

**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**

**9 September 2011**

# **Parliamentary Remuneration Act 1989**

## **Report Pursuant to Section 13(1) of the Act**

### **Introduction**

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

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

Because of the State Election on 26 March 2011, the Tribunal considered that there may not be sufficient time for members to make submissions to the review by 1 June and determined that an extension should be sought. The President of the Industrial Relations Commission of New South Wales, the Honourable Justice Roger Boland, pursuant to section 11(2) of the Act, approved an extension to the making of the 2011 Determination to 9 September 2011. Any increase or adjustment in additional entitlements will come into effect from 1 July 2011.

### **Amendment of Parliamentary Remuneration Act 1989**

On 27 June 2011, the Parliament passed amendments to section 4 of the Act. The amendments deal primarily with the determination of the basic salary of Members.

Previously, section 4 of the Act defined the basic salary of New South Wales Members of Parliament as:

*“...the amount of the annual allowance by way of salary payable under the law of the Commonwealth to a Member of the House of Representatives who is not entitled to any additional salary, less \$500”*

In other words, the salary of a State Member of Parliament was linked to the salary of a Federal Member of Parliament, less \$500.

The amendments to the Act break that nexus in two ways.

Firstly, the link with the salary of Federal Members of Parliament has been severed. Section 4(2) of the Act now provides;

*“ The Tribunal may make a determination fixing the amount of the basic salary. Determinations are to be made at such times as the Tribunal thinks fit or the Minister directs.”*

Section 4(2) effectively provides the Tribunal with the power to determine the basic salary of Members of Parliament rather than a link with the salaries of their Federal counterparts.

Secondly, having provided the Tribunal with the statutory authority to determine the basic salary of State Members of Parliament, the legislation then limits the discretion of the Tribunal as to the quantum that may be determined. Section 4(3) of the Act states

*“... In making a determination, the Tribunal is 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 (IR Act) when making or varying awards or orders relating to the conditions of employment of public sector employees.”*

Section 146C of the IR Act provides

**“...146C Commission to give effect to certain aspects of government policy on public sector employment**

*(1) The Commission must, when making or varying any award or order, give effect to any policy on conditions of employment of public sector employees:*

*(a) that is declared by the regulations to be an aspect of government policy that is required to be given effect to by the Commission, and*

*(b) that applies to the matter to which the award or order relates.*

*(2) Any such regulation may declare a policy by setting out the policy in the regulation or by adopting a policy set out in a relevant document referred to in the regulation.”*

The current policy on wages pursuant to section 146C (1)(a) of the IR Act is articulated in the Industrial Relations (Public Sector Conditions of Employment) Regulation 2011. Clause 6 of the Regulation provides;

“...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 that do not increase employee-related costs by more than 2.5% per annum.*

*(b) Increases in remuneration or other conditions of employment that increase employee-related costs by more than 2.5% per annum can be awarded, but only if sufficient employee-related cost savings have been achieved to fully offset the increased employee-related costs. For this purpose:*

*(i) whether relevant savings have been achieved is to be determined by agreement of the relevant parties or, in the absence of agreement, by the Commission, and*

*(ii) increases may be awarded before the relevant savings have been achieved, but are not payable until they are achieved, and*

*(iii) the full savings are not required to be awarded as increases in remuneration or other conditions of employment.*

*(c) For the purposes of achieving employee-related cost savings, existing conditions of employment of the kind but in excess of the guaranteed minimum conditions of employment may only be reduced with the agreement of the relevant parties in the proceedings.”*

Accordingly the Tribunal, when making a determination, must now apply the same public sector wages cap that binds the Industrial Relations Commission when making decisions relating to public sector wages. The effect of the Regulation is that public sector wages cannot increase by more than 2.5 per cent. Any increases beyond 2.5 per cent per annum can be awarded by the Industrial Relations Commission but subject to

*“...sufficient employee-related cost savings have been achieved to fully offset the increased employee-related costs.”*

Any increases in public sector wages beyond 2.5 per cent however may not be applied by the Tribunal to the basic salary of Members of Parliament. Whereas section 4(3) of the Act requires the Tribunal to apply the same policies as those of the Industrial Relations Commission, section 4(4) of the Act provides;

*(4) The policies referred to in subsection (3) do not include any policy that provides for increases in remuneration based on employee-related savings.”*

This was confirmed by the Hon. Greg Pearce (Minister for Finance and Services, and Minister for the Illawarra) in the Minister's Second reading Speech: Legislative Council, *Parliamentary Debates* (Hansard), 22 June 2011 at 3101 on the amendments to the Act where he stated;

*"...Going forward, the salaries of New South Wales members of Parliament will be determined by an independent tribunal—the Parliamentary Remuneration Tribunal. This ensures that parliamentary salaries continue to be set by a process that is independent and arms-length from the Government. The tribunal will, however, only be able to approve salary increases for members of Parliament up to the amount prescribed in the Government wages policy. Unlike public servants, who will be able to receive an additional increase where there are demonstrated employee-related savings, members of Parliament will not be able to claim that they should receive a higher salary because of productivity savings. Capping the basic salary of members of Parliament at 2.5 per cent will mean that Ministers, Parliamentary Secretaries, Presiding Officers and other parliamentary officeholders will also be subject to the same cap. Under the Parliamentary Remuneration Act the additional salaries of Ministers and other officeholders are set as a percentage of the member's basic salary. Accordingly, any cap on the basic salary will flow through automatically to cap the additional salary of Ministers and others named."*

The Tribunal therefore is left in the position of determining pay increases for Members of Parliament provided they do not exceed 2.5 per cent irrespective of the merits of the case. The Parliament has given effect to this arrangement and the Tribunal respects that decision. The Tribunal does note that the potential long term outcome, and perhaps the unintended consequence of this arrangement, will be a growing salary disparity between State Members and their Federal and interstate colleagues. In this regard, the Tribunal understands that most State jurisdictions have formal linkages with Federal Members' salaries.

In accordance with section 4(2) the Act the Tribunal has determined the basic salary of Members shall be \$139,544 per annum effective from 1 July 2011. "Basic salary" has also been included in the list of definitions contained in the Determination.

## **Annual Review**

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

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

# Part one

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## 1. General Matters Raised

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

The Tribunal received two submissions which addressed the general increase in these allowances. These submissions sought either an overall increase of 2.5 per equivalent to the increase in the basic salary for Members or an increase of 3.3 per cent which was equivalent to the March quarter CPI increase.

Historically the Tribunal has increased these allowances in line with the annual CPI. However, given the amendments to the Act, the Tribunal finds that increases equivalent to those provided to the basic salary would be appropriate. Therefore the Tribunal determines that the increase in these allowances will be 2.5 per cent.

### **Electoral Groupings**

The basis of most additional entitlements for Members is based on the Electorates. 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.

For the purposes of additional entitlements, therefore, the Tribunal will not be making any adjustments to individual electorates until the completion of that review.

### **Electorate to Sydney Travel**

The Tribunal has again received submissions seeking a review of this entitlement to provide greater equity in its application.

This matter was considered most recently in the 2008 Report. The Electorate to Sydney Travel entitlement is based on the value or notional value of an airline ticket from the

Members' electorate to Sydney. The value can be applied to other forms of travel to Sydney provided the overall cost does not exceed the cost of the airline ticket. As part of the current review, the Tribunal has been provided with additional information indicating that closures to country airports and the alternative forms of transport to Sydney make the existing arrangements, based on the travel warrant, cumbersome and administratively complex. A number of submissions also sought to extend the entitlement to cover all costs associated with electorate to Sydney travel and not just the cost of the flight or alternative transport.

The Tribunal has considered the submissions and is of the view that the current arrangements require a detailed review. Because of time constraints, such a review could not be undertaken at this time but the Tribunal would welcome a special reference from the Premier to review the Electorate to Sydney Travel arrangements .

### **Electorate Charter Transport**

Members of the largest electorates are currently entitled to the reimbursement against this allowance for the cost of fuel and landing fees only if they use their own aircraft. The Tribunal has received submissions requesting an extension to this entitlement to reimburse additional costs associated with maintaining aircraft used by Members.

The Tribunal has reviewed this request and notes that the purchase and maintenance of an aircraft for electorate travel is a personal choice of the Member concerned. For this reason, the Tribunal considers it is important to balance the costs associated with maintaining an aircraft, privately owned by the Member, and any reimbursement from the public purse. The Tribunal therefore will extend the use of the Charter Transport entitlement to include reimbursement for the cost of one annual service of the aircraft. This additional cost must be met from the existing allowance as there will be no overall increase in the electorate charter transport allowance for 2011 beyond 2.5 per cent.

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

The Tribunal received a number of submissions requesting that the EMA be increased to reflect increased postage costs.

There has been no adjustment in the base cost of this allowance since it was first introduced in 2002. The Tribunal notes that postage costs have increased since then and has determined that the EMA should increase by 2.5 per cent. The EMA has also been adjusted



to reflect enrolment statistics as at May 2011. These are outlined in Schedule 4 of the Determination.

### **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.

### **Independent Members**

The Tribunal has reviewed the current entitlements for Independent Members of Parliament and considers them to be adequate.

### **Allocation of Staff**

The Tribunal received submissions requesting that the Tribunal extend the allocation of the additional staff resource, 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. Members have argued that the quantity and complexity of issues handled through electorates was sufficient to warrant an additional staff resource.

The Tribunal last considered this issue 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 cost and the additional cost of refitting electorate offices to warrant a third full time electorate officer. However, 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.

### **State Travel Card**

The Tribunal has received a submission requesting that Members be reinstated with a State Travel Card. This use of this card, it is argued, would encourage Members to use public transport and thereby reduce other travel costs, notably taxi charges.

While the Tribunal supports this request, it is not within the Tribunal's jurisdiction to provide Members with free or subsidised public transport. This entitlement may only be provided by

the Minister for Transport in accordance with section 88 of the Transport Administration Act 1988.

### **Resettlement Allowance**

The Tribunal has received a submission seeking a Resettlement Allowance similar to that provided to Federal Members.

As outlined in previous annual reports the Tribunal is unable to make a determination in regard to this matter. The Act does not provide the Tribunal with the authority to make determinations applicable to former Members.

While the Tribunal gives in principal support for such an allowance the Act would need to be amended to allow the Tribunal to make a determination on this matter.

## **Part two**

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### **Summary of 2011 Determination**

Electoral Allowance	2.5 per cent increase
Sydney Allowance	2.5 per cent increase
Logistic Support Allocation	2.5 per cent increase
Electorate Mailout Account	2.5 per cent increase
Committee Allowance	2.5 per cent increase
Electorate Charter Allowance	2.5 per cent increase
Travel Allowances	Adjusted as per Australian Tax Office Determination 2010/19

Dated this 9<sup>th</sup> day of September 2011

(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 2011, 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 2011.

## **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 Partner (Relationships) Act 1984
- Single or widowed Members may nominate a Member of their immediate family (parents, siblings, children who are not minors i.e. below 16 years of age) as an approved relative.

Under special circumstances a Member may apply through the Presiding Officers to the Tribunal for an exception to the criteria. This will need to be based on the ability of the

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

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

### **1. Guidelines**

Every class of “additional entitlements” described in this Determination is provided pursuant to section 10(1)(a) of the Act “for the purpose of facilitating the efficient performance of the Parliamentary duties of Members.” The following guidelines shall apply to the receipt, use and operation of additional entitlements **(excluding Electoral Allowance)**.

- 1 Circumstances upon which the additional entitlements may be used for Parliamentary Duties.
  - 1.1 Additional entitlements are provided to facilitate the efficient performance of the following particular Parliamentary duties of Members as follows:
    - 1.1.1 Activities undertaken in representing the interests of constituents, but excluding activities of a direct electioneering or political campaigning nature.
    - 1.1.2 Performing electorate work for a Member’s electorate and participation in official and community activities to which the Member is invited because of the Member’s status as a Parliamentary representative.
    - 1.1.3 Attending and participating in sessions of Parliament.
    - 1.1.4 Participation in the activities of Parliamentary committees.
    - 1.1.5 Attending Vice-Regal, Parliamentary and State ceremonial functions.
    - 1.1.6 Attending State, Commonwealth and Local Government functions.
    - 1.1.7 Attending official functions to which a Member is invited because of the Member’s status as a Parliamentary representative, e.g., receptions and other community gatherings hosted by Members of the diplomatic corps, educational and religious institutions,

community and service organisations, business associations, sporting bodies or other special interest groups.

- 1.1.8 Participation in the activities of recognised political parties, including participation in national, State and regional conferences, branch meetings, electorate council meetings, executive meetings, committee meetings, and meetings of the Members of the Parliamentary political party, its executive and committees.
- 1.1.9 For a Member elected to the Parliament as an independent, participation in activities that are reasonable alternatives to participation in the activities of recognised political parties.
- 1.1.10 A Member who is elected to the Parliament as a representative of a recognised political party and who subsequently resigns from that party Membership and thereafter sits as an independent Member, howsoever described, shall continue to receive the same entitlements as they received as a Member of the party prior to resignation and not the additional entitlements provided to elected independents. The Member is also not entitled to the benefit of the rule in Clause 1.1.9 above.
- 1.1.11 Participation within Australia in the activities of the Commonwealth Parliamentary Association (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.
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## Basic Salary

With effect from 1 July 2011 the basic salary of Members, pursuant to section 4 of the Act, shall be \$139,544 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	\$42,140
Group 2	\$49,345
Group 3	\$58,160
Group 4	\$63,490
Group 5	\$67,530
Group 6	\$74,030
Group 7	\$86,585

- 3 The electoral allowance for each Member of the Legislative Council shall be \$49,345 per annum.
- 4 The allowance shall be payable calendar monthly in arrears in conjunction with salary payments.

## **2. Sydney Allowance**

### **Purpose and Operation of the Provisions**

The Sydney Allowance is provided to Members who reside in non-metropolitan electorates to compensate for the additional costs including commercial accommodation, meals and incidental costs associated with staying in Sydney to attend sessions of Parliament, meetings of Parliamentary committees or other Parliamentary business.

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

The Tribunal considers the Member's principal place of residence to be that residence where the Member would normally return and reside when not attending Sydney on parliamentary duties.

To establish the principal place of residence each Member will be required to complete the Parliament's checklist and certify that the residence nominated is the principal place of residence.

### **Entitlement**

The daily rate (including the number of overnight stays) for the Sydney Allowance for Categories 1 and 2 shall be in accordance with Table 1 below. Where a Member elects for a daily rate, he/she shall be entitled to the daily rate for the number of overnight stays per annum specified in that Table, except as provided in condition 5.

**TABLE 1**

<b>Office</b>	<b>Principal Place of Residence</b>	<b>Overnight Stays p.a.</b>	<b>Overnight in Sydney where accommodation costs are incurred</b>	<b>In transit to and from Sydney where no over night stay is involved</b>
Minister, Speaker, President, Leader and Deputy Leader of the Opposition (Assembly and Council), Leader of Third Party in Assembly with not less than 10 Members.	Category 1 or 2	180	\$259	Actual reasonable expenses for meals and incidentals up to a maximum of \$82.05 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.	Category 1 or 2	140	\$259	As above
Chairs of Standing/Select Committees	Category 1 or 2	140	\$259	As above
Legislative Council Members	Category 2	135	\$259	As above
	Category 1	105	\$259	As above
Legislative Assembly Members	Category 2	135	\$259	As above
	Category 1	105	\$259	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.

### **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, 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 \$175.00 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 \$4,110 per annum.

## **Additional Entitlements in the Nature Of Fixed Allocations**

### **1. Electorate to Sydney Travel**

#### **Purpose and Operation of the Provisions**

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

These entitlements are provided for the performance of Parliamentary duties.

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

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

### **Entitlements**

<b>Office holder</b>	<b>Electorate to Sydney travel entitlement</b>
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 17 of this Determination.

### Entitlement

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

<b>Electorate Group</b>	<b>LSA</b>
Group 1	\$33,095
Group 2	\$37,035
Group 3	\$39,615
Group 4	\$39,615
Group 5	\$39,615
Group 6	\$42,195
Group 7	\$42,195

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	\$22,445
Zone 2 Electorates	\$23,115
Zone 3 Electorates	\$34,245

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

## General Conditions

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

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

Electorate Group or Zone	Transport	Communication – electronic	Communication – non- electronic	Printing and Stationery, Office Supplies & Services	Total Logistic Support Allowance
<b>Legislative Assembly</b>					
Group 1	\$5,165	\$4,515	\$15,205	\$8,210	\$33,095
Group 2	\$7,755	\$5,865	\$15,205	\$8,210	\$37,035
Group 3	\$10,335	\$5,865	\$15,205	\$8,210	\$39,615
Group 4	\$10,335	\$5,865	\$15,205	\$8,210	\$39,615
Group 5	\$10,335	\$5,865	\$15,205	\$8,210	\$39,615
Group 6	\$12,915	\$5,865	\$15,205	\$8,210	\$42,195
Group 7	\$12,915	\$5,865	\$15,205	\$8,210	\$42,195
<b>Legislative Council</b>					
Zone 1 Electorates	\$5,165	\$5,195	\$3,875	\$8,210	\$22,445
Zone 2 Electorates	\$5,165	\$5,865	\$3,875	\$8,210	\$23,115
Zone 3 Electorates	\$12,915	\$9,245	\$3,875	\$8,210	\$34,245

## 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 Mailout Account**

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

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

#### **Conditions**

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



- 7 Communication with prospective constituents following gazettal of electoral districts will be limited only to those electors who will transfer from adjoining electorates to the new electorate. Each Member is to receive the details of the prospective constituents from the State Electoral Office.
- 8 Communications with constituents/prospective constituents will be limited to matters affecting the Member's electorate.

#### **4. Electorate Charter Transport for Members of the Legislative Assembly**

##### **Purpose and operation of the provision**

Members of the largest electorates (Electoral Groups 5-7) 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	\$7,360
Group 6	\$12,025
Group 7	\$22,230

##### **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.

## 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>	Perth	\$429.05
	Melbourne, Darwin	\$419.05
	Brisbane	\$390.05
	Canberra	\$384.05
	Adelaide	\$363.05
	Hobart	\$349.05
	Other areas	\$344.05
<b>Group 2</b>	Brisbane	\$367.50
	Darwin	\$363.50
	Perth	\$345.50
	Melbourne	\$331.50
	Adelaide	\$319.50
	Canberra	\$317.50
	Hobart	\$284.50
	Other areas	\$226.70

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 9<sup>th</sup> day of September 2011

(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 GROUPINGS****SCHEDULE 2**

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

<b>Category 2</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 Mailout Account**

**SCHEDULE 4**

<b>ELECTORAL DISTRICT</b>	<b>NUMBER OF ELECTORS (as at May 2011 as provided by the State Electoral Office)</b>	<b>ANNUAL ENTITLEMENT</b>
1. Albury	49,749	\$66,664
2. Auburn	51,164	\$68,560
3. Ballina	48,531	\$65,032
4. Balmain	52,109	\$69,826
5. Bankstown	48,941	\$65,581
6. Barwon	43,895	\$58,819
7. Bathurst	49,466	\$66,284
8. Baulkham Hills	51,023	\$68,371
9. Bega	49,741	\$66,653
10. Blacktown	49,673	\$66,562
11. Blue Mountains	49,389	\$66,181
12. Burrinjuck	48,845	\$65,452
13. Cabramatta	50,360	\$67,482
14. Camden	50,469	\$67,628
15. Campbelltown	45,771	\$61,333
16. Canterbury	51,634	\$69,190
17. Castle Hill	52,138	\$69,865
18. Cessnock	51,274	\$68,707
19. Charlestown	47,898	\$64,183
20. Clarence	50,446	\$67,598
21. Coffs Harbour	50,638	\$67,855
22. Coogee	49,480	\$66,303
23. Cronulla	49,960	\$66,946
24. Davidson	49,096	\$65,789
25. Drummoyne	52,127	\$69,850
26. Dubbo	49,011	\$65,675
27. East Hills	47,681	\$63,893
28. Epping	49,450	\$66,263
29. Fairfield	51,462	\$68,959
30. Gosford	50,238	\$67,319
31. Goulburn	50,182	\$67,244
32. Granville	51,222	\$68,637
33. Hawkesbury	51,612	\$69,160
34. Heathcote	48,388	\$64,840
35. Heffron	53,654	\$71,896

<b>ELECTORAL DISTRICT</b>	<b>NUMBER OF ELECTORS (as at May 2011 as provided by the State Electoral Office)</b>	<b>ANNUAL ENTITLEMENT</b>
36. Hornsby	51,393	\$68,867
37. Keira	48,353	\$64,793
38. Kiama	50,821	\$68,100
39. Kogarah	49,891	\$66,854
40. Ku-Ring-Gai	50,165	\$67,221
41. Lake Macquarie	49,878	\$66,837
42. Lakemba	51,686	\$69,259
43. Lane Cove	48,118	\$64,478
44. Lismore	50,438	\$67,587
45. Liverpool	49,968	\$66,957
46. Londonderry	47,820	\$64,079
47. Macquarie Fields	52,097	\$69,810
48. Maitland	52,534	\$70,396
49. Manly	48,761	\$65,340
50. Maroubra	50,432	\$67,579
51. Marrickville	52,545	\$70,410
52. Menai	49,573	\$66,428
53. Miranda	47,548	\$63,714
54. Monaro	50,106	\$67,142
55. Mount Druitt	48,350	\$64,789
56. Mulgoa	49,445	\$66,256
57. Murray-Darling	45,811	\$61,387
58. Murrumbidgee	47,686	\$63,899
59. Myall Lakes	50,587	\$67,787
60 Newcastle	48,873	\$65,490
61. North Shore	51,660	\$69,224
62. Northern Tablelands	50,499	\$67,669
63. Oatley	49,191	\$65,916
64. Orange	49,500	\$66,330
65. Oxley	48,894	\$65,518
66. Parramatta	51,521	\$69,038
67. Penrith	47,271	\$63,343
68. Pittwater	49,604	\$66,469
69. Port Macquarie	49,590	\$66,451
70. Port Stephens	49,645	\$66,524
71. Riverstone	57,883	\$77,563

<b>ELECTORAL DISTRICT</b>	<b>NUMBER OF ELECTORS (as at May 2011 as provided by the State Electoral Office)</b>	<b>ANNUAL ENTITLEMENT</b>
72. Rockdale	49,635	\$66,511
73. Ryde	48,338	\$64,773
74. Shellharbour	49,332	\$66,105
75. Smithfield	52,045	\$69,740
76. South Coast	50,961	\$68,288
77. Strathfield	49,349	\$66,128
78. Swansea	50,226	\$67,303
79. Sydney	57,406	\$76,924
80. Tamworth	49,281	\$66,037
81. Terrigal	48,794	\$65,384
82. The Entrance	50,067	\$67,090
83. Toongabbie	49,302	\$66,065
84. Tweed	48,988	\$65,644
85. Upper Hunter	49,373	\$66,160
86. Vaucluse	50,760	\$68,018
87. Wagga Wagga	50,503	\$67,674
88. Wakehurst	50,750	\$68,005
89. Wallsend	48,250	\$64,655
90. Willoughby	50,077	\$67,103
91. Wollondilly	50,691	\$67,926
92. Wollongong	50,656	\$67,879
93. Wyong	50,652	\$67,874

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

The following comments on the Parliamentary Remuneration Tribunal's 2011 annual Determination are made pursuant to Section 12A of the *Parliamentary Remuneration Act 1989* by the Secretary of the Treasury.

**Financial Implications**

The table below shows the changes in entitlements compared to the 2010 Determination.

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

<b>ENTITLEMENT</b>	<b>2010</b>	<b>2011</b>	<b>CHANGE</b>
Electoral Allowance	<b>\$6,556,490</b>	<b>\$6,720,402</b>	<b>\$163,912 2.5 %</b>
Sydney Allowance	<b>\$2,046,588</b>	<b>\$2,097,753</b>	<b>\$51,165 +2.5 %</b>
Logistic Support Allocation	<b>\$4,301,055</b>	<b>\$4,408,581</b>	<b>\$107,526 +2.5 %</b>
Electorate Mail-out Account <sup>(1)</sup>	<b>\$5,890,802</b>	<b>\$6,231,389</b>	<b>\$340,587 +5.8 %</b>
Committee Allowance <sup>(2)</sup>	<b>\$25,390</b>	<b>\$26,025</b>	<b>\$635 +2.5 %</b>
Electorate Charter Transport Allowance – Legislative Assembly Members	<b>\$99,998</b>	<b>\$102,498</b>	<b>\$2,500 +2.5 %</b>
Travelling Allowance for Recognised Office Holders	<b>Not estimated</b>	<b>Adjusted as per ATO ruling</b>	<b>Not estimated</b>
<b>MINIMUM EXPENDITURE</b>	<b>\$18,920,324</b>	<b>\$19,586,648</b>	<b>\$666,325 +3.5 %</b>

(1) The Tribunal's determined an increase of 2.5 per cent. However, due to increases in both postage costs and the number of electors, the actual increase is 5.8 per cent.

(2) Includes members of Public Accounts Committee only.

Member entitlements have increased by \$666,325 over the 2010 Determination, which represents a rise of about 3.5 per cent. This is due to the 5.8 per cent increase in the Electorate Mail-out Account compared to the Tribunal's determination of 2.5 per cent. This is a result of increases in both postage costs and the number of electors in NSW.

There is no estimate for the Travel Allowance for Recognised Office Holders. The Allowance rate varies depending on the travel destination.

**I advise that the financial implications of the proposed variation in entitlements in the 2011 Determination can be managed within existing funding arrangements.**

**Accountability and Control**

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

(signed)

Philip Gaetjens  
Secretary

**29 August 2011**