. Rockdale		
43. Ryde		
44. Seven Hills		
45. Strathfield		
46. Summer Hill		
47. Sydney		
48. Vaucluse		
49. Wakehurst		
50. Willoughby		

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5. Additional Entitlements in the Nature of Allowances

5.1 Summary

The entitlements in this category comprise the following:

Electoral Allowance	– Base Allowance
	– Additional Allowance
	– Recognised Office Holder Allowance (except Independents)
	– Independents Allowance

Sydney Allowance

Committee Allowances

5.2 Electoral Allowance

Basis

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.

The establishment of the additional allowance takes into account the costs previously met from the abolished LSA – Communications (electronic) and LSA - Printing and Stationery, Office Supplies and Services.

Entitlement

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 or zone for the electorate of the Member as follows:

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Table 3: Electoral Allowance - Legislative Assembly and Legislative Council			
Electoral Group/Zone	Base Allowance	Additional Allowance	Total
Legislative Assembly			
Group 1	\$47,485	\$14,330	\$61,815
Group 2	\$55,605	\$15,845	\$71,450
Group 3	\$65,535	\$15,845	\$81,380
Group 4	\$71,535	\$15,845	\$87,380
Group 5	\$76,090	\$15,845	\$91,935
Group 6	\$83,415	\$15,845	\$99,260
Group 7	\$97,560	\$15,845	\$113,405
Group 8	\$133,410	\$27,620	\$161,030
Legislative Council			
Zone 1	\$55,605	\$15,100	\$70,705
Zone 2	\$55,605	\$15,845	\$71,450
Zone 3	\$55,605	\$19,660	\$75,265

2. A further allowance of \$3,700 per annum is payable to each Recognised Office Holder (except an Independent) in the Legislative Assembly and Legislative Council.
3. A further allowance of \$1,850 per annum is payable to each Independent in the Legislative Assembly and Legislative Council
4. The electoral allowances shall be payable calendar monthly in arrears in conjunction with salary payments.

5.3 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 a minimum distance of 70 KMs by road from Parliament House are eligible to receive the Sydney Allowance.

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Members may receive the lower or greater amount of overnight stays on the basis of the following distance criteria:

- Members whose principal place of residence is a distance of between 70 KMs and 140 KMs by road from Parliament House are eligible to receive the Sydney Allowance at the lower amount of overnight stays.
- Members whose principal place of residence is a distance greater than 140 KMs by road from Parliament House are eligible to receive the Sydney Allowance at the greater amount of overnight stays.

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 eligible Members shall be in accordance with *Table 4: Sydney Allowance Daily Rates* 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.

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Table 4: Sydney Allowance Daily Rates				
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 of 70 KMs by road from Parliament House	180	\$292.00	Actual reasonable expenses for meals and incidentals up to a maximum of \$104 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 of 70 KMs by road from Parliament House	140	\$292.00	As above
Chairs of Standing/Select Committees	A minimum of 70 KMs by road from Parliament House	140	\$292.00	As above
Legislative Council Members	Greater than 140 KMs by road from Parliament House	135	\$292.00	As above
	Between 70 KMs and 140 KMs by road from Parliament House	105	\$292.00	As above
Legislative Assembly Members	Greater than 140 KMs by road from Parliament House	135	\$292.00	As above
	Between 70 KMs and 140 KMs by road from Parliament House	105	\$292.00	As above

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Conditions

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 Department of Parliamentary Services 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 4: Sydney Allowance Daily Rates*. The Member is entitled to the number of overnight stays per annum specified in *Table 4: Sydney Allowance Daily Rates* 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 4: Sydney Allowance Daily Rates*. 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.

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7. Members may not claim this entitlement in their hometown closest to their principal place of residence, at their nominated home airport or within a 70 kilometre radius of Parliament House for which Sydney Allowance payments are provided.
8. When in receipt of the annual allowance Members are required to certify halfway and 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 4: Sydney Allowance Daily Rates*.
9. 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.
10. Members in receipt of the annual amount will be required to provide a reconciliation of their annual payments twice per year. The first reconciliation will be required by 31 January of each year for payments made in the previous period of 1 July to 31 December. A further reconciliation will be required by 31 July of each year for payments made in the subsequent six months. The first reconciliation is only to be used for the purpose of validating the number of nights claimed during the period. Any financial adjustments will be calculated in consideration of the total number of nights validated over the whole financial year. Where applicable, Members will return to Parliament any part of the annual amount that they have not substantiated by 30 September each year or 30 days of ceasing to be a Member.

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11. 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.
12. Members are not to claim the Sydney Allowance if they stay in Government owned or funded accommodation including Parliament House.
13. 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.

5.4 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 \$200.00 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 Act.

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 Act, shall each receive a committee allowance of \$4,630 per annum.

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6. Additional Entitlements in the Nature of Fixed Allocations

6.1 Summary

The entitlements in this category comprise the following:

Electorate to Sydney Travel	
Communications Allowance	– Base Allocation
	– Additional Allocation
General Travel Allowance	
	– Base Allocation
	– Additional Allocation
Travelling Allowances for Recognised Office Holders	
Equipment, Services and Facilities	

6.2 Electorate to Sydney Travel

Purpose and Operation of the Provisions

1. Members who are eligible to receive the Sydney Allowance qualify for return air travel warrants between their electorates and Sydney.
2. These entitlements are provided for the performance of parliamentary duties.
3. All eligible Members shall receive one hundred and four (104) single economy class journeys per annum between electorate/zone and Sydney.
4. Where eligible, each of the below mentioned recognised office holders shall be entitled to the following additional electorate to Sydney travel entitlements per annum:

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Table 5: Electorate to Sydney Travel Entitlements - Additional Entitlements for Recognised Office Holders	
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

5. All electorate to Sydney travel and return is restricted to economy class.
6. 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.
7. 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.
8. Entitlements are not transferable between Members, or approved relatives, or Members' staff.
9. 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.
10. 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.

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The cost of Members' approved relative travelling on the charter is to be met from the Member's General Travel Allowance. 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.

11. 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.
12. 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.

6.3 Communications Allowance

Purpose

The Communications Allowance is an annual budget provided to Members to meet the costs associated with communicating with their constituents including:

- production and distribution of newsletters and brochures
- printing of letterhead and flyers
- audio posters and other e-publications
- developing, hosting and maintaining a website and/or other social media
- email distribution services
- advertisements
- other forms of communications approved by Parliament.

Entitlement

1. The Communications Allowance comprises a base annual allocation for Members of the Legislative Assembly and Legislative Council and an additional allocation for Members of the Legislative Assembly based on the number of enrolled voters.
2. The base annual allocation for each electoral group or zone shall be as follows:

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Table 6: Communications Allowance - Base Allocation	
Member	Base Allocation
Legislative Assembly	\$17,120
Legislative Council	\$4,360

3. The additional annual allocation for each Member of the Legislative Assembly shall be as follows:

Table 7: Communications Allowance - Additional Allocation		
Electoral District	Number of Electors (As at March 2016 as provided by the State Electoral Office)	Annual entitlement
1. Albury	55,287	\$82,931
2. Auburn	54,603	\$81,905
3. Ballina	56,320	\$84,480
4. Balmain	55,559	\$83,339
5. Bankstown	53,411	\$80,117
6. Barwon	56,315	\$84,473
7. Bathurst	55,022	\$82,533
8. Baulkham Hills	54,645	\$81,968
9. Bega	55,452	\$83,178
10. Blacktown	55,258	\$82,887
11. Blue Mountains	54,001	\$81,002
12. Cabramatta	55,615	\$83,423
13. Camden	57,160	\$85,740
14. Campbelltown	53,459	\$80,189
15. Canterbury	56,416	\$84,624
16. Castle Hill	54,093	\$81,140
17. Cessnock	54,170	\$81,255
18. Charlestown	55,111	\$82,667
19. Clarence	55,152	\$82,728
20. Coffs Harbour	53,686	\$80,529
21. Coogee	55,175	\$82,763
22. Cootamundra	53,076	\$79,614
23. Cronulla	56,659	\$84,989
24. Davidson	54,942	\$82,413
25. Drummoyne	53,465	\$80,198
26. Dubbo	53,893	\$80,840
27. East Hills	54,450	\$81,675
28. Epping	54,851	\$82,277

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Table 7: Communications Allowance - Additional Allocation		
Electoral District	Number of Electors (As at March 2016 as provided by the State Electoral Office)	Annual entitlement
29. Fairfield	54,945	\$82,418
30. Gosford	55,829	\$83,744
31. Goulburn	55,055	\$82,583
32. Granville	53,469	\$80,204
33. Hawkesbury	54,438	\$81,657
34. Heathcote	56,402	\$84,603
35. Heffron	57,445	\$86,168
36. Holsworthy	55,346	\$83,019
37. Hornsby	55,001	\$82,502
38. Keira	57,764	\$86,646
39. Kiama	54,027	\$81,041
40. Kogarah	54,132	\$81,198
41. Ku-ring-gai	53,852	\$80,778
42. Lake Macquarie	55,057	\$82,586
43. Lakemba	55,063	\$82,595
44. Lane Cove	55,298	\$82,947
45. Lismore	54,529	\$81,794
46. Liverpool	55,878	\$83,817
47. Londonderry	57,039	\$85,559
48. Macquarie Fields	56,513	\$84,770
49. Maitland	55,211	\$82,817
50. Manly	54,813	\$82,220
51. Maroubra	54,462	\$81,693
52. Miranda	55,173	\$82,760
53. Monaro	53,607	\$80,411
54. Mount Druitt	54,758	\$82,137
55. Mulgoa	56,120	\$84,180
56. Murray	55,226	\$82,839
57. Myall Lakes	55,853	\$83,780
58. Newcastle	56,358	\$84,537
59. Newtown	55,182	\$82,773
60. North Shore	54,691	\$82,037
61. Northern Tablelands	55,439	\$83,159
62. Oatley	53,880	\$80,820
63. Orange	55,710	\$83,565
64. Oxley	55,063	\$82,595
65. Parramatta	55,937	\$83,906

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Table 7: Communications Allowance - Additional Allocation		
Electoral District	Number of Electors (As at March 2016 as provided by the State Electoral Office)	Annual entitlement
66. Penrith	55,124	\$82,686
67. Pittwater	55,139	\$82,709
68. Port Macquarie	56,809	\$85,214
69. Port Stephens	53,413	\$80,120
70. Prospect	54,580	\$81,870
71. Riverstone	54,214	\$81,321
72. Rockdale	55,235	\$82,853
73. Ryde	55,368	\$83,052
74. Seven Hills	54,580	\$81,870
75. Shellharbour	59,596	\$89,394
76. South Coast	53,876	\$80,814
77. Strathfield	53,624	\$80,436
78. Summer Hill	54,922	\$82,383
79. Swansea	55,114	\$82,671
80. Sydney	54,458	\$81,687
81. Tamworth	55,218	\$82,827
82. Terrigal	56,501	\$84,752
83. The Entrance	55,858	\$83,787
84. Tweed	54,764	\$82,146
85. Upper Hunter	54,168	\$81,252
86. Vacluse	56,479	\$84,719
87. Wagga Wagga	54,066	\$81,099
88. Wakehurst	55,150	\$82,725
89. Wallsend	57,080	\$85,620
90. Willoughby	54,435	\$81,653
91. Wollondilly	54,638	\$81,957
92. Wollongong	59,234	\$88,851
93. Wyong	54,483	\$81,725

4. Recognised Office Holders receive an additional loading on the Communications Allowance Base Allocation in accordance with *Table 11 Recognised Office Holder and Other Member Additional Entitlements*.

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Carry over/forfeiture of entitlement

End of each financial year (within 4 year parliamentary term):	Base Allocation: Unexpended amount is carried forward Additional Allocations: Unexpended amounts are forfeited
End of parliamentary term/earlier dissolution of LA:	Base Allocation and Additional Allocations: Remaining balances are forfeited

Special Conditions

1. Upon the gazettal of new electoral districts following an electoral redistribution (undertaken pursuant to s 27(1)(c) of the *Constitution Act 1902*), Members of the Legislative Assembly may use their Communications 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.
2. When an electoral redistribution results in the abolition or renaming of an electorate, that Member may communicate with prospective constituents in a new or renamed electorate, subject to the new or renamed electorate comprising the majority of the constituents who would have resided in the Member's former electorate prior to the gazettal of the new electoral districts.

Conditions

1. The Communications Allowance shall be established and maintained by the Executive Manager, Department of Parliamentary Services.
2. Members will receive a monthly report containing expenditure and balance of their account.
3. All procurement of services will be in accordance with the Parliament's purchasing policies.
4. No supplementation to the allocation will be considered. Any additional costs may be met from the Member's Electoral Allowance.

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5. The printing and distribution of publications is to be in accordance with the Parliament's administrative guidelines.
6. Use of social media including websites and audio posters is to be in accordance with the Parliament's administrative guidelines.
7. Members are encouraged to submit material they are proposing to print or produce using the Communications Allowance to the Department of Parliamentary Services for a pre-production assessment.
8. Communication with prospective constituents is permitted following the gazettal of electoral districts. Each Member is to receive the details of the prospective constituents from the NSW Electoral Commission. For Members whose electorates are substantially unchanged by the electoral redistribution communication will be limited only to those electors who will transfer from adjoining electorates. For Members whose electorates are abolished or renamed, those Members may communicate with prospective constituents in a new or renamed electorate, where that electorate comprises the majority of the constituents who would have resided in the Member's former electorate prior to the gazettal of the new electoral districts.
9. Communications with constituents/prospective constituents will be limited to matters affecting the Member's electorate.
10. Members will not be permitted to use their Communications Allowance for the production and distribution of publications (paper based or electronic) intended for distribution either electronically, by mail, letterbox drop, newspaper supplement/insert or handout during the period from 26 January in a State election year to the election date. This includes all written, drawn or pictorial matter, including advertisements, but not general office correspondence.

6.4 General Travel Allowance

Purpose

The General Travel Allowance is provided to Members to meet all travel costs associated with their parliamentary or official duties within Australia.

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Entitlement

1. The General Travel Allowance comprises a base annual allocation for Members of the Legislative Assembly and Legislative Council and an additional allocation for Members of specified electoral groups.
2. The annual base allocation and additional allocation for each electoral group/zone shall be as follows:

Table 8: General Travel Allowance			
Electoral Group/Zone	Base Allocation	Additional Allocation	Total General Travel Allowance
Legislative Assembly			
Group 1	\$5,815		\$5,815
Group 2	\$8,740		\$8,740
Group 3	\$11,690		\$11,690
Group 4	\$11,690		\$11,690
Group 5 (and Port Macquarie)	\$11,690	\$9,855	\$21,545
Group 6	\$14,600	\$16,090	\$30,690
Group 7	\$14,600	\$29,755	\$44,355
Group 8	\$33,530	\$59,070	\$92,600
Legislative Council			
Zone 1	\$5,815		\$5,815
Zone 2	\$5,815		\$5,815
Zone 3	\$14,545		\$14,545

3. Recognised Office Holders receive an additional loading on the General Travel Allowance - Base Allocation in accordance with *Table 11 Recognised Office Holder and Other Member Additional Entitlements*.

Carry over/forfeiture of entitlement

End of each financial year (within 4 year parliamentary term):

Base Allocation: Unexpended amount is carried forward
 Additional Allocations: Unexpended amounts are forfeited

End of parliamentary term/earlier dissolution of LA:

Base Allocation and Additional Allocations: Remaining balances are forfeited

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Conditions

1. A Member may use any form of commercial transport including approved charter aircraft 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. 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. Only the cost of the Member's approved relative or member of staff accompanying the Member may be met for charter transport costs.
4. The Member for Port Macquarie shall receive a General Travel Allowance - Additional Allocation commensurate with that provided to Members located in electoral Group 5 and shall include costs associated with up to four return trips to Lord Howe Island per year, flying from Port Macquarie or from Sydney subject to available flights. Travel costs between the electorate and Lord Howe Island shall not extend to the Member's approved relative or staff employed by the Parliament.
5. A Member representing the Electorate of Murray 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.
6. All other travel costs associated with Members' staff travel may be met from this entitlement. Such travel shall be paid in accordance with the *Members' Staff Conditions of Employment – Determination of the Presiding Officers*.
7. All associated travel expenses for Members and Members' staff including conference fees and registration costs and other training (excluding professional development for Members), meals and accommodation approved by Parliament shall be met from this

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entitlement. Such costs shall however exclude overseas travel, Electorate to Sydney travel and costs met from the Sydney Allowance.

8. 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 General Travel Allowance. The reimbursement of these expenses may not exceed the travel allowance rates as determined for Group 2 in *Table 9: Travel Allowances – Indicative Upper Limits for Recognised Office Holders*.
9. The entitlement may not be used to meet or defray the cost of any individual, office holder or other party not included in these conditions.
10. Members should ensure that records are maintained that clearly document each occasion and the purpose of any travel met from this entitlement for stays 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.

6.5 Travelling Allowances for Recognised Office Holders

Table 9: Travelling Allowances Indicative Upper Limits for Recognised Office Holders			
Office Holders	Destinations	Amount	Where no overnight stay is required
Group 1	Darwin	460.00	Actual reasonable meal expenses
	Perth	472.00	
	Melbourne	438.00	
	Brisbane	430.00	
	Canberra	419.00	
	Adelaide	382.00	
	Hobart	368.00	
	Other areas	368.00	
Group 2	Darwin	437.80	Actual reasonable meal expenses
	Perth	410.80	
	Melbourne	378.80	
	Brisbane	407.80	
	Canberra	373.80	
	Adelaide	358.80	
	Hobart	326.80	
	Other areas	257.80	

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Group classifications

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

Table 10: Travelling Allowances Group Classifications for Recognised Office Holders
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.

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Conditions

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 9: Travelling Allowances Indicative Upper Limits for Recognised Office Holders*.
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.

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6.6 Recognised Office Holder and Other Member Additional Entitlements

Additional loadings for Recognised Office Holders and Members listed below shall be as follows:

Table 11: Recognised Office Holder and Other Member Additional Entitlements		
Recognised Office Holder	General Travel Allowance Base Allocation	Communications Allowance Base Allocation
Presiding Officer	30%	55%(A) 175%(C)
Leader of the Opposition	20%(A)	140%(A) 175%(C)
Deputy Leader of the Opposition	10%	15%(C)
Whips		15%(C)
Party Leader (not less than 10 Members)	15%	
Deputy Party Leader (not less than 10 Members LA or 9 Members LC)	10%	
Leader of the National Party (in Opposition with not less than 10 Members in LA)	15%	15%

Carry over/forfeiture of entitlement

End of each financial year (within 4 year parliamentary term): Balance of loadings forfeited

End of parliamentary term/earlier dissolution of LA: Balance of loadings forfeited

Conditions

The following conditions shall apply in respect of this allowance:

1. Recognised Office Holders and Members referred to in *Table 11: Recognised Office Holder and Other Member Additional Entitlements* may receive this additional entitlement for only one office; that office being the office which attracts the greater level of entitlement.
2. These entitlements, as they apply to Recognised Office Holders, are to be available only for Recognised Office Holder duties.

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3. Where entitlements formerly provided for the Recognised Office Holder's approved relative these have been included in the allocation.
4. Where an entitlement is followed by (A) or (C) it applies only to the Office Holder in either the Assembly or the Council.

6.7 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 Barwon shall be provided with an additional two electorate offices (a total of three) and the Members for Murray, Cootamundra and Northern Tablelands one additional electorate office (a total of two).
3. Section 18 of the *Members of Parliament Staff Act 2013* provides for the number of staff to be determined by the Tribunal. The number of staff allocated to Members and special office holders (as specified) is as follows:
 - 3.1 Subject to (3.2) below, each Member of the Legislative Assembly shall have two staff members employed at each electoral office.
 - 3.2 Each Member of the Legislative Assembly elected as an Independent or a Cross Bench Member shall have an additional staff member employed at his/her electoral office.
 - 3.3 Each Member of the Legislative Assembly, not elected as an Independent or a Cross Bench Member, shall be provided with an annual budget specific for the recruitment of temporary staff. The budget is to provide for an additional staff member to be employed in the electorate office or at Parliament House. The budget is to be the equivalent of the salary of a Senior Electorate Officer for a

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period of 70 days per annum. Within this budget, Members have the flexibility to use this entitlement to employ additional staff.

- 3.4 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.
- 3.5 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.
- 3.6 Ministers shall receive a reasonable allocation of staff members.
- 3.7 The Whip of each recognised political party of not less than 10 Members to each be provided with one member of staff.
- 3.8 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 *Work Health and Safety Act 2011*.

The Parliamentary Remuneration Tribunal



The Hon C G Staff

Dated: 20 May 2016

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Advice of the Secretary of NSW Treasury

The following comments on the Parliamentary Remuneration Tribunal's 2016 Determination are made pursuant to Section 12A of the *Parliamentary Remuneration Act 1989*.

Financial Impact of the 2016 Determination

Members' entitlements are estimated to increase by a maximum of \$854,302 (or 3.5%) over the 2015 Determination, which is approximately \$250,000 above the budgeted annual escalation.

I note that the additional maximum cost is primarily due to an increase in the value of the new Communications Allowance (an amalgamation of the former Electorate Communication Allowance and parts of the former Logistic Support Allowance) of 6.5%. This includes an increase on the base rate of 2.3%, with an additional increase to account for higher postal costs as well as an increase in enrolment numbers.

I advise that the financial implications of the proposed variation in entitlements in the 2016 Determination can be managed within existing funding arrangements.



Rob Whitfield
Secretary

17/May/2016