

Parliamentary Remuneration Tribunal

Annual report and
determination

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

**24 May
2022**

Parliamentary Remuneration Tribunal

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Introduction

1. As has been explained in earlier Annual Reports and Determinations the purpose of the *Parliamentary Remuneration Act 1989* is to provide a system under which members of Parliament and office holders specified in Schedule 1 to the Act are provided with a basic salary which is paid to them as personal income or received as employment benefits, for the performance of their parliamentary duties: s2A.
2. The system also provides statutory expense allowances for specified office holders, as well as additional allowances and other entitlements for members and specified office holders, for the purpose of facilitating the efficient performance of their parliamentary duties. It also makes superannuation arrangements for those who are not continuing members of the closed Parliamentary Contributory Superannuation Fund.
3. Section 4 empowers the Parliamentary Remuneration Tribunal to fix the amount of the basic salary at such times as it thinks fit. By s11 it is required to make an annual determination as to additional entitlements on or before 1 June in each year, conducting its inquiries in the manner specified in s14I. In making a determination the Tribunal must also have regard to the financial implications of the determination for the State: s12A(1).
4. The Tribunal's 2022 annual review commenced in October 2021 when it sought submissions, including about matters identified in the 2021 determination as requiring further consideration and the new electoral boundaries determined by the NSW Electoral Commission. The Tribunal received written submissions from the Presiding Officers and other members of Parliament, with whom it also met and received further information and submissions. It also met with staff of the Department of Parliamentary Services, who also provided information.
5. The information provided concerned the ongoing impact which the Covid-19 pandemic has had upon the operation of the Parliament and the work of members, specified office holders and their staff; the Parliament's ongoing program to improve the technological support members and their staff receive and how that has helped them meet the challenges which the pandemic has given rise to

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throughout the State; what ongoing trials of altered working arrangements have demonstrated; and issues raised by conditions which regulate certain allowances and entitlements, which were raised for the Tribunal's review.

6. After two years in which the Tribunal did not increase the basic salary of members by its Determinations, it received submissions that increases in the basic salary and additional allowances and other entitlements of members were warranted in the 2022 Determination. For reasons which are explained below, the Tribunal has concluded that the basic salary needs to be increased by 2 per cent per annum, with other allowances being increased by amounts also explained below.
7. In April 2022, the Tribunal invited the Secretary of the Treasury to make submissions about the financial implications of its proposed Determination and has taken the submission it later received into account, in making this Determination. A copy of the submission appears at Appendix 1.
8. The Tribunal will make a report to the Chief Commissioner of this Determination, which the Chief Commissioner is required to forward to the Minister, who is required to cause a copy of the Determination to be laid before each House of Parliament: s14H. The Determination will also be published in the Gazette.
9. The new electoral boundaries are dealt with in Section 1 of the report. Section 2 deals with the basic salary payable to members. Section 3 deals with additional entitlements and Section 4 provides a general summary of the Determination.

Section 1 – Electoral Redistribution

Redistribution of electoral boundaries

10. The *Constitution Act 1902* requires that a redistribution of electoral boundaries take place after two elections have been conducted using the same electoral boundaries: s27(1)(c). A redistribution occurred in 2013 and two State General Elections (2015 and 2019) were conducted on those electoral boundaries.
11. The Electoral District Commissioners undertook a further review of the electoral boundaries during 2020 and 2021: NSW Electoral Commission 2021 Redistribution Panel Determination. It identified that in March 2020 there were some 5,318,924 electors enrolled in the State, with an average number of 57,193 per District. In 2014 the average number was 52,770: 2014 Determination at 7.
12. Section 21 of the *Electoral Act 2017* specifies criteria to which the Redistribution Panel had to have regard in undertaking its review. They included demographic trends within the State, in order to ensure that at a relevant future time, the number of electors enrolled in each electoral district will be equal, within an allowable margin of ten percent of the average enrolment in electoral districts at that time: s21(1). Other factors necessary to consider were community of economic, social and regional interests within the districts; means of communication and travel; physical features and area; mountain and other natural boundaries and existing boundaries: s21(2).
13. Following the 2021 review, and in accordance the *Electoral Act 2017*, new electorates were proclaimed and came into existence on 26 August 2021, the date of gazettal: s29(2). While the new electorates take effect from that date, the ‘former’ electorates remain in place for the purpose of any by-elections that may occur before the general election: s29(4). Members remain the elected representatives of those electorates until the next State General Election. The State General Election to be held on 25 March 2023 will thus be contested on the basis of the new electoral boundaries.
14. As with the previous redistribution, there remain 93 members of the Legislative Assembly. The new electoral boundaries alter the size and/or name of a number of

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current electoral districts, abolish one metropolitan electoral district (Lakemba) and create one metropolitan electoral district (Leppington). The following districts have been re-named: Badgerys Creek (formerly Mulgoa), Kellyville (formerly Baulkham Hills), Davidson, Wahroonga (formerly Ku-ring-gai) and Winston Hills (formerly Seven Hills).

Grouping of Electorates - review

15. Historically, the Tribunal has reviewed the grouping of electorates for the purpose of providing additional entitlements, currently the Electoral Allowance, the Sydney Allowance, Communications Allowance and the General Travel Allowance.
16. In doing so, the Tribunal has had regard to the following characteristics - location (i.e. metropolitan or non-metropolitan), size, population density, the distance from Sydney, their regional status and remoteness: 2014 Determination at 7. The Tribunal did not receive any submissions about how this review should be approached and is satisfied that it continues to be appropriate to have regard to such characteristics, in reviewing the groupings following the recent redistribution.
17. The Tribunal has examined the existing groupings, new electorates and electoral boundaries and provides reasons for conclusions reached about each group.

Group 1

18. There are currently 49 electoral districts in Group 1 which are all located in the greater Sydney metropolitan area.
19. The redistribution has abolished the electoral district of Lakemba, much of which has been subsumed into a redrawn electoral district of Bankstown; four electorates have been renamed, boundaries of various electorates altered and a new electoral district in South Western Sydney, Leppington, has been created. It consists of suburbs formerly in the electoral districts of Badgerys Creek, Camden, Campbelltown, Holsworthy, Liverpool and Macquarie Fields.
20. The Tribunal is satisfied that Leppington is appropriately included in Group 1 for the purposes of receiving additional entitlements.
21. Further, that while there have been changes to the boundaries and titles of a number of the electorates in Group 1, the characteristics of these electorates have

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not altered sufficiently to warrant re-allocation of any of them to another group for the purposes of receiving additional entitlements.

Group 2

22. There are currently 16 electoral districts in Group 2. The majority of constituents in these electorates reside within 150 kms of the Sydney CBD and are well serviced by major road networks and public transport infrastructure. As explained in the 2014 Determination at 8, these districts usually contain a range of demographic types including residential, suburban, industrial and/or rural and are classified as either outer-metropolitan, provincial or rural.
23. The redistribution has also resulted in some boundary adjustments for electoral districts in Group 2, but these changes were not found to be sufficient to warrant the re-naming of any electorates in this group
24. The average size and population density of the affected districts are comparable to that which existed prior to the redistribution. In those circumstances the Tribunal is satisfied that no change is warranted to the allocation of electoral districts into Group 2.

Group 3

25. There are currently 10 electoral districts in Group 3. They usually host a major regional centre and are generally located in coastal regions or adjoin larger provincial areas. The majority of constituents of these electorates reside more than 150 kms from Sydney and they are generally well serviced by major roads or regional transport facilities. In the 2014 Determination it was explained at 9 that they also contain a range of demographic types, are mostly classified as being rural and many also have significant towns which provide regional services.
26. Before the redistribution electorates in Group 3 ranged in size from Maitland (392 sq. kms) to Myall Lakes (5,024 sq. kms). The redistribution has resulted in a number of boundary changes, the most notable being to the district of Cessnock which has decreased from 4,389 sq. kms to 2,020 sq. kms. This changes its ranking from the second largest to fourth largest in Group 3. There are no other significant changes in the size of these electorates and/or their general characteristics.

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27. In those circumstances the Tribunal is satisfied that there have been no changes which would warrant a change of group for any of these electorates.

Group 4

28. There are currently 11 electoral districts in Group 4. These electorates have characteristics similar to Group 3 electorates, but they differ in that the majority of constituents in Group 4 electorates reside more than 200 kms, and generally much further, from Parliament House: 2014 Determination at 9. In addition, the average size of Group 4 electorates is considerably larger (14,838 sq. km) than the average of those in Group 3 (3,563 sq. km).
29. Before the redistribution electorates in Group 4 ranged in size from Oxley (9,239 sq. kms) to Tamworth (21,720 sq. kms). The redistribution has resulted in a number of boundary changes, the most notable to the district of Albury which has decreased from 19,687 sq. kms to 16,287 sq. kms, changing its ranking from the second largest to fifth largest in Group 4. There appear to be no other significant changes in the size of these electorates and/or their general characteristics.
30. Accordingly, the Tribunal is also satisfied that no change in group is warranted for any Group 4 electorates.

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Group 5

31. There are currently three electorates in Group 5, Monaro, Cootamundra and Upper Hunter. Electoral districts in Group 5 predominately have an area of between 20,000 sq. kms and 35,000 sq. kms, with the majority of constituents residing a distance of more than 200 kms from Sydney: 2014 Determination at 10.
32. Before the redistribution these electorates ranged in size from Monaro (20,479 sq. kms) to Cootamundra (34,711 sq. kms). After the redistribution the size of Cootamundra increased to 37,289 sq. kms, while Upper Hunter decreased to 22,959 sq kms.
33. While the size of Cootamundra has increased, its other characteristics have not changed. Given the characteristics of the electorates in Group 6 and the nature of the increase in Cootamundra's size, the Tribunal is satisfied that its change in size does not warrant its categorisation in Group 6 with Northern Tablelands. It has decided, however, that the size criteria for Group 5 should be adjusted to a maximum threshold of 45,000 sq. kms, to better differentiate between electorates in Groups 5 and 6.
34. There will accordingly be no change to the allocation of electoral districts into Group 5.

Group 6

35. There is only one electoral district in Group 6 - Northern Tablelands, recognised to be sufficiently distinct from electorates in Group 5 to warrant categorisation in a separate group, given its size and that the majority of its constituents reside more than 500 kms from Parliament House: 2014 Determination at 11.
36. Under its pre-redistribution boundaries, it was 53,154 sq. kms, approximately 50 per cent larger than the next largest electorate, Cootamundra in Group 5. After the redistribution the size of Northern Tablelands increased to 59,412 sq. kms, still a far smaller geographical area than Murray in Group 7 and very considerably larger than Cootamundra.
37. The Tribunal is thus satisfied that there is also no change warranted to the allocation of electoral districts into Group 6.

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Group 7

38. There is currently one electoral district in Group 7 - Murray. It is the second largest electorate in the State at 107,359 sq. kms, adjoining the borders of Victoria, South Australia and Queensland, covering some of the most remote towns and communities in NSW. After the redistribution the size of Murray has increased slightly to 110,699 sq. kms.
39. In those circumstances the Tribunal is satisfied that no change is warranted to the allocation of electoral districts into Group 7.

Group 8

40. There is also currently one electoral district in Group 8 - Barwon. Barwon is the largest electorate in the State at 356,291 sq. kms, still some three times larger than Murray, adjoining the Queensland border and also covering the most remote towns and communities in NSW. After the redistribution there are no changes to the size of Barwon.
41. Accordingly, the Tribunal is also satisfied that no change is warranted to the allocation of electoral districts into Group 8.

Changes to the determination

42. As the 2023 State election will be contested on the new boundaries, for entitlements which depend on group allocations the Determination contains one table for the period up to the election and another for the period afterwards. Members will receive the amounts pro rata for each period.

Section 2 - Parliamentary Remuneration

Basic salary

43. In determining the basic salary, the Tribunal is still required 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: s4(3) of the Act.
44. 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 effect of the 2014 Regulation is that public sector remuneration cannot increase by more than 2.5 per cent unless sufficient employee-related cost savings have been achieved to fully offset the increased employee-related costs beyond 2.5 per cent per annum: reg 6(1)(b).
45. The result is that in determining the basic salary the Tribunal may not determine an increase of greater than 2.5 per cent per annum, s4(4) of the Act providing that “the policies referred to in subsection (3) do not include any policy that provides for increases in remuneration based on employee-related savings”.
46. In this inquiry submissions were advanced that a 2.5 per cent per annum increase was now warranted. Some submissions also suggested that members of Parliament were underpaid and that increases greater than 2.5 per cent per annum were warranted, but none of those submissions engaged with the requirements of the 2014 Regulation or the basis on which such further increases could be determined.
47. The Tribunal is satisfied that there is currently no basis on which any increase greater than 2.5 per cent per annum could be determined.
48. Both in the 2020 and 2021 Determinations the Tribunal determined that the basic salary of members would not be increased that year, for reasons associated with the effects of the COVID-19 pandemic, the state of the economy and the views then expressed by members and recognised office holders.
49. In the time since the consideration given to the 2021 Determination, the effects with the ongoing COVID-19 pandemic continued to have globally and in the State of

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New South Wales, remained profound for various reasons, including the impact of the Delta and Omicron variants of the disease, with have had resulting adverse impacts on people and the economy.

50. How life could be lived day to day in this State; how people communicated and interacted with each other; and how and when they were able to work, also continued to be adversely affected. Those impacts also affected members of Parliament and the work which they were called on to do, with changes in how Parliament operated and inquiries were conducted, with some members attending by web-based means.
51. Life in this State continued to be significantly disrupted by public health restrictions necessary to minimise the devastating consequences which Covid-19 continued to have on people's health and the resulting adverse impact on various public systems, as well as on the private sector.
52. While Australia and New South Wales still continued to be shielded from the worst effects of the pandemic suffered in many other parts of the world, in 2021 adverse effects on employment and our economy continued. Despite ongoing scientific advances and measures which Governments, businesses and individuals continued to pursue here, the lives that people were able to live in this State before the pandemic struck continued to be disrupted, albeit perhaps with growing hope for improvements to come in 2022.
53. From the submissions and information provided in this inquiry to the Tribunal, the ongoing effects of these challenges on constituents and the members of the Parliament who serve them were very apparent and many remain to be managed. Members continued to face real challenges in continuing to adapt to difficult, quickly changing circumstances and ongoing uncertainty, when representing and supporting their constituents.
54. It was consistent with this situation that the Tribunal received submissions that there should in 2022 be the modest increase in the basic salary which it is empowered to determine.
55. In arriving at a conclusion about the amount of any increase, however, it is relevant to take into account the changes to superannuation guarantee contributions (SGC)

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under the *Superannuation Guarantee (Administration) Act 1992* (Cth) and wage increases for public sector employees that took those changes into account.

56. Information published on the Australian Taxation Office website confirms the previous and future percentage increases to the SGC since 1 July 2002, when the general superannuation guarantee was 9.00 per cent:

Date of increase	Percentage increase (%)	General super guarantee (%)
1 July 2013	0.25	9.25
1 July 2014	0.25	9.50
1 July 2021	0.50	10.00
1 July 2022	0.50	10.50
1 July 2023	0.50	11.00
1 July 2024	0.50	11.50
1 July 2025	0.50	12.00

57. The SGC will increase by 0.50 per cent from 1 July 2022. The Tribunal received no submissions as to how this adjustment should be taken into account.
58. In 2021, it was not necessary for the Tribunal to consider any adjustment for the SGC increase as there was no increase to the basic salary from 1 July 2021.
59. In the 2014 Determination the Tribunal considered the 0.25 per cent increase to the SGC and determined that there should be a 2.25 per cent increase in the basic salary for members from 1 July 2014: 2014 Determination at 17. That determination referred to the Court of Appeal's decision of 6 May 2014, that increases in the SGC are costs which are required to be taken into account in determining whether employee-related costs have been increased by more than 2.5% under the applicable *Industrial Relations (Public Sector Conditions of Employment) Regulation 2014: Secretary of The Treasury v Public Service Association & Professional Officers' Association Amalgamated Union of NSW* [2014] NSWCA 138: at [32].
60. The 2014 Determination also noted that an application had been made to the High Court for special leave to appeal that decision, which had not by then been considered. In those circumstances the Tribunal determined that it was not appropriate to delay the making of the Determination and determined to increase the basic salary by 2.25 per cent.
61. After the 2014 Determination was made the Industrial Relations Commission awarded a 2.27 per cent wage increase for public sector employees covered by the

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Crown Employees (Public Sector – Salaries 2008) Award: Industrial Gazette Vol. 377, Part 3 at [367]. That increase was agreed between the parties, reflecting that the SGC increase was not payable in respect of overtime or leave loading, with the result the total employee related cost of the additional SGC was less than 0.25 per cent.

62. In 2021 the same approach was adopted in respect of public sector employees who were awarded a 2.04 per cent wage increase: Department of Premier and Cabinet Circular C2021-15 *Crown Employees (Public Sector – Salaries 2021) Award* (26 July 2021).
63. The Tribunal determines that the approach adopted in the 2014 Determination will be continued. The basic salary will thus increase by 2 per cent per annum from 1 July 2022, that figure taking into account the SGC increase. This is not consistent with the methodology applied to wage increases for public sector employees in 2014 and 2021, but those increases had regard to considerations which do not appear to apply to members of Parliament, such as overtime and other payments not attracting superannuation contributions.
64. If some different approach is considered to be appropriate, it can be raised for consideration in the next Determination.
65. Recognised office holders will continue to receive the additional salary and expense allowances specified in Schedule 1 of the Act. Actual additional salary and expense allowances are published on the Parliament’s website.

Section 3 - Additional Entitlements

Adjustment to quantum of entitlements

2022 adjustments

66. The Tribunal received one submission seeking an increase of 2.5 per cent to additional allowances in line with the NSW Government Policy.
67. In the 2021 Determination the Tribunal explained why various allowances would be increased to reflect changes in the CPI: at [20]–[25]. No other submission suggested that there should be any departure from that approach, which the Tribunal is satisfied should be continued.

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68. The following additional entitlements will accordingly be increased by the CPI Australia (twelve months to December quarter) which is 3.5 per cent:
- Electoral Allowance
 - Communications Allowance: Base Allocation
 - General Travel Allowance: Base Allocation and Additional Allocation
 - Sydney Allowance (daily rate)
 - Skills Development Allowance.
69. Taking into account the number of enrolled voters pre-election and the predicted number of enrolled voters post-election, the total increase to the Communications Allowance: Additional Allocation, which is based on constituent numbers and an original costing factor, is 3.6 per cent.
70. The Committee Allowance will be increased by 2 per cent in line with the basic salary because, as also explained in the 2021 Determination, this allowance has historically been increased in line with members' salary increases: at [28].

Additional entitlements in general

Adoption of allowances and conditions applicable to Federal members of Parliament

71. During this review some submissions again requested that various entitlements and the conditions that attach to them should conform to those that apply to members of the Parliament of Australia. The Tribunal has repeatedly explained why this cannot be accepted, given the jurisdiction conferred upon it by the Act, for example in the 2021 Determination at [36]-[38].
72. No submission suggested any error in that approach, or an available basis for the adoption of the entitlements and conditions sought. No further comment on these submissions is necessary.
73. Changes to entitlements will again be determined by consideration being given to their purposes, history and relevant changes.

Transition (separation) payment

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74. The Tribunal has addressed the Presiding Officers' submissions on a transition or separation payment for former members of Parliament in the 2018, 2020 and 2021 Determinations.
75. In their 2022 submission the Presiding Officers sought the opportunity to make further representations on this matter once authority is provided to the Tribunal to make a determination. That requires legislative amendment.
76. No further comment is necessary as part of this review, the necessary jurisdiction not having been conferred on the Tribunal.

New allowance – communication with constituents on matters of regional or State significance

77. One submission proposed that the Tribunal support in-principle the establishment of a new allocation, up to the Communications Allowance: Base Allocation, for each member for the purpose of developing and distributing information to constituents on a needs basis, in response to unprecedented and extraordinary events impacting an electorate.
78. The submission referred to challenges NSW has experienced over the past two years with drought, bushfires, floods and the ongoing COVID-19 pandemic. The submission proposed that the allocation would not be provided to members as an existing budget allocation but would need to be requested and approved by the Chief Executive, Department of Parliamentary Services. Its purpose would be to support unplanned communications for constituents in response to specific events. Such communications could include social media posts, television and radio communications and paper-based publications.
79. The Communications Allowance is provided to members to meet the costs associated with communicating with their constituents. Where funds are exhausted, any additional costs may be met from unexpended funds from the member's General Travel Allowance or from the member's Electoral Allowance.
80. An examination of members' expenditure of the Communications Allowance in the 2020-21 annual reports for the Legislative Assembly and Legislative Council shows that only five per cent of all members expended their allocation in the 2020-21 financial year.

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81. In those circumstances the Tribunal is not satisfied that a new allowance for this purpose is currently necessary in order to facilitate the efficient performance of members' or recognised office holders' parliamentary duties: S10 of the Act.

Guidelines and general conditions - parliamentary duties

82. The matter of the definition of parliamentary duties has been under review since 2019 following a recommendation in the 2018 Auditor General report, repeated in the 2019, 2020 and 2021 reports.
83. As foreshadowed in the 2021 Determination the letter to members and the Presiding Officers inviting submissions asked for any comments on the following matter identified in the 2021 Determination for further review in 2022:

'Parliamentary duties

The Tribunal addressed the matter of the definition of parliamentary duties and whether the 'Guiding Principles' currently provided by the Department could be included in the Determination. The Tribunal noted the Auditor General's view that the current definition of parliamentary duties could be improved, to provide better guidance on the proper use of additional entitlements. The Tribunal accepted that the definition of parliamentary duties could be improved, but redrafting the definition required further consultation and would be considered further in 2022.'

84. The Guiding Principles were developed by the Parliament following a consultation process that included the Tribunal and members. The Parliament adopted the Guiding Principles in 2020 and they were included in the 2020 edition of the Members Entitlements Handbook (Chapter 3: Additional Entitlements – Accountability Framework) and also in other guidelines such as the Communications Allowance Guidelines and General Travel Allowance Guidelines.
85. Two submissions addressed the matter of parliamentary duties, but did not support alteration of the definition. One submission was that the current definition of parliamentary duties is reasonably clear and does not require further definition. Also, that further attempts to define parliamentary duties or redefine the

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Parliament's guidelines would likely create the very confusion that previous determinations and guidelines have sought to avoid.

86. The Presiding Officers' submission proposed that the Tribunal adopt the Guiding Principles in the Determination and that the Parliament continue to work on guidance provided to members in respect to the activities that meet the definition of parliamentary duties. Also, that any change would need to consider condition 2.3.1 dealing with the intermingling of parliamentary and non-parliamentary duties. The submission suggested that there may be merit in considering the definitions of electioneering and campaigning in the context of parliamentary duties, to demonstrate activities for which entitlements cannot be used.
87. The term 'parliamentary duties' is defined in s3 of the Act to mean "the duties that attach to the office of a member or recognised office holder, and includes the duties that a member or recognised office holder is ordinarily expected to undertake, including participation in the activities of recognised political parties, and includes any duties prescribed as being within this definition, but does not include any duties prescribed as being outside this definition."
88. No such duties are prescribed by Regulation.
89. The Determination provides guidelines and general conditions in clause 2, identifying "Circumstances upon which the additional entitlements may be used for parliamentary duties.": cl 2.2.1 and 2.2.
90. Clause 2.2 identifies six activities for which additional entitlements may not be used. Clause 2.2.3 deals with the intermingling of a member's parliamentary duties and non-parliamentary duties and activities that may reasonably be regarded as deriving from a member's responsibilities as a parliamentary representative.
91. Given the statutory definition of parliamentary duties and the Parliament's development of the Guiding Principles, the Tribunal considers that it is not appropriate to include them in the Determination. Condition 2.4.1 already provides for the use of members' additional entitlements to be subject to Parliament's administrative guidelines. They include the Guiding Principles, developed as they were in consultation with the Tribunal.
92. The Tribunal will, however, consider further any suggested improvement in the Guiding Principles, or any particular problems identified in the existing Principles

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which ought to be addressed in the Determination, by amendment of the Guidelines and General Conditions Regarding Additional Entitlements for Members in Connection with Parliamentary Duties provided in cl 2 of the Determination.

93. Should the statutory definition of parliamentary duties be amended, further consideration may also need to be given to the terms of the Determination.

Electoral Allowance

94. It has been explained in earlier determinations that the Electoral Allowance is provided under the Act to facilitate the efficient performance of members' parliamentary duties, not as personal salary.
95. Historically, the use which members make of the Electoral Allowance has not been audited, either by the Parliament or the Auditor General. But if members are unable to substantiate that all of the allowance has been used in the performance of their parliamentary duties, the balance is taxed as personal income.
96. In some written submissions it was indicated that certain costs had been met out of members' own pockets, but it was later clarified that the Electoral Allowance had been used to meet those expenses. The Tribunal did not receive any submission that the Electoral Allowance was inadequate or had been entirely expended by any member on the performance of their parliamentary duties.
97. Historically the allowance has been increased by either the annual CPI (before 2011) or an equivalent amount to that provided to the basic salary (from 2011 to 2020). In 2021 the Tribunal determined that it would be increased by CPI (Australia – twelve months to December 2020) which was 2.1 per cent. The CPI for the twelve months to December 2021 was 3.5 per cent.
98. The Tribunal has determined that this allowance will be adjusted accordingly.

Communications Allowance

Increasing the Communications Allowance: Base Allocation – members of the Legislative Council

99. In the 2021 Determination the Tribunal addressed a submission that the quantum of the base allocation for members of the Legislative Council was insufficient and

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should be raised to the minimum amount that a Member of the Legislative Assembly receives in the following terms:

'65. An examination of the Legislative Council's Annual Report shows that in both the 2018 - 2019 and the 2019 – 2020 financial years, Legislative Councillors in aggregate spent less than half their current Communications – base allocation.

66.It follows that there is at present insufficient evidence of a need for their allowance to be increased to that of Members of the Legislative Assembly. But if in 2022 there is further evidence of relevant change, the amount of the allowance can be considered further.'

100. One submission received suggested that the most obvious reason for this lack of spending is what was described as the highly restrictive conditions placed on the use of this allowance, leading to members simply not using it.
101. This submission cannot be accepted as a basis for increasing this allowance. The conditions placed on the use of the allowance are in place to address the statutory requirement that additional entitlements are used for the efficient performance of parliamentary duties.
102. An analysis of the data contained in the 2020-21 Annual Report for the Legislative Council shows of the 43 members, 36 members (80 per cent) used half or less than half of their total available allocation for that year. Only three members (7 per cent) used 80 per cent or more of their total available allocation.
103. The available evidence thus again does not support an increase in the base allocation for members of the Legislative Council.

Carry forward of Communications Allowance

104. The Tribunal has repeatedly received a submission seeking to allow the Communications Allowance: Additional Allocation to be carried over each financial year during the Parliamentary term.
105. The Tribunal considered this matter in the 2019, 2020, and 2021 Determinations and found that such a change was inappropriate “given that the intention of the communications allowance is to help provide members with sufficient funds each

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year to communicate with constituents, for the efficient performance of their parliamentary duties”: 2014 Determination at [69].

That intention has not altered and there is no basis for concluding that what is provided annually by way of this allowance is insufficient to facilitate the efficient performance of members’ or recognised office holders’ parliamentary duties.

Accordingly, this submission cannot be accepted.

Calendars and similar items

106. The Tribunal has also repeatedly received a submission to permit the use of the communication allowance to produce items such as calendars and fridge magnets.
107. The Tribunal addressed this matter in the 2018, 2019 and 2021 Determinations and found that the Determination does not permit funds provided as additional entitlements to be used for the provision of such items, which were not an appropriate use of the allowance: 2021 Determination at [78]- [81].
108. The submission did not accept this conclusion, but the Tribunal is not persuaded that it was incorrect. Accordingly, the submission cannot be accepted.

General Travel Allowance

Increase in base allocation for Legislative Council members

109. In the 2021 Determination at [30] the Tribunal addressed a submission that various allowances, including travel, for members of the Legislative Council was insufficient and should be raised to the minimum amount that a member of the Legislative Assembly receives. One submission again requested the travel allowance be raised to parity with the minimum amount that a Legislative Assembly member receives.
110. For the General Travel Allowance: Base Allocation, the minimum amount received by a Legislative Assembly member is that provided for Group 1. The minimum amount received by a Legislative Council Member is that provided for Zone 1. The amounts for Group 1 and Zone 1 are equivalent and have been since the General Travel Allowance: Base Allocation was established in 2016, and also while it was previously named the Logistic Support Allowance (Transport) allowance.

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Review of conditions and guidelines in relation to the Parliamentary Register

111. As foreshadowed in the 2021 Determination at [101] the Tribunal has undertaken a review of the conditions and guidelines for the General Travel Allowance.
112. The letter to members and the Presiding Officers inviting submissions asked for any comments on the following matter identified in the 2021 Determination for further review in 2022:

'General Travel Allowance

The Tribunal addressed and did not accept a submission that signing the Parliamentary Register should be sufficient evidence of the performance of parliamentary duties for the purpose of claiming the General Travel Allowance. Having regard to submissions advanced and advice given by the Auditor General, the Tribunal considered it timely to review the current conditions and guidelines on the General Travel Allowance, in order to ensure that they are up to date and effective.'

113. The Tribunal received two submissions addressing the General Travel Allowance conditions. The Presiding Officers' submission did not seek any changes to the current administrative requirements for use of the various travel entitlements or conditions. The second did not seek to make a submission about the rules relating to documentation for the purpose of the allowance.
114. The General Travel Allowance was established in 2016 as part of a new entitlement model aimed at simplifying and reducing the cost of administration of allowances. It comprises two allocations - Base Allocation (formerly the Logistic Support Allocation-Transport allocation) and Additional Allocation (formerly the Electorate Charter Transport Allowance).
115. The allowance is provided to members to meet all travel costs associated with their parliamentary or official duties within Australia. It comprises a base annual allocation for members of the Legislative Assembly and Legislative Council and an additional allocation for members in Groups 5 to 8.

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116. The conditions for the General Travel Allowance have been updated since 2016 on several occasions in response to issues identified by members and the Presiding Officers during annual reviews.

117. Condition 6.4.5 (xii) addresses documentation of the parliamentary purpose of any travel for the General Travel Allowance:

'xii. Members should ensure that records are maintained that clearly document each occasion and the parliamentary 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. Records are to be retained for a minimum period of two (2) years for the purpose of substantiating claims submitted to Parliament.'

118. Condition 2.4.1 provides for the use of members' additional entitlements to be subject to Parliament's administrative guidelines. As part of this review the Tribunal has referred to the Parliament's General Travel Guidelines that support the use of the General Travel Allowance in accordance with the Tribunal's Determination. These Guidelines reiterate the requirement to maintain records and to substantiate the parliamentary purpose of members' travel for audit purposes. The Parliament's Members' Entitlements Handbook (Section 2.5 Accountability and Responsibility, page 21) also provides the following guidance on records management which gives examples of records that may be used to substantiate the parliamentary purpose for audit purposes:

'Records Management

Members should ensure they retain copies of all supporting documentation for a minimum period of two (2) years for audit purposes.

Members are not required to retain copies of claims submitted through the Expense Management System (EMS) portal such as invoices etc.

Members should however retain records to substantiate the parliamentary purpose of any expenditure incurred should it be required

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for audit purposes including diary extracts, minutes of meetings, invitations to meetings and events, etc.

119. The Tribunal is of the view that no changes to the General Travel Allowance conditions are warranted at this time. Members should have regard to Parliament's guidelines and if any further clarification is required, consult with the Department of Parliamentary Services on appropriate records to substantiate the parliamentary purpose of expenditure.

Sydney Allowance

Validation of parliamentary purpose for each stay

120. The Tribunal received a submission that signing of the parliamentary register for the Sydney Allowance should be sufficient threshold evidence of parliamentary duties to satisfy an audit. The submission refers to a previous submission made in 2021, but that submission referred to verification for use of the General Travel Allowance, not the Sydney Allowance.
121. The Tribunal determined in 2021 that the signing of the parliamentary register is not sufficient evidence of performing parliamentary duties in respect to the General Travel Allowance: 2021 Determination at [96]-[102]. The same considerations apply to the Sydney Allowance.
122. Condition 5.3.3 (ix) in the Determination requires members to maintain records or other relevant proof that clearly document the parliamentary purpose and the occasions they stay in Sydney in connection with their parliamentary duties. The signing of the parliamentary register only provides proof of being in Sydney when Parliament is not sitting:

(ix) Members are required to maintain records or other relevant proof that clearly document the parliamentary purpose and 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

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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 Chief Executive 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 Chief Executive to certify as proof of their attendance in Sydney. Records are to be retained for a minimum period of two (2) years for the purpose of substantiating claims submitted to Parliament.

123. The Parliament's Members' Entitlements Handbook (Section 8.7, page 68) provides guidance to members on the substantiation requirements for claiming the Sydney Allowance. The Guidelines reiterate that members are required to maintain records that validate the parliamentary purpose of each stay for audit purposes. As with the General Travel Allowance, members should have regard to Parliament's Guidelines and if any further clarification is required, consult with the Department of Parliamentary Services on appropriate records to substantiate the parliamentary purpose of expenditure.
124. The Tribunal considers that if a member does not have records to substantiate a claim, then it should not be made. This could be specified in the Parliament's guidelines, or in the Determination.

Number of overnight stays

125. One submission requested an increase to the current allocation of 135 overnight stays to cover the number of nights regionally based members of the Legislative Council will actually be required to spend away from home under the changes to the 57th Parliament.
126. This matter was addressed in 2021 Determination, when the Tribunal determined that there was insufficient evidence to warrant any change:

'118. The number of committee proceedings in the Parliament fluctuates significantly from time to time. There may be advantages for Members who claim the annual payment, but if the submission that Members'

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parliamentary duties can require a higher number of overnight stays in Sydney are well founded, it is possible that there may be a case for some form of exception to the maximum number to be introduced.

119. At present there is insufficient evidence for the Tribunal to amend the current arrangements. But it may be appropriate to do so in future, should evidence be provided which establishes a need to review the basis of this allowance.'

127. 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.
128. 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. There is a lower amount (105) and greater (135) number of overnight stays based on distance criteria from Parliament House to a member's principal place of residence. There are two additional amounts (140 and 180) for chairs of committees and Recognised Office Holders. These four amounts were set in the 2005 Determination and current entitlements appear in Table 4: Sydney Allowance Daily Rates.
129. The 2005 Determination explained the history of the Sydney Allowance (formerly the Special Expenses or "Living Away from Home" Allowance). Historically the amounts comprised two components. The first being the sittings of Parliament and travel to and from Parliament for such sittings and meetings of Parliamentary Committees and travel to and from Sydney to attend such meetings. The second being other parliamentary business, for which historically 35 days was provided. The Tribunal had reviewed and amended the number of overnight stays in the 1990, 1996, 2000 and 2005 Determinations.
130. Before 2005 the number of overnight stay amounts comprised three levels – 90, 120 and 140. In the 2005 Determination the Tribunal increased the number of overnight stay amounts for the three levels to 105, 135 and 140 and also introduced a fourth level of 180.

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131. The changes were based on a review of component 1 and evidence obtained via the Legislative Council's annual reports over a parliamentary term. The reports indicated that Parliament sat for an average of 48 days per year during the parliamentary term and members spent an average of 21 days on committee participation. The Tribunal considered that, on average, members of the Legislative Council would spend a total of 69 days attending sittings of Parliament and Committee participation.
132. With the addition of the historical 35 overnight stays for component 2, the overnight stays for an ordinary member would increase to at least 104 days. In the case of Ministers and other Recognised Office Holders, while they would not participate in committee work, they would be required to spend more time in Sydney because of portfolio or Party obligations. The Tribunal also broadened the Recognised Office Holders eligible to claim higher levels of the Sydney Allowance, so the overnight stay amounts increased from three to four levels. These amounts have not changed since 2005.
133. As part of this review the Tribunal has examined statistics on Legislative Council activities available in annual reports for the 57th and 56th Parliaments. The statistics show that committee inquiry hearings and overall sitting hours increased markedly in the year ended 30 June 2021.
134. The Tribunal has also examined the member expenditure data for the Sydney Allowance reported in the annual reports of the Legislative Council and Legislative Assembly and supplementary data provided by the Department of Parliamentary Services for the financial years 2020-21, 2019-20 and 2018-19.
135. The data indicates a small percentage of members have used their total entitlement over the past three financial years, with a minor increase in 2020-21. In 2020-21 there was also an increase in the number of members who used 80 per cent or more and in the number of members who used 50 per cent or more, compared to the previous year.
136. In the year ended 30 June 2021, only two members of the Legislative Council and one member of the Legislative Assembly used their full Sydney Allowance entitlement. It is likely that the effects of the COVID-19 pandemic meant that members were unable to travel to Sydney and that the data reflects this.

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137. While there is some variability in usage of the allowance in different years, there is no clear pattern of increased attendance requirements demonstrated in the data, over an extended period of time.
138. On the basis of the information available at this time, the Tribunal is unable to conclude that there is a demonstrated need to increase the number of overnight stay amounts provided for in the Sydney Allowance. But if further information is provided which would provide a basis for adjustment of the allowance because of a sustained increase in attendance requirements for members, this issue can be considered further.

Equipment, services and facilities

Additional offices for members of the Legislative Council

139. One submission requested that any regionally based member of the Legislative Council be provided with a regional office, given the experience during the pandemic. A similar submission was made during the 2021 annual review when the Tribunal was not satisfied that a basis for provision of a second office for members of the Legislative Council had been established: 2021 Determination at [41]-[46].
140. The Tribunal was not persuaded that the provision of such an office was required, in order to facilitate the efficient performance of the parliamentary duties of members of the Legislative Council, although accepting that some members may have such a preference. On information received, other members do not.
141. What was advanced on this review still did not provide sufficient evidence of the need for the provision of an additional allowance for such an office, given that such members do not represent an electorate, despite internal arrangements some parties have made to ensure constituents across the State are served; members have an electoral allowance which could be used to fund an office away from home and there being no suggestion that this allowance is inadequate, if such an office is considered necessary.
142. If evidence of such need is advanced in future, consideration will also have to be given to appropriate conditions of use of such an allowance, given facilities which are presently provided to all members.

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Additional Electorate Offices, allowances, resources for Groups 5 to 8

143. The matter of additional electorate offices or establishment of a new Satellite Office Allowance for geographically dispersed electorates has been under review since the 2020 annual review. In the 2021 Determination the Tribunal observed amongst other things:

'133. It thus appears likely that increasing the use of such technology is the way forward in better enabling interaction between Members and distant constituents, together with utilisation of temporary or mobile offices in larger electorates, rather than by the establishment, over time, of increasing numbers of permanent electoral offices.

134. From information which the Tribunal received it is also apparent that in larger electorates, the location of a second or subsequent electoral office, whether permanent, temporary or mobile, can have a significant impact on Members and the personal access which constituents can have to them. But a further permanent office in a location only an hour or an hour and a half's travel from another electoral office, for example, rather than in a more distant part of an electorate, may not have sufficiently beneficial impacts on the assistance which an additional electorate office may provide to the Member, in the performance of their Parliamentary duties, to warrant the establishment of such an office.

135. The Tribunal has thus decided to support the continuation of improvements in the technology made available to Members, as well as the ongoing trial arrangements currently being conducted with the assistance of the DPS. They may include providing facilities in the form of additional equipment, temporary staff and rentals.

136. But the Tribunal is not currently satisfied that a need for the provision of additional permanent electoral offices or staff has been established, or that the additional costs involved is warranted. That does not appear justified, by comparison to the use which could be made of additional

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funds, in providing further technological support, or temporary or mobile electoral offices in larger electorates.

137. The Tribunal will invite further submissions about what the ongoing trials establish in 2022.'

144. As foreshadowed in the 2021 Determination the letter to members and the Presiding Officers advised:

'Additional Electorate Offices and staff

In 2021 the Tribunal was not satisfied that the need for additional permanent electoral offices or staff in certain geographically dispersed electorates had been established. The Tribunal noted the increasing use of digital technology and referred to the Presiding Officers submission about a new approach to meeting the needs of constituents and members in such electorates and information about ongoing trials of mobile and satellite offices. The Tribunal foreshadowed it would invite further submissions about what the ongoing trials establish in 2022.'

145. The Presiding Officers were also asked to provide an update on the improvements in technology made available to members and the ongoing trial arrangements being conducted with the assistance of the Department of Parliamentary Services.

146. The Tribunal received submissions from the members for Monaro and Murray, that they should each have an additional electorate office; from the Member for Upper Hunter, that it should have a permanent satellite office, following changes under the redistribution of electorates on the basis that it is needed to service constituents on the eastern side of the electorate; and from the Member for Barwon, that it should have additional resourcing to allow the continuation of the mobile electorate office model.

147. The electorates of Monaro and Upper Hunter currently have one office, the electorate of Murray currently has two offices and Barwon three, with an allocation of three staff attached to each office, for reasons explained in earlier Determinations.

148. The Tribunal has previously considered requests for a third electorate office for Murray and Cootamundra and second electorate office for Monaro.

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149. An additional office for Monaro was again pursued having regard to the locations of cities and towns in the electorate, with the electoral office located in Queanbeyan and the town of Cooma at the other end, with smaller towns in surrounding areas. The growth in population in the Snowy area and the travel time of 90 minutes from Cooma to Queanbeyan were again relied on, as was the impact of bushfires on travel and the benefit to the community of a second office.
150. The Tribunal is still not persuaded that what was advanced warrants the establishment of a second permanent office but considers that it does support the establishment of the proposed allowance.
151. The member for Upper Hunter requested a permanent satellite office commencing from the next parliamentary term located on the eastern side of the electoral district. The current electoral office is located in Muswellbrook. The composition of the Upper Hunter electorate has changed as a result of the redistribution with the inclusion of new communities on the eastern side of the electoral district. The member submitted that new constituents will have difficulties accessing the Muswellbrook electorate office due to geographical barriers (Barrington Tops National Park, Mount Royal National Park and several adjoining state forests) and the closure of the unsealed road access via the Scone-Gloucester Road due to major structural damage during severe wet weather in March 2021. There is no forecast date for the reopening of the Scone-Gloucester Road at this stage. The alternative route for Gloucester and Dungog residents is to travel via Maitland to join the New England Highway or the Hunter Expressway, which would take approximately 1.5 to 2.5 hours one-way.
152. The Tribunal accepts that this also supports the establishment of the proposed allowance.
153. Additional resourcing to allow use of a mobile electorate office model to continue in the long term in the electorate of Barwon was sought, as well as short term relief, associated allowances and two additional fulltime equivalent staff positions. While what was advanced also supports the establishment of the proposed allowance the Tribunal is not persuaded that in Barwon, which has three electoral offices and accordingly 9 staff, additional permanent staffing is required.

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154. The Tribunal has determined on the information available that no basis has been established for the creation of any further additional electorate offices, but that there may be a basis for the creation of an additional allowance for satellite or mobile offices.
155. This has regard to the Presiding Officers' submission, which outlined that their key goal for the Parliament was to continue to explore technology-based communication for the purpose of communicating with constituents, as it offers easier accessibility, affordability and real time communication for constituents living in geographically remote areas.
156. While their previous submissions supported the creation of a Satellite Office Allowance, the Presiding Officers now consider that this option, on its own, may not be the best approach. They proposed an alternative approach that may consist of the following potential arrangements:
- an enhanced electorate office fit-out with video conferencing facilities and the provision of improved technology to support remote constituent engagement and support;
 - additional resources for the purpose of setting up and maintaining transient remote physical office space;
 - flexible staffing arrangements with enhanced mobile technology, including laptops and other mobile devices;
 - additional travel entitlements;
 - options for partnering with existing service providers throughout the electorate, including Service NSW and other local, State and Federal government departments; and
 - the ability to utilise specialist transport including caravans or motor homes.
157. The Presiding Officers advised that initial discussions have been held with some members, but that additional consultation is necessary and their proposed approach may need refinement. Further, that the Parliament continues to explore opportunities to better support and resource members in these groups, as well as a funding proposal for NSW Treasury to support provision of video conferencing facilities in all electorate offices; flexible staffing arrangements allowing members to

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use existing staff to support outreach activities and satellite offices; and by June 2022, all members and staff having access to laptops.

158. The Tribunal must consider the submissions calling for additional offices and other arrangements intended to ensure that members had appropriate reach to constituents within their electorates, in light of what might reasonably be regarded as necessary for the statutory purpose of facilitating the efficient performance of those members' parliamentary duties.
159. The Tribunal has been provided with information about the ongoing trials, the effects steps taken by Parliament to improve communication over several years, as well as difficulties being confronted in the four electorates pursuing change. Little information has been provided about actual costs that have been incurred, on which the amount of any proposed allowance could be reasonably based, or about conditions which would attach to its use.
160. Proposals advanced included that an allowance be based on Federal arrangements, but these have a different legislative basis and cannot simply be adopted.
161. It is also relevant that as well as the support provided by the Parliament during various trials, members have been using their Electoral Allowance to help support satellite and mobile office arrangements. That is an appropriate use of their Electoral Allowance, which is significantly higher for the larger electorates seeking these changes. Historically, this was based on evidence that unavoidable expenses pressed more heavily on country members with large electorates.
162. On the information it presently has, the Tribunal has determined that while there may be case for a limited allowance, in addition to the larger amount of these Electoral Allowances, further information about the specific expenses to which the allowance would be directed, as well as the conditions which would apply to its use need to be provided, so that the Tribunal can properly consider what should be determined to be necessary, for the efficient performance of these members' parliamentary duties.
163. The Tribunal will thus invite further information and submissions in 2022 about the progress of the ongoing trial arrangements; ongoing implementation of new technology; and the amount, structure and conditions for a new allowance for satellite or mobile offices.

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Vehicle upgrades and SIM cards for groups 5 to 8

164. One submission requested an updated aerial and additional driving lights for a car and another requested funding for SIM cards for use in laptops recently provided by the Department of Parliamentary Services.
165. The Tribunal considers that these are expense types that are appropriately funded by a member's Electoral Allowance and do not warrant separate funding.

Staff allocation and other staff matters

166. In the 2021 Determination the Tribunal addressed matters raised by members about the work and conditions of some staff:[165]— [166]. Similar matters have been raised during this review. One submission addressed the matter of fatigue management for members' staff working in the Legislative Council.
167. The conditions of employment of staff are determined by the Presiding Officers in accordance with the *Members of Parliament Staff Act 2013* and not by the Tribunal, whose function is only to determine the number of persons who a member or special office holder is entitled to employ: s18. Given the nature of the concerns raised, these are matters that should be pursued with the Presiding Officers.
168. The Tribunal also received an unsolicited submission from the Chairperson and Workplace Delegate, PSA Members of Parliament Staff Vocational Branch on behalf of members' staff in NSW Parliament. The matters raised should also be pursued with the Presiding Officers. At its meeting with the Presiding Officers in November 2021, the Tribunal noted that it had received the submission and it has subsequently provided a copy to the Presiding Officers.
169. The Presiding Officers have advised the Tribunal that the relief arrangement provision in the *Members' Staff Conditions of Employment Determination of the Presiding Officers* (Presiding Officers' Determination) has been updated. The update allows the Chief Executive to provide members with additional temporary staffing in the event of an emergency or public health order, such as border closures during a pandemic, or as a result of natural disasters or declared emergencies.
170. One submission referred to these changes to the relief arrangement provision and submitted that there is no support provided to an electorate office during periods of increased workloads arising from events specific to an electorate and/or

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neighbouring electorates. For example, increased representations arising from major infrastructure projects, reduction in public transport services, potential risks of a natural disaster or matters being considered by a Parliamentary Committee. This submission proposed that the Tribunal give in principle support for the Chief Executive to consider and where necessary, provide short term relief for additional staff resources during increased workload in the connection with the day-to-day activities of electorate offices and that this be fully funded by NSW Treasury.

171. Condition 7.1.2 of the Determination refers to relief and minimum staffing requirements provided in accordance with the provisions set out in the Presiding Officers' Determination. The Tribunal has been advised that the Parliament has taken steps to provide urgent additional temporary staff through the update to the relief arrangement provision outlined above.
172. The Tribunal considers that the question of the day-to-day provision of such relief is not a matter for it to deal with under the legislative scheme.
173. Another submission received was that members of the Legislative Assembly be entitled to four staff members on the basis that over the last 12 months current staffing has been shown to be inadequate, due to the COVID-19 pandemic. The submission relied on cross bench members being provided with a fourth staff member before the pandemic.
174. The Tribunal considers that staffing arrangements for cross bench members does not warrant a change to the current entitlements of other members, nor do the challenges which the pandemic have given rise to, which the Parliament has responded to by the changes made by the Presiding Officers. Any change to members' staffing entitlements can only result from an examination of the assistance which they require, in order to efficiently carry out their parliamentary functions, of the kind undertaken in the past by the Tribunal, when a need for an increase in staff was established.
175. The unique challenges presented by the pandemic, or temporary challenges arising from natural disasters or emergencies, do not establish a general ongoing need for increased staffing. Permanent increases in staffing requires consideration to be given to the circumstances in which current staffing levels were established and

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whether changes which have occurred subsequently have resulted in an ongoing need for additional staffing.

176. Other submissions sought the establishment of a travel program for members' staff modelled on Commonwealth arrangements. In the case of members of the Legislative Assembly, to fund travel and accommodation of one staff member in the case of those members who have an electoral office located 130km or more from Parliament House and in the case of members of the Legislative Council, to fund travel and accommodation of one staff member when undertaking duties away from Parliament House.
177. As earlier explained, new entitlements cannot be determined simply because they reflect Commonwealth arrangements. They require an examination of existing arrangements and a conclusion that change has occurred which has resulted in existing entitlements no longer being adequate for the efficient performance of the parliamentary duties of members or recognised office holders.
178. If evidence of such change is provided, it will be considered.

Section 4 General Summary of the Determination

2022 adjustments

Basic salary and additional entitlements	Per annum adjustment
Basic Salary	2 per cent increase
Electoral Allowance:	
Base Allowance	3.5 per cent increase
Additional Allowance	3.5 per cent increase
Recognised Office Holder Allowance (except Independents)	3.5 per cent increase
Independents Allowance	3.5 per cent increase
Sydney Allowance	3.5 per cent increase
Communications Allowance:	
Base Allocation	3.5 per cent increase
Additional Allocation	Adjusted to reflect changes in constituent numbers.
Committee Allowances	2 per cent increase
General Travel Allowance:	
Base Allocation	3.5 per cent increase
Additional Allocation	3.5 per cent increase
Skills Development Allowance	3.5 per cent increase
Travel Allowances	As per Australian Tax Office Determination TD2021/6

The Parliamentary Remuneration Tribunal



Hon A/Justice Schmidt AM
Parliamentary Remuneration Tribunal

The Hon Acting Justice M Schmidt

Dated: 24 May 2022

Section 4 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 2022 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 2022.

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 relatives” means:

- One person who meets any of the following criteria:
 - wife or husband of the Member
 - a person living with the Member in a domestic relationship as defined in the *Property (Relationships) Act 1984*
 - an immediate family Member of the Member (parent, siblings or children who are not minors i.e. below 16 years of age) who is nominated as an approved relative.

- Members with dependent children may nominate one or more of those children as approved relatives. A dependent child means a person under 16 years of age in

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the care of the Member who is legally responsible (alone or jointly with another person) for the person's day-to-day care, welfare and development.

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.

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

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**).

Circumstances upon which the additional entitlements may be used for parliamentary duties.

- 2.1 Additional entitlements are provided to facilitate the efficient performance of the following particular parliamentary duties of Members as follows:
 - 2.1.1 Activities undertaken in representing the interests of constituents but excluding activities of a direct electioneering or political campaigning nature.
 - 2.1.2 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.
 - 2.1.3 Attending and participating in sessions of Parliament.
 - 2.1.4 Participation in the activities of parliamentary committees.
 - 2.1.5 Attending Vice-Regal, parliamentary and State ceremonial functions.
 - 2.1.6 Attending State, Commonwealth and Local Government functions.

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- 2.1.7 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.
- 2.1.8 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.
- 2.1.9 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.
- 2.1.10 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 2.1.9 above.
- 2.1.11 Participation within Australia in the activities of the Commonwealth Parliamentary Association (CPA) 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.
- 2.1.12 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.

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2.2 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:

2.2.1 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.

2.2.2 Additional entitlements should not be used to fund:

- (i) activities such as those associated with party Membership drives;
- (ii) mail distributions for non-electorate or non-parliamentary activities;
- (iii) costs associated with election campaigning for an individual Member;
- (iv) 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;
- (v) costs previously borne by political parties which are not principally related to a Member's parliamentary or electorate duties; and
- (vi) costs associated with pre-selection activities.

2.2.3 The electorate office provided for a Member of the Legislative Assembly is not to be used as an election campaign office.

2.3 The Tribunal sets out the following additional and general guidelines:

2.3.1 Some intermingling of a Member's 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 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-

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parliamentary use a Member must estimate the component of non-parliamentary use and, using the Member's best efforts, meet these costs independently.

2.3.2 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.

2.3.3 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.

2.4 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):

2.4.1 The use of Members' additional entitlements will be subject to Parliament's administrative guidelines. The administrative guidelines should assist Members in carrying out their functions and duties. Members must comply with the Parliament's administrative guidelines where they are consistent with the Determination and guidelines and conditions contained herein.

2.4.2 All procurement by Members will be in accordance with the Parliament's purchasing policies.

2.4.3 Members must ensure that they have sufficient funds to meet the costs associated with their parliamentary duties.

2.4.4 All entitlements, except for the Electoral Allowance, shall be established and maintained by the Chief Executive, Department of Parliamentary Services (the Chief Executive). Members should be advised by the Department of Parliamentary Services each month as to the balance of these allocations.

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- 2.4.5 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 Communications Allowance, General Travel Allowance and Skills Development Allowance.
- 2.4.6 All accounts and Members' claims must be submitted to the Legislature for payment within 60 days of receipt or occurrence of the expense.
- 2.4.7 Members' additional entitlements in the nature of fixed allocations and Sydney Allowance provided to Members shall be audited annually for compliance through the Parliament's internal audit function. In addition to any internal audit conducted by the Parliament, Members' additional entitlements in the nature of fixed allocations and the Sydney allowance shall be the subject of an external assurance engagement conducted by the Auditor-General of NSW. The cost of any assurance engagements shall be met by the Parliament. Members should ensure they maintain appropriate records of expenditure for the purpose of any audit or assurance engagements. Records are to be retained for a minimum period of two (2) years for the purpose of substantiating claims submitted to Parliament.
- 2.4.8 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).
- 2.4.9 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 relatives and/or staff employed by the Parliament when that expenditure is in connection with official parliamentary duties.
- 2.4.10 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

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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.

2.4.11 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.

2.5 List of Tables Relating to Additional Entitlements

Table 1	Electoral Groupings for the Legislative Assembly - 1 July 2022 to 24 March 2023 (inclusive)
Table 1A	Electoral Groupings for the Legislative Assembly – 25 March 2023 to 30 June 2023 (inclusive)
Table 2	Zones for the Legislative Council - 1 July 2022 to 24 March 2023 (inclusive)
Table 2A	Zones for the Legislative Council – 25 March 2023 to 30 June 2023 (inclusive)
Table 3	Electoral Allowance Legislative Assembly and Legislative Council - 1 July 2022 to 30 June 2023 (inclusive)
Table 4	Sydney Allowance Daily Rates - 1 July 2022 to 30 June 2023 (inclusive)
Table 5	Electorate/Zone to Sydney Travel Entitlements – Additional Entitlements for Recognised Office Holders - 1 July 2022 to 30 June 2023 (inclusive)
Table 6	Communications Allowance – Base Allocation - 1 July 2022 to 30 June 2023 (inclusive)
Table 7	Communications Allowance – Additional Allocation - 1 July 2022 to 24 March 2023 (inclusive)
Table 7A	Communications Allowance – Additional Allocation – 25 March 2023 to 30 June 2023 (inclusive)
Table 8	General Travel Allowance - 1 July 2022 to 30 June 2023 (inclusive)
Table 9	Travel Allowances Indicative Upper Limits for Members - 1 July 2022 to 30 June 2023 (inclusive)
Table 10	Recognised Office Holder and Other Member Additional Entitlements - 1 July 2022 to 30 June 2023 (inclusive)
Table 11	Skills Development Allowance - 1 July 2022 to 30 June 2023 (inclusive)

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3. Basic Salary

With effect from 1 July 2022 the basic salary of Members, pursuant to section 4 of the Act, shall be \$172,576 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 - 1 July 2022 to 24 March 2023 (inclusive)		
Group 1		Group 3
1. Auburn	35. Ryde	1. Ballina
2. Balmain	36. Seven Hills	2. Cessnock
3. Bankstown	37. Strathfield	3. Coffs Harbour
4. Baulkham Hills	38. Summer Hill	4. Kiama
5. Blacktown	39. Sydney	5. Maitland
6. Cabramatta	40. Vaucluse	6. Myall Lakes
7. Camden	41. Wakehurst	7. Port Macquarie
8. Campbelltown	42. Willoughby	8. Port Stephens
9. Canterbury	43. Mulgoa	9. South Coast
10. Castle Hill	44. Newtown	10. Tweed
11. Coogee	45. North Shore	
12. Cronulla	46. Oatley	Group 4
13. Davidson	47. Parramatta	1. Albury
14. Drummoyne	48. Penrith	2. Bathurst
15. East Hills	49. Pittwater	3. Bega
16. Epping	50. Prospect	4. Clarence
17. Fairfield		5. Dubbo
18. Granville	Group 2	6. Goulburn
19. Heffron	1. Blue Mountains	7. Lismore
20. Holsworthy	2. Charlestown	8. Orange
21. Hornsby	3. Gosford	9. Oxley
22. Kogarah	4. Hawkesbury	10. Tamworth
23. Ku-ring-gai	5. Heathcote	11. Wagga Wagga
24. Lakemba	6. Keira	
25. Lane Cove	7. Lake Macquarie	Group 5
26. Liverpool	8. Newcastle	1. Cootamundra
27. Londonderry	9. Shellharbour	2. Monaro
28. Macquarie Fields	10. Swansea	3. Upper Hunter
29. Manly	11. Terrigal	
30. Maroubra	12. The Entrance	Group 6
31. Miranda	13. Wallsend	1. Northern Tablelands
32. Mount Druitt	14. Wollondilly	
33. Riverstone	15. Wollongong	Group 7
34. Rockdale	16. Wyong	1. Murray
		Group 8
		1. Barwon

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Table 1A: Electoral Groupings for the Legislative Assembly - 25 March 2023 to 30 June 2023 (inclusive)		
<p style="text-align: center;">Group 1</p> <ol style="list-style-type: none"> 1. Auburn 2. Balmain 3. Badgerys Creek 4. Bankstown 5. Blacktown 6. Cabramatta 7. Camden 8. Campbelltown 9. Canterbury 10. Castle Hill 11. Coogee 12. Cronulla 13. Drummoyne 14. East Hills 15. Epping 16. Fairfield 17. Granville 18. Heffron 19. Holsworthy 20. Hornsby 21. Kellyville 22. Kogarah 23. Lane Cove 24. Leppington 25. Liverpool 26. Londonderry 27. Macquarie Fields 28. Manly 29. Maroubra 30. Miranda 31. Mount Druitt 32. Riverstone 33. Rockdale 34. Ryde 	<ol style="list-style-type: none"> 35. Davidson 36. Strathfield 37. Summer Hill 38. Sydney 39. Vaucluse 40. Wakehurst 41. Willoughby 42. Newtown 43. North Shore 44. Oatley 45. Parramatta 46. Penrith 47. Pittwater 48. Prospect 49. Wahroonga 50. Winston Hills 	<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
		<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
	<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 5</p> <ol style="list-style-type: none"> 1. Cootamundra 2. Monaro 3. Upper Hunter
		<p style="text-align: center;">Group 6</p> <ol style="list-style-type: none"> 1. Northern Tablelands
		<p style="text-align: center;">Group 7</p> <ol style="list-style-type: none"> 1. Murray
		<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 - 1 July 2022 to 24 March 2023 (inclusive)

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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Table 2A: Zones for the Legislative Council - 25 March 2023 to 30 June 2023 (inclusive)

Zone 1	Zone 2	Zone 3
1. Auburn	1. Blue Mountains	1. Albury
2. Balmain	2. Charlestown	2. Ballina
3. Badgerys Creek	3. Gosford	3. Barwon
4. Bankstown	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. Drummoyne	13. Wallsend	13. Kiama
14. East Hills	14. Wollondilly	14. Maitland
15. Epping	15. Wollongong	15. Monaro
16. Fairfield	16. Wyong	16. Murray
17. Granville		17. Myall Lakes
18. Heffron		18. Northern Tablelands
19. Holsworthy		19. Orange
20. Hornsby		20. Oxley
21. Kellyville		21. Port Macquarie
22. Kogarah		22. Port Stephens
23. Lane Cove		23. South Coast
24. Leppington		24. Tamworth
25. Liverpool		25. Tweed
26. Londonderry		26. Upper Hunter
27. Macquarie Fields		27. Wagga Wagga
28. Manly		
29. Maroubra		
30. Miranda		
31. Mount Druitt		
32. Riverstone		
33. Rockdale		
34. Ryde		
35. Davidson		
36. Strathfield		
37. Summer Hill		
38. Sydney		
39. Vaucluse		
40. Wakehurst		
41. Willoughby		
42. Newtown		
43. North Shore		
44. Oatley		
45. Parramatta		
46. Penrith		
47. Pittwater		
48. Prospect		
49. Wahroonga		
50. Winston Hills		

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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

5.2.1 Basis

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

5.2.2 Entitlement

- (i) 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 - 1 July 2022 to 30 June 2023 (inclusive)			
Electoral Group/Zone	Base Allowance	Additional Allowance	Total
Legislative Assembly			
Group 1	\$54,030	\$16,305	\$70,335
Group 2	\$63,275	\$18,030	\$81,305
Group 3	\$74,575	\$18,030	\$92,605
Group 4	\$81,415	\$18,030	\$99,445
Group 5	\$86,590	\$18,030	\$104,620
Group 6	\$94,920	\$18,030	\$112,950
Group 7	\$111,020	\$18,030	\$129,050
Group 8	\$151,820	\$31,435	\$183,255
Legislative Council			
Zone 1	\$63,275	\$17,175	\$80,450
Zone 2	\$63,275	\$18,030	\$81,305
Zone 3	\$63,275	\$22,370	\$85,645

- (ii) A further allowance of \$4,205 per annum is payable to each Recognised Office Holder (except an Independent) in the Legislative Assembly and Legislative Council.
- (iii) A further allowance of \$2,100 per annum is payable to each Independent in the Legislative Assembly and Legislative Council
- (iv) The electoral allowances shall be payable calendar monthly in arrears in conjunction with salary payments.

5.3 Sydney Allowance

5.3.1 Purpose and Operation of the Provisions

- (i) 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.
- (ii) 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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- (iii) Members may receive the lower or greater amount of overnight stays based on the following distance criteria:
- Members whose principal place of residence is 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.
- (iv) 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.
- (v) 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.

5.3.2 Entitlement

- (i) 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- 1 July 2022 to 30 June (inclusive)* 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 (v).

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Table 4: Sydney Allowance Daily Rates – 1 July 2022 to 30 June 2023 (inclusive)				
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	\$332.00	Actual reasonable expenses for meals and incidentals up to a maximum of \$169.25 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	\$332.00	As above
Chairs of Standing/Select Committees	A minimum of 70 KMs by road from Parliament House	140	\$332.00	As above
Legislative Council Members	Greater than 140 KMs by road from Parliament House	135	\$332.00	As above
	Between 70 KMs and 140 KMs by road from Parliament House	105	\$332.00	As above
Legislative Assembly Members	Greater than 140 KMs by road from Parliament House	135	\$332.00	As above
	Between 70 KMs and 140 KMs by road from Parliament House	105	\$332.00	As above

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5.3.3 Conditions

The following conditions apply to the Sydney Allowance:

- (i) 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.
- (ii) 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.
- (iii) in order to receive the Sydney Allowance each Member must certify to the Chief Executive, Department of Parliamentary Services their principal place of residence.
- (iv) 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.
- (v) 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.
- (vi) 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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- (vii) 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.
- (viii) 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*.
- (ix) Members are required to maintain records or other relevant proof that clearly document the parliamentary purpose and 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 Chief Executive 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 Chief Executive to certify as proof of their attendance in Sydney. Records are to be retained for a minimum period of two (2) years for the purpose of substantiating claims submitted to Parliament.
- (x) 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

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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.

- (xi) 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.
- (xii) Members are not to claim the Sydney Allowance if they stay in Government owned or funded accommodation including Parliament House.
- (xiii) 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

5.4.1 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.

5.4.2 Entitlement

- (i) 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 \$220.00 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.

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- (ii) 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 \$5,085 per annum.

6. Additional Entitlements in the Nature of Fixed Allocations

6.1 Summary

The entitlements in this category comprise the following:

Electorate/Zone to Sydney Travel	
Communications Allowance	– Base Allocation
	– Additional Allocation
General Travel Allowance	
	– Base Allocation
	– Additional Allocation
Travelling Allowances for Recognised Office Holders	
Skills Development Allowance	

6.2 Electorate/Zone to Sydney Travel

6.2.1 Purpose and Operation of the Provisions

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

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Table 5: Electorate/Zone to Sydney Travel Entitlements - Additional Entitlements for Recognised Office Holders – 1 July 2022 to 30 June 2023 (inclusive)	
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	32 single journey entitlements.
Assistant Speaker, Legislative Assembly	32 single journey entitlements.
Assistant President, Legislative Council	32 single journey entitlements.
Deputy Speaker	32 single journey entitlements
Deputy Leader of the Opposition Assembly and Council	16 single journey entitlements
Deputy Leader of Party (not less than 10 Members in the Legislative Assembly)	16 single journey entitlements

6.2.2 Conditions

- (i) All travel between the Member’s electorate or principal place of residence and Sydney and return is restricted to economy class.
- (ii) Entitlements may be used to meet the cost of using a private motor vehicle or rental vehicle in lieu of electorate or principal place of residence to Sydney air travel. The amount to be reimbursed for this purpose is not to exceed the commercial airfare for an equivalent distance flight.
- (iii) 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.
- (iv) Entitlements are not transferable between Members, or approved relatives, or Members’ staff.

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- (v) Members may use the electorate to Sydney entitlements to defray part of the cost of intrastate and interstate parliamentary travel when such travel is via Sydney.
- (vi) Members may charter a plane in lieu of travelling on commercial flights if 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 Members' approved relatives 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.
- (vi) A Member's air transport booking for parliamentary duties and that of their spouse/approved relatives and staff are to be made by the Member with an appropriate transport provider.
- (vii) Members will need to maintain records or other relevant evidence that clearly document parliamentary purpose and 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. Records are to be retained for a minimum period of two (2) years for the purpose of substantiating claims submitted to Parliament.

6.3 Communications Allowance

6.3.1 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

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- advertisements
- other forms of communications approved by Parliament.

6.3.2 Entitlement

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

Table 6: Communications Allowance - Base Allocation – 1 July 2022 to 30 June 2023 (inclusive)	
Member	Base Allocation
Legislative Assembly	\$19,485
Legislative Council	\$4,965

- (iii) The additional annual allocation for each Member of the Legislative Assembly shall be as follows:

Table 7: Communications Allowance - Additional Allocation – 1 July 2022 to 24 March 2023 (inclusive)		
Electoral District	Number of Electors (as at 22 January 2022 as provided by the State Electoral Commission)	Annual entitlement
1. Albury	59,088	\$90,996
2. Auburn	58,716	\$90,423
3. Ballina	58,843	\$90,618
4. Balmain	58,678	\$90,364
5. Bankstown	55,988	\$86,222
6. Barwon	54,046	\$83,231
7. Bathurst	58,632	\$90,293
8. Baulkham Hills	57,879	\$89,134
9. Bega	58,781	\$90,523
10. Blacktown	55,662	\$85,719
11. Blue Mountains	53,963	\$83,103
12. Cabramatta	54,514	\$83,952
13. Camden	84,769	\$130,544
14. Campbelltown	55,801	\$85,934
15. Canterbury	57,856	\$89,098
16. Castle Hill	66,497	\$102,405
17. Cessnock	62,904	\$96,872
18. Charlestown	56,600	\$87,164

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Table 7: Communications Allowance - Additional Allocation – 1 July 2022 to 24 March 2023 (inclusive)		
Electoral District	Number of Electors (as at 22 January 2022 as provided by the State Electoral Commission)	Annual entitlement
19. Clarence	55,612	\$85,642
20. Coffs Harbour	56,909	\$87,640
21. Coogee	55,112	\$84,872
22. Cootamundra	53,727	\$82,740
23. Cronulla	58,567	\$90,193
24. Davidson	54,896	\$84,540
25. Drummoyne	55,102	\$84,857
26. Dubbo	57,285	\$88,219
27. East Hills	55,881	\$86,057
28. Epping	55,228	\$85,051
29. Fairfield	54,031	\$83,208
30. Gosford	57,981	\$89,291
31. Goulburn	58,690	\$90,383
32. Granville	55,296	\$85,156
33. Hawkesbury	56,490	\$86,995
34. Heathcote	56,642	\$87,229
35. Heffron	66,458	\$102,345
36. Holsworthy	58,017	\$89,346
37. Hornsby	56,353	\$86,784
38. Keira	59,259	\$91,259
39. Kiama	59,085	\$90,991
40. Kogarah	54,190	\$83,453
41. Ku-ring-gai	55,963	\$86,183
42. Lake Macquarie	60,827	\$93,674
43. Lakemba	55,744	\$85,846
44. Lane Cove	59,712	\$91,956
45. Lismore	54,695	\$84,230
46. Liverpool	59,891	\$92,232
47. Londonderry	73,481	\$113,161
48. Macquarie Fields	69,483	\$107,004
49. Maitland	65,188	\$100,390
50. Manly	56,642	\$87,229
51. Maroubra	58,135	\$89,528
52. Miranda	57,356	\$88,328
53. Monaro	57,977	\$89,285
54. Mount Druitt	57,970	\$89,274
55. Mulgoa	59,563	\$91,727
56. Murray	57,058	\$87,869

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Table 7: Communications Allowance - Additional Allocation – 1 July 2022 to 24 March 2023 (inclusive)		
Electoral District	Number of Electors (as at 22 January 2022 as provided by the State Electoral Commission)	Annual entitlement
57. Myall Lakes	59,501	\$91,632
58. Newcastle	61,980	\$95,449
59. Newtown	56,841	\$87,535
60. North Shore	56,048	\$86,314
61. Northern Tablelands	55,093	\$84,843
62. Oatley	54,304	\$83,628
63. Orange	57,765	\$88,958
64. Oxley	59,327	\$91,364
65. Parramatta	59,321	\$91,354
66. Penrith	58,746	\$90,469
67. Pittwater	55,959	\$86,177
68. Port Macquarie	62,691	\$96,544
69. Port Stephens	59,348	\$91,396
70. Prospect	54,477	\$83,895
71. Riverstone	70,077	\$107,919
72. Rockdale	57,967	\$89,269
73. Ryde	58,599	\$90,242
74. Seven Hills	53,910	\$83,021
75. Shellharbour	65,477	\$100,835
76. South Coast	60,363	\$92,959
77. Strathfield	55,216	\$85,033
78. Summer Hill	57,595	\$88,696
79. Swansea	57,458	\$88,485
80. Sydney	57,434	\$88,448
81. Tamworth	57,570	\$88,658
82. Terrigal	57,990	\$89,305
83. The Entrance	56,103	\$86,399
84. Tweed	55,595	\$85,616
85. Upper Hunter	57,198	\$88,085
86. Vaucluse	56,111	\$86,411
87. Wagga Wagga	56,480	\$86,979
88. Wakehurst	56,701	\$87,320
89. Wallsend	61,252	\$94,328
90. Willoughby	54,985	\$84,677
91. Wollondilly	59,535	\$91,684
92. Wollongong	61,943	\$95,392
93. Wyong	58,988	\$90,842

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Table 7A: Communications Allowance - Additional Allocation – 25 March 2023 to 30 June 2023 (inclusive)		
Electoral District	Predicated Number of Electors¹	Annual entitlement
1. Albury	59,460	\$91,569
2. Auburn	59,750	\$92,015
3. Badgerys Creek	61,124	\$94,131
4. Ballina	60,456	\$93,103
5. Balmain	59,585	\$91,762
6. Bankstown	59,930	\$92,292
7. Barwon	55,323	\$85,198
8. Bathurst	59,867	\$92,195
9. Bega	61,765	\$95,118
10. Blacktown	59,140	\$91,075
11. Blue Mountains	59,884	\$92,222
12. Cabramatta	61,194	\$94,239
13. Camden	61,554	\$94,793
14. Campbelltown	58,059	\$89,411
15. Canterbury	59,283	\$91,295
16. Castle Hill	61,705	\$95,026
17. Cessnock	60,888	\$93,768
18. Charlestown	61,187	\$94,228
19. Clarence	59,805	\$92,100
20. Coffs Harbour	58,059	\$89,411
21. Coogee	59,257	\$91,255
22. Cootamundra	56,021	\$86,272
23. Cronulla	59,018	\$90,888
24. Drummoyne	59,527	\$91,672
25. Dubbo	58,550	\$90,167
26. East Hills	59,988	\$92,382
27. Epping	61,701	\$95,020
28. Fairfield	59,396	\$91,470
29. Gosford	59,796	\$92,086
30. Goulburn	58,848	\$90,626
31. Granville	61,698	\$95,015
32. Hawkesbury	60,747	\$93,550
33. Heathcote	58,871	\$90,662
34. Heffron	57,893	\$89,156
35. Holsworthy	57,759	\$88,949
36. Hornsby	61,134	\$94,147

¹ The Tribunal has had regard to the predicted enrolment statistics contained in the Electoral Commissioner's Report and the average increase in enrolled voters over the last 5 years, based on NSW Electoral Commission data.

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Table 7A: Communications Allowance - Additional Allocation – 25 March 2023 to 30 June 2023 (inclusive)		
Electoral District	Predicated Number of Electors¹	Annual entitlement
37. Keira	57,574	\$88,663
38. Kellyville	58,594	\$90,234
39. Kiama	59,897	\$92,242
40. Kogarah	59,781	\$92,063
41. Lake Macquarie	59,629	\$91,828
42. Lane Cove	58,740	\$90,460
43. Leppington	60,810	\$93,648
44. Lismore	60,292	\$92,849
45. Liverpool	59,484	\$91,605
46. Londonderry	58,294	\$89,773
47. Macquarie Fields	59,149	\$91,089
48. Maitland	59,689	\$91,922
49. Manly	61,310	\$94,417
50. Maroubra	58,979	\$90,828
51. Miranda	59,154	\$91,097
52. Monaro	60,928	\$93,830
53. Mount Druitt	62,139	\$95,694
54. Murray	57,540	\$88,612
55. Myall Lakes	61,751	\$95,096
56. Newcastle	59,951	\$92,324
57. Newtown	60,041	\$92,462
58. North Shore	58,093	\$89,463
59. Northern Tablelands	58,580	\$90,212
60. Oatley	58,246	\$89,698
61. Orange	59,486	\$91,608
62. Oxley	61,869	\$95,278
63. Parramatta	60,710	\$93,493
64. Penrith	58,926	\$90,745
65. Pittwater	57,424	\$88,433
66. Port Macquarie	61,251	\$94,327
67. Port Stephens	59,498	\$91,626
68. Prospect	58,849	\$90,627
69. Riverstone	60,801	\$93,634
70. Rockdale	58,174	\$89,588
71. Ryde	61,137	\$94,151
72. Shellharbour	60,649	\$93,399
73. South Coast	61,199	\$94,246
74. Davidson	60,342	\$92,927

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Table 7A: Communications Allowance - Additional Allocation – 25 March 2023 to 30 June 2023 (inclusive)		
Electoral District	Predicated Number of Electors¹	Annual entitlement
75. Strathfield	58,751	\$90,477
76. Summer Hill	59,396	\$91,470
77. Swansea	61,394	\$94,546
78. Sydney	62,344	\$96,010
79. Tamworth	61,207	\$94,259
80. Terrigal	59,394	\$91,466
81. The Entrance	60,748	\$93,552
82. Tweed	59,735	\$91,992
83. Upper Hunter	62,284	\$95,917
84. Vaucluse	60,604	\$93,329
85. Wagga Wagga	57,859	\$89,103
86. Wahroonga	59,649	\$91,860
87. Wakehurst	58,469	\$90,042
88. Wallsend	59,981	\$92,371
89. Willoughby	61,144	\$94,162
90. Winston Hills	62,042	\$95,545
91. Wollondilly	58,975	\$90,822
92. Wollongong	58,902	\$90,710
93. Wyong	59,180	\$91,137

- (iv) Recognised Office Holders receive an additional loading on the Communications Allowance Base Allocation in accordance with *Table 10 Recognised Office Holder and Other Member Additional Entitlements -1 July 2022 to 30 June 2023 (inclusive)*.

6.3.3 Carry over/forfeiture of entitlement

End of each financial year (within 4 year parliamentary term):	Base Allocation: Unexpended amounts not exceeding the maximum of the annual allocation can be carried forward.
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End of parliamentary term/earlier dissolution of LA:	Base Allocation and Additional Allocations: Remaining balances are forfeited
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6.3.4 Special Conditions

- (i) 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

Parliamentary Remuneration Tribunal

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.

- (ii) 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.

6.3.5 Conditions

- (i) Members will receive a monthly report containing expenditure and balance of their account.
- (ii) All procurement of services will be in accordance with the Parliament's purchasing policies.
- (iii) No supplementation to the allocation will be considered. Where funds are exhausted, any additional costs may be met from unexpended funds from the Member's General Travel Allowance or from the Member's Electoral Allowance. The conditions that apply to the use of the Communications Allowance apply when using funds from the General Travel Allowance for the purpose of producing or sending communications. A Member may not use the General Travel Allowance to fund the kind of communications that would normally be funded from the Communications Allowance, during the blackout period, from 26 January in an election year until the election day.
- (iv) Members may use the Communications Allowance for the purpose of communicating with constituents using a range of communication services in accordance with Parliament's administrative guidelines.
- (v) 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.

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- (vi) 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.
- (vi) Communications with constituents/prospective constituents will be limited to matters affecting the Member's electorate.
- (viii) Members will not be permitted to use their Communications Allowance for the production and distribution of any publication or communications (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 or beyond the issue of the writ for a by-election within an electorate for which a by-election is being held. This includes all written, drawn or pictorial matter, including advertisements, but not general office correspondence.
- (ix) Members will not be permitted to use the Communications Allowance for purchasing, producing, contributing towards the cost of producing and distributing promotional material including but not limited to fridge magnets, calendars, wall planners, rainfall/tide charts, notepads, shopping lists, bowling scorecards, pens, key rings, balloons, clothing etc.
- (x) Members are required to maintain records that clearly document the costs claimed against the Communications Allowance budget. Records are to be retained for a minimum period of two (2) years for the purpose of substantiating claims submitted to Parliament.

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6.4 General Travel Allowance

6.4.1 Purpose

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

6.4.2 Entitlement

- (i) 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.
- (ii) The annual base allocation and additional allocation for each electoral group/zone shall be as follows:

Table 8: General Travel Allowance – 1 July 2022 to 30 June 2023 (inclusive)			
Electoral Group/Zone	Base Allocation	Additional Allocation	Total General Travel Allowance
Legislative Assembly			
Group 1	\$6,620		\$6,620
Group 2	\$9,950		\$9,950
Group 3	\$13,300		\$13,300
Group 4	\$13,300		\$13,300
Group 5 (and Port Macquarie)	\$13,300	\$11,220	\$24,520
Group 6	\$16,615	\$18,310	\$34,925
Group 7	\$16,615	\$33,860	\$50,475
Group 8	\$38,160	\$67,220	\$105,380
Legislative Council			
Zone 1	\$6,620		\$6,620
Zone 2	\$6,620		\$6,620
Zone 3	\$16,555		\$16,555

- (ii) Recognised Office Holders receive an additional loading on the General Travel Allowance - Base Allocation in accordance with *Table 10 Recognised Office Holder and Other Member Additional Entitlements – 1 July 2022 to 30 June 2023 (inclusive)*.

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6.4.3 Carry over/forfeiture of entitlement

End of each financial year (within 4 year parliamentary term):	Base Allocation: Unexpended amounts not exceeding the maximum of the annual allocation can be 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

6.4.5 Conditions

- (i) A Member may use the General Travel Allowance to travel to any place in Australia, subject to the following requirements:
 - (a) Travel must be for parliamentary or electorate duties.
 - (b) The cost of travel must be reasonable.
 - (c) There must be sufficient funds in the Member's Account to pay for the expenses involved at the time of the making of reservations (if applicable) or incurring the expense.
- (ii) A Member may use the General Travel Allowance for the following modes of transport:
 - (a) Private vehicles (to be reimbursed by the Australian Tax Office 'cents per kilometre' method).
 - (b) Car-with-driver transport (hire cars, taxi transport, regulated car sharing services).
 - (c) Self-drive hire cars (reimbursement to include insurance excess reduction and fuel costs)
 - (d) Air transport (including charter transport).
 - (e) Public transport costs (bus, train, ferry, light rail).

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- (iii) A Member who incurs parking costs (at either a commercial parking station or a parking meter) may be reimbursed these costs from the General Travel Allowance when the travel relates to attending a meeting or event.
- (iv) 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 relatives or Member of staff accompanying the Member may be met for charter transport costs.
- (v) 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.
- (vi) 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.
- (vii) All travel costs associated with Members' staff travel and with the travel of staff of Recognised Office Holders provided for by this Determination, 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*.
- (viii) All associated travel expenses for Members and Members' staff including registration costs for conferences, conventions, symposiums, forums or similar and associated accommodation and meal costs approved by the Parliament shall be met from this entitlement. Such costs shall however exclude professional development for Members, overseas travel, Electorate to Sydney travel and costs met from the Sydney Allowance.
- (ix) Members and their approved relatives, when travelling in connection with the Member's Parliamentary duties, may claim reasonable actual accommodation and

Parliamentary Remuneration Tribunal

meal expenses from the Member's General Travel Allowance. The payment of actual travelling expenses will be paid subject to the production of tax invoices/receipts.

The reimbursement of these expenses may not exceed the travel allowance rates as determined for Members in *Table 9: Travel Allowances – Indicative Upper Limits for Members*.

Destinations	Amount	Where no overnight stay is required
Adelaide	\$403.35	Actual reasonable meal expenses
Brisbane	\$451.35	
Canberra	\$440.35	
Darwin	\$487.35	
Hobart	\$390.35	
Melbourne	\$459.35	
Perth	\$459.35	
Other areas	\$359.90	

- (x) 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.
- (xi) 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.
- (xii) Members should ensure that records are maintained that clearly document each occasion and the parliamentary 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. Records are to be retained for a minimum period of two (2) years for the purpose of substantiating claims submitted to Parliament.
- (xiii) A Member and his or her approved relatives may travel together or separately in connection with attendance at a function in the course of Parliamentary duties.

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Dependent children may only travel in the company of the Member or other approved relative.

- (xiv) Members undertaking training using the Skills Development Allowance may use the General Travel Allowance to meet their travel costs. Other staff training costs are to be met by the Legislature.
- (xv) Where funds are exhausted, any additional costs may be met from unexpended funds from the Member's Communications Allowance or from the Member's Electoral Allowance. The conditions that apply to the use of the General Travel Allowance apply when using funds from the Communications Allowance to meet travel costs.

6.5 Recognised Office Holder and Other Member Additional Entitlements

6.5.1 Additional loadings

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

Table 10: Recognised Office Holder and Other Member Additional Entitlements – 1 July 2022 to 30 June 2023 (inclusive)		
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%

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6.5.2 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

6.5.3 Conditions

The following conditions shall apply in respect of this allowance:

- (i) Recognised Office Holders and Members referred to in Table 10: 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.
- (ii) These entitlements, as they apply to Recognised Office Holders, are to be available only for Recognised Office Holder duties.
- (iii) Where entitlements formerly provided for the Recognised Office Holder's approved relatives these have been included in the allocation.
- (iv) Where an entitlement is followed by (A) or (C) it applies only to the Office Holder in either the Assembly or the Council.

6.6 Skills Development Allowance

6.6.1 Purpose

The Skills Development Allowance is provided to Members and Members' staff for training that is directly relevant to the role of Members and Members' staff, including but not limited to:

- media skills training
- public speaking
- community engagement
- graphic design

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- website and social media maintenance
- writing skills for reports and media releases.

6.6.2 Entitlement

The Skills Development Allowance comprises an annual allocation for Members of the Legislative Assembly and Legislative Council and staff Members and shall be as follows:

Table 11: Skills Development Allowance – 1 July 2022 to 30 June 2023 (inclusive)	
Member/Members' Staff	Annual entitlement
Members of the Legislative Assembly and Legislative Council	\$1,585
Members' staff (each full-time equivalent position)	\$530

6.6.3 Carry over/forfeiture of entitlement

End of each financial year (within 4 year parliamentary term): Unexpended amounts not exceeding the maximum of the annual allocation can be carried forward

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

6.6.4 Conditions

The following conditions shall apply in respect of this allowance:

- Entitlements are not transferable between Members.
- Entitlements may be transferred from Members to staff and between staff in the same office subject to the expenditure not exceeding the total budget allocation provided to a Member for skills training. Members may not however use training funds available to staff to meet their own training needs.
- As a general principle, the Member should ensure that the training requirements of staff Members are considered equitably. Where a staff Member does not get an opportunity to use the allowance during one financial year, they should where possible, be given priority in the subsequent year.
- Members should prioritise the training of full-time and part-time staff Members. Training from the allowance should only be provided to short term temporary staff

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Members if resources remain from the allocation of training to full-time and part-time staff Members.

- (v) No supplementation to the allocation will be considered.
- (vi) All travel expenses for Members and Members' staff and associated accommodation and meal costs to attend training under the Skills Development Allowance may be met from the General Travel Allowance subject to Parliament's administrative guidelines. Such travel for Members' staff shall be paid in accordance with the *Members' Staff Conditions of Employment – Determination of the Presiding Officers*.
- (vii) Members are required to maintain records that clearly document the costs claimed against the Staff Development allocation. Records are to be retained for a minimum period of two (2) years for the purpose of substantiating claims submitted to Parliament.

7. Additional Entitlements-Resources

7.1 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:

- 7.1.1 All Members shall receive at Parliament House, Sydney, a fitted out, equipped and maintained office, and secretarial services.
- 7.1.2 Each Member of the Legislative Assembly shall receive a fitted out, equipped and maintained Electorate Office to an appropriate standard.
 - (i) The Member for Barwon shall be provided with an additional two electorate offices (a total of three).
 - (ii) The Member for Murray shall be provided with one additional electorate office (a total of two).

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- (iii) The Member for Cootamundra shall be provided with one additional electorate office (a total of two).
- (iv) The Member for Northern Tablelands shall be provided with one additional electorate office (a total of two).

7.1.2 Staff

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:

- (i) Each Member of the Legislative Assembly shall be entitled to three staff Members employed at each electorate office.
- (ii) Each Independent Member of the Legislative Assembly, and who is elected as an independent Member, shall be entitled to four staff Members employed in each electorate office.
- (iii) Each Member of the Legislative Council shall be entitled to one staff Member.
- (iv) Each Member of the Legislative Council who is elected as a cross bench Member shall be entitled to two staff Members.
- (v) The Parliament will provide relief arrangements to Members of the Legislative Assembly and Legislative Council when any staff Member is absent on approved leave on any full working day. Parliament will be fully funded to provide relief arrangements to comply with this condition.
- (vi) Relief arrangements and minimum staffing requirements will be provided in accordance with the provisions set out in the *Members' Staff Conditions of Employment Determination of the Presiding Officers*.
- (vii) The Whip of each recognised political party of not less than 10 Members to each shall be entitled to one staff Member.

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- (viii) The Deputy Leader of the Opposition in the Legislative Assembly, Leader of the Opposition in the Legislative Council and Deputy Leader of the Opposition in the Legislative Council shall be entitled to one staff Member each.
- (ix) Nothing in this determination removes from the employer of staff other obligations arising under the *Work Health and Safety Act 2011*.

The Parliamentary Remuneration Tribunal



Hon A Justice Schmidt AM
Parliamentary Remuneration Tribunal

The Hon Acting Justice M Schmidt

Dated: 24 May 2022

Appendices

Appendix 1 Submission of the Secretary of NSW Treasury

In a letter dated 20 May 2022 the Secretary of NSW Treasury, Mr Paul Grimes, provided the following statement in respect to the financial implications of the Determination pursuant to section 12A of the Act.



Advice of the Secretary of NSW Treasury

The following comments on the Parliamentary Tribunal's proposed 2022 Determination are made pursuant to Section 12A of the *Parliamentary Remuneration Act 1989*.

Financial Impact of the 2022 Determination

Basic salaries for Members of Parliament would increase by 2 per cent from 1 July 2022. Based on the proposed commencement from 1 July 2022, Members' entitlements are estimated to increase by \$693,309 over the 2021 Determination. The additional costs arising from the Determination are expected to be met from within the Legislature's current budget allocation.

I advise that the financial implications of the proposed variation in entitlements in the 2022 Determination would be sufficiently provided for within the Legislature's budget controls and escalation arrangements.