

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*

**15 June
2021**

Parliamentary Remuneration Tribunal

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Introduction

1. 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, either as Members or recognised office holders:^{s2A}. 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, as well as superannuation arrangements for those Members who are not continuing Members of the closed Parliamentary Contributory Superannuation Fund.
2. The Parliamentary Remuneration Tribunal is empowered by s 4 to fix the amount of the basic salary at such times as it thinks fit and by s11 is required to make an annual determination as to additional entitlements on or before 1 July in each year, conducting its inquiries in the manner specified in s14I. In making a determination the Tribunal is also required to have regard to the financial implications of the determination for the State: s12A(1).
3. The Tribunal's 2021 annual review commenced in December 2020, when it sought and later received written submissions, including about matters identified in the 2020 determination as requiring further consideration in 2021. In 2021 the Tribunal also met with or spoke to the Presiding Officers, other Members of Parliament, the Auditor General and staff of the Department of Parliamentary Services and received further submissions and information.
4. The Tribunal did not receive any submission calling for an increase in the basic salary of Members or specified office holders, or about the state of the economy.
5. The Tribunal did receive submissions about proposed changes to, and increases in, additional allowances and other entitlements provided by the 2020 Determination. It was also provided with information about the impact of the Covid-19 pandemic upon the operation of the Parliament and the work of Members, specified office holders and their staff, as well as about increased technological support provided to Members and their

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staff; ongoing trials of altered working arrangements; and issues raised by current conditions of certain allowances and entitlements, which it was considered required the Tribunal's review.

6. In April 2021 the Tribunal also invited the Secretary of the Treasury to make submissions about the financial implications of its proposed determination and has taken the submissions it later received into account in making this determination. A copy of the submission appears at Appendix 1.
7. As s14H requires, 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. The determination will also be published in the Gazette.
8. The basic salary payable to Members is dealt with in Section 1 of the report. Section 2 deals with additional entitlements and Section 3 provides a general summary of the determination.

Section 1 - Parliamentary Remuneration

Basic salary

9. In determining the basic salary the Tribunal is required by s 4(3) of the Act to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the *Industrial Relations Act 1996*, when making or varying awards or orders relating to the conditions of employment of public sector employees. The effect of this is that in determining the basic salary of Members, the Tribunal may not determine an increase of greater than 2.5 per cent per annum.
10. In its July 2020 Determination the Tribunal observed that it was thus open to it to determine an increase of up to 2.5 per cent in the basic salary, or no increase at all. It then determined that the basic salary of Members would not be increased that year, given the effects of the COVID-19 pandemic, the state of the economy and the views then expressed by Members and recognised office holders.
11. The COVID-19 pandemic has continued to have a profound global impact, including on the State of New South Wales. In addition to the effects of the pandemic itself, peoples' lives have been disrupted by public health restrictions necessary to contain it, as well as by the deep economic impact which has resulted.
12. From submissions made in 2021 to the Tribunal and discussions which have been held with Members, the effects on constituents, as well as Members and the Parliament itself have been clearly evident. Both Members and the Parliament have needed to adapt to difficult, changing circumstances and uncertainty in representing and supporting their constituents, some of whom have faced great adversity. As a result, it was necessary to adopt a variety of modes of operation over time.
13. While in important respects Australia and New South Wales have been shielded from the worst effects of the pandemic, its effect on employment has been

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considerable and our economy remains subdued. In these circumstances, it was unsurprising that the Tribunal received no submission that the basic salary of Members should be increased.

14. After receiving submissions in February 2021 and later meeting with Members and others, the Tribunal became aware that on 31 March 2021, the Department of Premier and Cabinet issued a Premier's Memorandum *M2021-09 Public Sector Wages Policy*, which provides for annual wage increases of up to 1.5 per cent for public sector employees. The Tribunal then wrote to all Members inviting any submissions they might wish to make on the question of basic salary, but still received no submission proposing an increase in the basic salary.
15. In recognition of the unusual circumstances still prevailing and the continuing position of Members, the Tribunal has determined that with effect from 1 July 2021 the basic salary for Members will remain at \$169,192 per annum.
16. 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 2 - Additional Entitlements

Allowances generally

Submissions

18. The Tribunal received submissions about specific entitlements which are dealt with in the relevant section of this report.
19. Submissions were made to the effect that adjustments to allowances should be made independently from those that apply to basic salary; that allowances for Members of the Legislative Council should be increased to at least the same level as the lowest level applying to Members of the Legislative Assembly; and that allowances for Members of the Legislative Council should be set at the same rate as apply to Australian Senators.

Relationship to adjustments in basic salary

20. In 2011 the Act was amended to provide the Tribunal with the power to determine the basic salary of Members of Parliament, rather than salary being fixed by way of a link with the salaries of their Federal counterparts. But the Tribunal has limited discretion as to the quantum of any increase that it may determine: s4(3).
21. In its 2011 annual determination, the Tribunal determined that additional entitlements would be increased by an amount equivalent to that provided to the basic salary and this approach was continued, despite some submissions calling for the use of the Consumer Price Index (CPI) or other methods of adjustment.
22. In 2020 the Tribunal observed that the 2.5 per cent increases had exceeded the CPI each year since the amendments to the Act in 2011 and that it would continue the arrangement whereby additional entitlements were increased by an amount equivalent to that provided to the basic salary, unless there were extenuating circumstances warranting an additional increase.

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23. But for the reasons then given in relation to the basic salary, there was no adjustment in these entitlements, apart from the Communications Allowance additional allocation, which was increased by 3.9 per cent on average to take account of increases in postage costs and changes in the number of constituents in each electorate. The Travel Allowance continued to be fixed by reference to the relevant Australian Tax Office Determination.
24. These conclusions recognised that the limitations on increases in the basic salary imposed by section 4(3) of the Act, did not apply to the determination of additional entitlements, which s10(1) requires be provided “for the purpose of facilitating the efficient performance of the parliamentary duties of Members or recognised office holders”.
25. In the result it follows that additional entitlements need not be adjusted by the same amount as the basic salary and that they may be adjusted to reflect increases in costs.
26. Increases in CPI (Australia) for the 18 months from the most recent adjustment to additional entitlements other than the Communications Allowance on 1 July 2019 to the December 2020 quarter is 2.09%, rounded to 2.1%.
27. The Tribunal has determined that in 2021 the following allowances should be increased by 2.1% to facilitate the continued efficient performance of parliamentary duties:
- Electoral Allowance
 - Sydney Allowance
 - Communications Allowance: Base Allocation
 - General Travel Allowance
 - Skills Development Allowance

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28. There will be no increase in the Committee Allowance, the purpose of which is to remunerate Members serving as Chairpersons on Committees for the extra time and effort required to carry out their committee roles. As explained in the 2014 Determination, this allowance has historically been increased in line with Members' salary increases.
29. There was no suggestion that this practice should change.

Different allowances for Members of different chambers generally

30. The submission that various allowances for Members of the Legislative Council should be increased to at least the same level as the lowest level applying to Members of the Legislative Assembly was made on the basis that those Members represent the whole state; that they also have duty electorates allocated by their party; and that the significant difference between their allowances and those of Members of the Legislative Assembly is no longer justifiable, given also that Members of the Legislative Council do not have staffing resources similar to those of Members of the Legislative Assembly.
31. The Tribunal notes that while the parliamentary duties of Members of the two houses have similarities, there are fundamental and well recognised differences in their respective electoral responsibilities which have been considered in past determinations and remain necessary to consider in fixing allowances and other entitlements. These differences are also reflected in the different staff support which Members of the Legislative Assembly and Legislative Council receive.
32. Staffing resources for Members of the Legislative Assembly were last reviewed in 2017, having regard to what administrative support Members required to enable them to effectively and efficiently undertake their electorate and parliamentary duties, including staffing levels necessary to enable the proper management and administration of electorate office affairs.
33. The staffing resources for Members of the Legislative Council were last reviewed in the 2013 Determination. They had earlier been dealt with in the 2006 Determination. Then it was noted in the Tribunal's Report that Members of the Legislative Council were provided with an office in Parliament House, as well as

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business equipment for their homes and one staff Member, with cross bench Members being provided with two staff Members.

34. In the 2013 Report it was noted that such staff allocation had existed since 1991 and concluded that there was not a strong case for changing the existing entitlements of Members of the Legislative Council, given the changes then relied on.

Relationship to allowances for Australian Senators

35. The submission that allowances for Members of the Legislative Council should be set at the same rate as those that apply to Australian Senators, have been repeatedly made over time. During this review it was again submitted that Members' entitlements and the conditions that attach to them should conform to those that apply to the Parliament of Australia.
36. In 2020, the Tribunal noted that entitlements for Members of the Parliament of Australia are provided under a different legislative and administrative framework and that it is not appropriate to compare either the conditions of use or quantum of such entitlements, which are in many cases significantly different.
37. The Tribunal's jurisdiction arises from the Act. The Tribunal remains of the view that attractive entitlements arising from another jurisdiction are not a basis upon which a determination of additional entitlements necessary to facilitate the efficient performance of the parliamentary duties of Members or recognised office holders can be established.
38. That requires a consideration of the current entitlement, its purpose and history, as well as relevant changes.

Adjustment to other allowances

39. Submissions seeking increases to allowances were made and as explained, the Tribunal has concluded that it is appropriate to increase the earlier identified allowances, to reflect CPI increases since they were last adjusted.

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40. The Tribunal has not found that any further increases are presently warranted.

Additional offices for Members of the Legislative Council

41. One submission proposed that Members of the Legislative Council residing outside Sydney be provided with an additional office near their home, given the experience during the pandemic that at times it was not possible to access the parliamentary office and the benefit of being able to work in an office environment, rather than at home.

42. The Tribunal is not persuaded that the provision of such an office is 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.

43. The Tribunal notes that Members receive electoral allowances which may be used for such a purpose, if a Member wishes. That allowance is paid to cover incidental expenditure incurred in discharging Members' responsibilities and if not fully expended, the remaining portion is subject to the same tax rates as normal income.

44. In its 2016 Report, when allowances took their current form, the Tribunal explained that changes to the Electoral Allowance General would give Members greater flexibility and control over their office expenditure and that changes to the Transport Allowance, to permit all transport costs associated with undertaking parliamentary duties, including costs for staff travel, to be provided from that allowance, would also provide Members with greater flexibility to use their Electoral Allowance for other purposes.

45. The Electoral allowance is not audited and so the Tribunal has no information as to what use Members make of those funds. But there was no submission that the amount of the electoral allowance was now insufficient and it will this year be increased by a CPI adjustment.

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46. In all of those circumstances the Tribunal is not satisfied that a basis for provision of a second office for Members of the Legislative Council has been established.

Merging the Communications and Travel Allowance

47. In the 2020 Determination the Tribunal gave in-principle support to merging the Communications and Travel Allowances, subject to further review, to take effect from 1 July 2021.
48. During the current review the Tribunal received a number of submissions supporting the proposal, given Members' experience during the pandemic, when less travel was possible and the need for other methods to be used to communicate with constituents became necessary.
49. In light of this experience the Tribunal has decided that greater flexibility is necessary, which can best be achieved by allowing Members to use funds from the General Travel Allowance, if their Communications Allowance is exhausted in any one year. Similarly, where a Member's General Travel Allowance is exhausted in any one year, the Member may use funds from the Communications Allowance.
50. But there will be no other changes to the conditions applying to the use of either allowance, including that there will be no carry over of these allowances from one year to another. This reflects the intention of these allowances, which is to help provide Members with what they require for the efficient performance of their parliamentary duties each year. Continuation of the conditions which apply to these allowances are also important for the proper auditing of Members' use of their allowances, a matter also raised by various submissions.
51. The 'blackout period' is the time between 26 January in a State election year and the election date. During this period, Members are not permitted to use the Communications Allowance for the production and distribution of any publication or communications, however distributed. But this does not extend to general office correspondence.

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52. The 'blackout' was introduced in the 2014 Determination, following the Auditor-General's *Financial Audit Report to Parliament* of 23 May 2013. It applied to the then Electorate Mailout Account and the then Logistics Support Allocation and was subsequently applied to the Communications Allowance, from the time of its commencement in 2016.
53. The prohibition on the use of the Communications Allowance during the 'blackout period' will remain in place. Members whose Communications Allowance is exhausted thus will not be permitted to use funds from the General Travel Allowance for expenses normally funded from the Communications Allowance during the 'blackout period'. That is because this prohibition is intended to help ensure that the allowance is used for communication with constituents and not pursuit of re-election.
54. The result of these changes will be desirable flexibility for Members, without additional funding being required.

Communications Allowance

Submissions

55. Submissions about the Communications Allowance addressed several matters including:
- increasing the amount of the allowance generally
 - increasing the allowance for Members of the Legislative Council to at least the base allocation applying to the Legislative Assembly
 - carry forward of Communications Allowance
 - adoption of guidelines applying to Federal Members of Parliament
 - permitting new or different kinds of expenses.

A summary of the Tribunal's findings in respect of these submissions follows.

The amount of the allowance

56. In 2020 the Tribunal increased the Communications Allowance additional allocation, which is calculated on the basis of constituent numbers and an original costing factor, which includes a "postage factor", by 3.9 per cent. This had regard to constituent numbers and increased postage costs arising from the cost of an

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ordinary postage stamp increasing from \$1.00 to \$1.10 on 2 January 2020. In doing so the Tribunal noted that it had adjusted the allowance to take account of increases in such costs, three times since 2002. In 2021, the additional allocation has been adjusted only to reflect changes to constituent numbers.

57. On this occasion, there will be no other adjustment to the Communications Allowance additional allocation, given the adjustment to the allowance in 2020 and no suggestion that changes in the original costing factor or constituent numbers warrant a further increase in this allowance this year.

58. The Communications Allowance base allocation will be increased by 2.1%.

Level of the allowance for Members of the Legislative Council

59. Members of the Legislative Assembly receive a higher base allocation of Communications Allowance than Members of the Legislative Council. There were submissions that the current level of Communications Allowance for Members of the Legislative Council is insufficient.

60. There are considerable differences in the base allocation of the allowance. In the 2020 Determination \$18,440 for Members of the Legislative Assembly, who also receive additional allocations based on numbers of electors and \$4,695 for Members of the Legislative Council. Recognised office holders also receive additional loadings referable to Electoral Districts' numbers of electors.

61. The Communications Allowance – base allocation was established in 2016 following a proposal by the Presiding Officers that considerable changes be made to additional entitlements, aimed at simplifying and reducing the cost of administering allowances, while providing Members with greater flexibility. This resulted in changes to the structure of additional entitlements including transferring the 'Communication – non-electronic' component of the former Logistics Support Allowance (LSA), to the Communications Allowance – base allocation.

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62. In 2015, the value of the Communication – non-electronic component of the LSA was \$4,255 per annum for Members of the Legislative Council and \$16,700 per annum for Members of the Legislative Assembly. This followed the commencement of the Act and the *Initial Determination of Additional Entitlements for Members of the Parliament of New South Wales* on 20 December 1999, which established what became the LSA, by combining a number of existing entitlements including those grouped as Communication – non-electronic.
63. The Communication – non-electronic group comprised postal components including 450 stamps valued at \$711.00 per month for a Member of the Legislative Council and 1,580 stamps valued at \$202.50 per month for a Member of the Legislative Assembly. Increases over time have resulted in the current allowances.
64. The provision of stamps can be traced to the time before 1889 when Members of the Legislative Assembly did not receive any salary or allowances, but were provided with stationery and postage stamps used in parliamentary correspondence. Stamps for Members of the Legislative Council were recommended by the Hon. B.E. Matthews in the 1966 "Report on the Emoluments and Other Benefits of Members of the Parliament of New South Wales".
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.

Carry forward of Communications Allowance

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67. The Tribunal again received a submission seeking to extend the carry over provisions of the Communications Allowance to cover the entire parliamentary term.
68. The Tribunal considered this question in the 2019 and 2020 annual determinations and found that no change was warranted. In doing so, the Tribunal noted that reports of the Auditor General in 2015 and 2019 indicated that Members may choose to concentrate their communication with constituents during an election year. The Tribunal considered that this would be contrary to the original intent of this entitlement, which was that Members be able to communicate regularly with constituents on matters affecting the Member's electorate.
69. The Tribunal remains of the view that it would be inappropriate to allow such a carry over, given that the intention of the communications allowance is to help provide Members with sufficient funds each year to communicate with constituents, for the efficient performance of their parliamentary duties.

Use of the Communications Allowance

70. A number of submissions proposed that the provisions applying to the use of a similar allowance for Members of the Parliament of Australia be applied to Members. Some submissions specifically called for change to allow Members to use the allowance in support of their re-election, to place communications on social media and to purchase items such as calendars and similar items.

Provisions applying to Members of the Parliament of Australia

71. For reasons explained earlier, the submission that provisions applying to the use of a similar allowance for Members of the Parliament of Australia should be adopted, cannot be accepted.

Re-election

72. Historically and again in 2021, the Tribunal has received submissions to the effect that Members should be able to use their Communications Allowance toward

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their re-election. These proposals have repeatedly been rejected since the commencement of the Act.

73. In the *Initial Determination of Additional Entitlements for Members of the Parliament of New South Wales* on 20 December 1999, the Tribunal observed that additional entitlements are provided for activities undertaken in representing the interests of constituents, but not for activities of a direct electioneering or political campaigning nature. In this report the Tribunal referred to the *Report upon Appropriate Salaries and Allowances for Members of Parliament, Ministers of the Crown and the Holders of Parliamentary Office in New South Wales* by E. S. Wolfenden in 1956, where it was said
- '...because under a true democracy a Member should not be advantaged as against a prospective opponent for election'.*
74. The principle which s10 of the Act requires the Tribunal to give effect is that additional entitlements are provided for the purpose of facilitating the efficient performance of the parliamentary duties of Members and recognised office holders, which includes participation in the activities of recognised political parties.
75. The Tribunal remains of the view that seeking a Member's re-election is not a parliamentary duty and thus permitting Members' use of allowances in support of their re-election is not within its powers.

Social media

76. The current *Communications Allowance Guidelines* issued by the Department of Parliamentary Services on 5 November 2020 set out the approved communication types. They include website and social media costs among other digital and paper-based forms of communication. This is consistent with the intention of the allowance, which is to meet the cost to Members of communicating with constituents.
77. Nothing advanced establishes any need to alter the approved digital forms of communications.

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Calendars and similar items

78. In its Annual report and Determination of May 2009, the Tribunal responded to submissions regarding the use of the then Logistics Support Allocation to purchase fridge magnets, shopping lists, notepads, keyrings and pens. The Tribunal considered that such promotional material should not be funded from Members' then Logistic Support Allocation, as the provision of such items was inconsistent with the guidelines and general conditions regarding Members' additional entitlements.
79. In November 2009 the Tribunal responded to a request from the Presiding Officers for a ruling under s17A of the Act, noting that the Parliament's administration considered calendars to be promotional material and therefore their provision not being an appropriate use of the allowance.
80. The Tribunal concluded that this interpretation was consistent with the intent of the Determination and was supported. The Tribunal considered that like fridge magnets and notepads, the distribution of calendars could be perceived as electioneering or political campaigning and on this basis, such items could not be funded by use of the then Logistics Support Allocation.
81. The Tribunal has considered the further submissions made and remains of the view that calendars, fridge magnets, key rings, pens, notepads and the like are promotional in nature and thus are also not consistent with the intention of the Communications allowance. It follows that the Determination does not permit funds provided as additional entitlements to be used for the provision of such items.

General Travel Allowance

82. Submissions on the General Travel Allowance included that it should be increased; that it should be merged with the Communications Allowance; and that if merged, the Tribunal should consider whether the Communications Allowance 'blackout

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period' should be extended to include the General Travel Allowance. Of the submissions proposing an increase to the Allowance, some suggested that the amount should reflect the cost of having a staff Member attend Parliament on each day the Member is required to attend, which is relevant for those Members who need to travel long distances to Sydney.

83. One submission proposed a determination that for Members of the Legislative Council, signing the Parliamentary Register should be sufficient evidence that they had attended Parliament House for parliamentary duties and that the Clerk of the Legislative Council should formulate a method of recording the performance of parliamentary duties.

84. One submission suggested that the allowance should be increased, to better provide for the cost of travel to Sydney for Members who elect to drive, rather than fly. Given that the Determination provides that the travel to Sydney entitlement may be used to meet the cost of using a private motor vehicle or rental vehicle in lieu of air travel, the Tribunal does not accept that a need for such an increase has been established.

85. Another submission proposed that the electorate should fall into a different group.

Staff

86. There is benefit in Members having access to staff when attending Parliament House and it may be more expensive when the Member and their staff have to travel a long distance to Sydney. However, as the Tribunal has previously noted, including in its 2020 report, part of the reason why non-metropolitan Members receive a higher level of Electoral Allowance is to meet additional travel costs.

87. The Department of the Legislative Assembly's annual reports show that while staff travel is often a significant component of expenditure under the General Travel Allowance, very few Members' expenditure comes near the total amount available.

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88. Additionally, a number of Members from non-metropolitan areas have informed the Tribunal that they drive to Sydney to attend Parliament and if accompanied by a staff Member, incur no additional cost.
89. The Tribunal is not satisfied that there is sufficient evidence to increase this Allowance, other than for an increase in the CPI.

Increase in the amount of the General Travel Allowance

90. This allowance will be increased by 2.1%.

Use of the Travel and Communication Allowances

91. As explained in relation to the Communications Allowance, the Tribunal has determined that Members may use remaining funds from the Communications Allowance for travel when the Member's General Travel Allowance is exhausted in any one year, and vice versa.
92. This will provide Members with considerable flexibility in the use of these entitlements and together with the increase in this allowance and the Electoral Allowance, will address concerns that the amount of the General Travel Allowance is insufficient for the proper performance of Members' parliamentary duties.
93. The Tribunal has also considered whether it would be appropriate to extend the 'blackout period' to the use of the General Travel Allowance. The Tribunal has had regard to concerns raised in recent reports by the Auditor General on Member's additional entitlements and has consulted with the Auditor General.
94. There is little evidence that the changed use of the General Travel and Communications Allowances which this Determination will permit, could give rise to concerns about inappropriate use of these entitlements, sufficient to warrant extending the 'blackout period' to the General Travel Allowance. Further, the Tribunal accepts that during the blackout period travel necessary for the performance of a Member's parliamentary duties, rather than for electioneering, can occur.

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95. The Tribunal has decided therefore, not to impose this condition in relation to the General Travel Allowance, but has included a condition that 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.

The Parliamentary Register

96. The Determination provides conditions which including record keeping requirements in relation to claims made for the General Travel Allowance. The Department of Parliamentary Services also provides guidance for Members on claiming this allowance, which the Tribunal was advised have been developed in consultation with the Clerks of the Houses.
97. The 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, was advanced on the basis that this mechanism had worked adequately in the past.
98. The Tribunal does not consider that it would be appropriate to revert to this approach and therefore does not accept this submission.
99. The onus remains on Members to establish that they have used allowances for their intended purpose. Both the Parliament and the Auditor General conduct audits of the use which is made of certain allowances, to help ensure that they are not used for any other purpose. Problems which have been identified are dealt with in the Auditor General's past reports.
100. The conditions imposed by the Determination and the guidelines are intended to assist Members meet their obligations and to help ensure that audits can be properly conducted. They must establish an appropriate balance between on the one hand, use of allowances for purposes which cannot be shown to relate to the performance of a Member's Parliamentary duties and on the other, audits which may not breach Parliamentary privilege.

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101. From submissions which have been advanced and advice given by the Auditor General, it appears that it may be timely to review the current conditions and guidelines, in order to ensure that they are up to date and effective.
102. This will be considered further in 2022.

Groups

103. Electorates are grouped in the Determination for the purposes of providing various additional entitlements.
104. These groupings were last reviewed in the 2014 Determination, following the redistribution of electoral districts required by s27(1)(c) of the Constitution Act 1902 and 15(3) of the Parliamentary Electorates and Elections Act 1912. That was the result of the Electoral District Commissioners' required review of electoral boundaries, which resulted in new electorates coming into existence on 19 September 2013.
105. The Tribunal considers that the appropriate time for any change in the grouping of electorates will be after the next redistribution of electoral districts.

Skills Development Allowance

106. The Skills Development Allowance is provided to Members and their staff for training that is directly relevant to the role of Members and their staff. The Allowance was introduced in 2018 to meet costs that had previously been provided for in the Logistic Support Allocation, until it was absorbed into other allowances in 2014.
107. Skills Development Allowance 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 this purpose. Members may not, however, use funds available to staff to meet their own training costs. The allowance is set at \$1,500 for Members of the Legislative Assembly and Legislative Council and \$500 for each full- time equivalent Member

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of staff. Funding for the Allowance does not carry over from one year to the next and unused funds are forfeited.

108. The Annual Report of the Legislative Assembly for the period 2019 – 2020 shows that thirty-two Members of the Legislative Assembly had used the Allowance in that year and that sixty-one Members had not used the Allowance.
109. A number of submissions sought that the allowance be increased, because good quality training courses generally cost more than the funding available. It was also suggested that the high cost of suitable courses, compared to the amount available, leads to a situation where the allowance is generally underutilised.
110. The Tribunal has considered the underutilisation of this allowance and has concluded that the allowance should be adjusted by the CPI increase and that it should also be able to be carried over from one year to the next, within the parliamentary term.
111. This carryover will make larger sums available to be used for appropriate training courses over the course of the parliamentary term, without requiring any higher annual allocation of funds.
112. The Tribunal considers that concerns that a carryover during the parliamentary term may lead to an inappropriate concentration of expenditure in an election year, which is relevant to the Communications Allowance, does not arise in the context of the Skills Development Allowance and that in the public interest, proper utilisation of this allowance should be encouraged.

Sydney Allowance

113. 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.

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114. In its 2009 Report the Tribunal explained that since the introduction of this allowance in 1975 it has set the daily rate of the allowance at a lower level than the ad hoc capital city travel rate available to public sector employees on the premise that Members would make longer term accommodation arrangements in Sydney. It also noted that Members from non - metropolitan electorates make a variety of arrangements when staying overnight in Sydney on Parliamentary business.
115. Members may now choose to receive a daily rate, determined for 2021 at \$321.00 per night, or an annual payment based on a maximum number of overnight stays in Sydney. Members choosing the daily rate may claim for overnight stays in excess of the maximum number of nights, but those who choose the annual payment must reimburse the Parliament if the number of overnight stays is lower than the maximum number of nights available.
116. Submissions suggested that in some cases the number of overnight stays in Sydney provided for by the Determination were not sufficient to compensate the actual number of nights required for Members to perform their parliamentary duties. The number of committee proceedings in the current Parliament was cited as contributing to this position.
117. The operation of the Allowance was last extensively reviewed in the Tribunal's 2012 Annual Report and Determination, after a direction by the then Premier under section 12 of the Act. That review however, dealt mainly with the distance that Members need to travel in order to be eligible for the Allowance, rather than the number of nights available. It was again considered in the 2014 and 2015 determinations, when the current distance criteria were established.
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' 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.

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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.

Amount of the allowance

120. The allowance will be increased by 2.1%.

Transition (separation) payment

121. The Presiding Officers have again made a submission seeking a transition or separation payment like that provided to Victorian Members of Parliament. The Presiding Officers submitted that similar payments are provided in the Parliament of Australia, as well as in Victoria, Queensland, Western Australia, the Northern Territory and the Australian Capital Territory.

122. As outlined in previous annual reports the Act does not empower the Tribunal to determine an entitlement of the kind sought. While in earlier reports the Tribunal has given in principle support for such an allowance, unless the Act is appropriately amended by the Parliament, it is not possible for the Tribunal to make a determination on this matter.

Additional Electorate Offices and staff

123. The Tribunal considered the question of additional electorate offices in its 2020 report, indicating that it would seek submissions from Members in Groups 5 to 8 on the matter and would also ask the Presiding Officers to cost the provision of additional offices as part of the review process for 2021, when the impact of new communication technologies would also be reviewed. In December 2020 the Tribunal invited those submissions.

124. It received submissions from the Members for Cootamundra, Monaro and Murray, that they should each have an additional electorate office and from the Member for Barwon, that it should have additional staff. Submissions were also made about satellite and mobile offices with accompanying staffing allocations for the electorates Murray, Wagga Wagga and Barwon.

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125. The electorates of Cootamundra and Murray currently have two electoral office, Monaro one and Barwon three, with an allocation of three staff attached to each office, for reasons explained in earlier Determinations.
126. The Tribunal has previously considered requests for a third electorate office for Cootamundra and Murray.
127. The Presiding Officers and the Department of Parliamentary Services have provided costings that show an additional cost for office expenses of between \$71,460 and \$111,865 per annum for electorates in Groups 5 to 8, for each additional electoral office. These costs vary depending on the cost of rent, security, electricity, telecommunication and similar items in the various electorates. Of greater significance, however, is the cost of three staff for each additional permanent office, with an annual total cost of \$337,753 per office.
128. The Presiding Officers wrote to the Tribunal in February 2021 advising that they had been consulting with Members in Groups 5 to 8 to explore a new approach to meeting the needs of constituents and Members in geographically dispersed electorates. There the Presiding Officers noted a wide range of complex and divergent views that required further exploration and that subject to further consultation and consideration over the next year, that they might make a further submission about this matter in 2022. They also provided information about ongoing trials of mobile and satellite offices undertaken in the electorates of Murray, Cootamundra and Barwon since the last Determination.
129. The Tribunal was advised that DPS received funding from July 2020 for a three-year program to upgrade technology to support Members in their work. This included new laptop/tablets for all Members; laptops to replace desktop computers for their staff and new networks. This allowed video conferencing with constituents at times when normal working arrangements were displaced, as well as access to Parliamentary systems at any time and on any appropriate device. In meetings with the Tribunal, a number of Members commented favourably on these improvements.

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130. The Tribunal was also advised that DPS had provided emergency relief staff during last summer's bushfires and at the height of the COVID-19 pandemic. It also received information about working arrangements during the pandemic, when at times electoral offices were closed and Members and staff worked from home.
131. The Tribunal has considered the submissions calling for additional offices and other arrangements needed 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 Members' parliamentary duties.
132. The information provided reinforced that the COVID-19 pandemic has demonstrated that while the digital divide remains a real barrier to some people in the community, their numbers have declined over time. Digital technology has not only become more affordable, but has improved very significantly in recent years, with the result that it is now a standard, efficient and effective means of communication, including between Members and constituents. The result is that Members, like many others in divergent occupations, no longer always need to meet face to face with those with whom they have to communicate, in order to effectively carry out their functions.
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

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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 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.

Staff for Members of the Legislative Council who are Ministers

138. All Members of the Legislative Council, including those who are Ministers, have parliamentary duties. In each of the Tribunal's annual determinations since the *1999 Initial Determination of Additional Entitlements for Members of the Parliament of New South Wales* each Member of the Legislative Council, who is not a Minister, has been entitled to one staff Member. The current Determination also provides that each Member of the Legislative Council, who is not a Minister, and who is elected as a cross bench Member is entitled to two staff Members.

139. The Tribunal has received submissions that Ministers may employ staff under the Members of Parliament Staff Act 2013, but that it is anomalous that those Members of the Legislative Council who are Ministers are not provided with any Parliamentary staff to assist in the performance of their parliamentary duties.

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140. The DPS advised that the cost of one staff Member, if classified as a Secretary/Research Assistant, would be \$126,233 per year including employment on-costs. The Department also advised that there are currently four Members of the Legislative Council who are Ministers. Therefore, if it remained the case that four Members of the Legislative Council were Ministers, the cost of providing one staff Member to each of them would be \$506,704 per year.
141. The Tribunal has determined that given that each Member of the Legislative Council, whether the Member is a Minister or not, has parliamentary duties to perform, that it is appropriate that each Member of the Legislative Council, apart from cross bench Members who have two staff Members, be provided with one staff Member in order to facilitate the efficient performance of those duties.

Additional staff to support the role of Manager of Opposition Business.

142. One submission proposed that in order that Opposition parliamentary business is appropriately staffed, the Tribunal's determination should provide for an additional staff Member in the Office of the Deputy Leader of the Opposition in the Legislative Assembly, to support the role of Manager of Opposition Business.
143. In its 2018 and 2020 reports, the Tribunal dealt with issues related to appropriate staffing levels for the Leader of the Opposition in the Legislative Council, Deputy Leader of the Opposition in the Legislative Council and Deputy Leader of the Opposition in the Legislative Assembly.
144. In its 2018 report the Tribunal noted that the Opposition leadership group comprises the Leader and Deputy Leader in the Legislative Assembly and the Leader and Deputy Leader in the Legislative Council. It also noted that the *Members of Parliament Staff Act 2013* provides that the Leader of the Opposition in the Legislative Assembly is a 'political office holder', as are Ministers and as such, they may employ staff under the *Members of Parliament Staff Act 2013*. The Report also noted that the Department of Premier and Cabinet provides an office budget which the Leader of the Opposition in the Legislative Assembly may use to employ such staff.

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145. In 2018 the Tribunal accepted that Opposition is an important component in the structure of the Parliament, essential in the State for the proper working of democratic government and the parliamentary process in the Westminster system. The report noted that the Opposition's main role is to question the government of the day and hold them accountable to the public. The Opposition also represents an alternative government and is responsible for challenging the policies of the government and producing different policies where appropriate. To perform this role properly, the Opposition requires sufficient resources and support.
146. In 2018 the Tribunal thus determined that the Leader of the Opposition in the Legislative Council and the Deputy Leader of the Opposition in the Legislative Council should each have a staff resource of 0.5 full time equivalent (FTE). In its 2020 Determination the Tribunal extended this to 1 FTE staff Member each, in recognition of workload, the role which these offices play in the business of Parliament and to ensure consistency with the provision of resources to other recognised office holders.
147. In its 2018 report the Tribunal also concluded that, as in its previous reports, it was unable to make a determination which applies specifically to the Manager of Opposition Business, because this office, like that of shadow ministers, is not a recognised office holder under Schedule 1 of the Act.
148. The Tribunal also observed, however, that the Deputy Leader of the Opposition in the Legislative Assembly was provided with three electorate staff and that there was capacity for one of those staff to assist the Deputy Leader in Parliament on sitting days. The report also noted that matters relating to the operation of the Opposition business in the Legislative Assembly could be appropriately managed and coordinated from the resources available to the Leader of the Opposition in the Legislative Assembly.
149. The Tribunal has considered the submission that an additional staff Member should be provided to the Deputy Leader of the Opposition in the Legislative Assembly to support the role of Manager of Opposition Business and also for a

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similar arrangement in the Legislative Council. It has decided that this would not be an appropriate exercise of its jurisdiction, in determining additional entitlements. Such entitlements are to be provided for the purpose of facilitating the efficient performance of the parliamentary duties of Members and recognised office holders. The role of Manager of Opposition Business is not an office recognised in Schedule 1 to the Act.

150. It is a matter for the Parliament to determine which offices should be recognised in that Schedule and thereby, the extent of the Tribunal's jurisdiction under s10 of the Act.

Additional staff for Independent and Cross Bench Members

151. One submission proposed an additional staff Member for Independent and Cross Bench Members in the Legislative Assembly. The submission suggested that an additional staff Member could provide a research capacity that such Members lack, compared to Government and Opposition Members, particularly when considering bills introduced to Parliament.

152. The Tribunal's 2020 Report dealt with submissions regarding the appropriate staffing levels for Independent and Cross Bench Members of the Legislative Assembly. There it was noted that Independent Members received additional staffing resources between 1991 and 2016, which was provided to ensure that they were sufficiently resourced to undertake their role in the Parliament and to recognise that they do not have access to support from colleagues or the Party support that is otherwise available to Members either in Government or the Opposition. This staffing was extended to the Cross Bench in 2013, when there was only one Cross Bench Member in the Legislative Assembly.

153. In total, Independent and Cross Bench Members in the Legislative Assembly were then entitled to three staff Members, while other Members of the Legislative Assembly were entitled to two staff Members and the former Additional Temporary Staff Member (ATS) - a total of 2.6 FTE.

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154. In 2017 the Tribunal abolished the ATS and determined, having regard to increased workload in electorate offices and work health and safety concerns, that all Members of the Legislative Assembly would be entitled to three staff Members.
155. In its 2020 Report the Tribunal accepted submissions from Independent Members of the Legislative Assembly, that those Members required additional assistance and thus the 2020 Determination provided for an additional staff Member for Independent Members of the Legislative Assembly, bringing that staffing complement to a total of four. The terms and conditions of their employment were to be determined by the Presiding Officers in accordance with the MOPS Act.
156. In 2020 the Tribunal did not extend the additional staff resource to Cross Bench Members of the Legislative Assembly, noting that two submissions from Cross Bench Members had been made which did not put forward a strong case to alter the existing arrangements. The Tribunal also noted that the minor parties in the Legislative Assembly have more than one Member and would be expected to receive some party support.
157. Currently, there are six Cross Bench Members of the Legislative Assembly.
158. The Tribunal considers that there is still not sufficient evidence warranting an increase in the current staff resources provided to Cross Bench and Independent Members of the Legislative Assembly to facilitate the efficient performance of their parliamentary duties.
159. It also reiterates earlier observations that the terms and conditions of employment of staff and the proper determination of their classification and the value of their work are to be determined by the Presiding Officers in accordance with the MOPS Act and not for the Tribunal to determine under the Act.

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Parliamentary duties

160. In its 2020 Report the Tribunal noted recent reports of the Auditor General relating to Members' additional entitlements. The concerns identified by the Auditor General related particularly to the definition of parliamentary duties. The Tribunal considered that further work was needed to review this matter and that it would work with the DPS and would consult with the Auditor General before any changes are made.
161. In 2021 the Presiding Officers submitted that 'Guiding principles' that are currently contained in guidance provided by the Department on the use of additional entitlements by Members could be included in the Determination. The Tribunal also received a submission that the current definition of parliamentary duties is reasonably clear and does not require further explanation. The Tribunal also consulted the Auditor General, who remains of the view that the current definition of parliamentary duties could be improved, to provide better guidance in relation to the proper use of additional entitlements.
162. The Tribunal accepts that that the definition of parliamentary duties could be improved, including by reference to the Guiding principles, but that the redrafting of the definition requires further consultation before any changes are made.
163. This will be pursued and considered further in 2022.

Travel for staff of certain recognised office holders

164. The Tribunal has amended the conditions for the use of the General Travel Allowance to make it clear that the Allowance may be used for travel costs of the parliamentary staff of recognised office holders.

Staff conditions

165. In its discussions with Members and recognised office holders, the Tribunal also heard about the work and conditions of some staff. The conditions of

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employment of those staff are determined by the Presiding Officers in accordance with the *Members of Parliament Staff Act 2013* and not by the Tribunal.

166. The Tribunal notes concerns raised about some staff employment arrangements, notably about very long hours of work expected of staff employed in certain roles and their appropriate classification and remuneration. The Tribunal notes that these are matters that should be pursued with the Presiding Officers, given the nature of the concerns raised.

Section 3 General Summary of the Determination

2021 adjustments

Basic salary and additional entitlements	Adjustment
Basic Salary	No increase
Electoral Allowance:	
Base Allowance	2.1 per cent increase
Additional Allowance	2.1 per cent increase
Recognised Office Holder Allowance (except Independents)	2.1 per cent increase
Independents Allowance	2.1 per cent increase
Sydney Allowance	2.1 per cent increase
Communications Allowance:	
Base Allocation	2.1 per cent increase
Additional Allocation	Adjusted to reflect changes in constituent numbers.
Committee Allowances	No increase
General Travel Allowance:	Amended to clarify that the allowance may be used for travel by parliamentary staff of recognised office holders.
Base Allocation	2.1 per cent increase
Additional Allocation	2.1 per cent increase
Communications Allowance and General Travel Allowance	Members may use funds from General Travel Allowance allocation where Communications Allowance is exhausted and may use funds from Communications Allowance where General Travel Allowance allocation is exhausted.
Skills Development Allowance	2.1 per cent increase and carry over during the Parliamentary term will be permitted.
Travel Allowances	As per Australian Tax Office Determination TD2020/5
Staff for Members of the Legislative Council	Members of the Legislative Council will be entitled to the same staffing allocation as other Members of the Legislative Council regardless of whether they are a Minister or not.

The Parliamentary Remuneration Tribunal



The Hon Acting Justice M Schmidt

Dated: 15 June 2021

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 2021 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 2021.

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.

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

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

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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.

2.3.4 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.

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.

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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 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.

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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
Table 2	Zones for the Legislative Council
Table 3	Electoral Allowance Legislative Assembly and Legislative Council
Table 4	Sydney Allowance Daily Rates
Table 5	Electorate/Zone to Sydney Travel Entitlements – Additional Entitlements for Recognised Office Holders
Table 6	Communications Allowance – Base Allocation
Table 7	Communications Allowance – Additional Allocation
Table 8	General Travel Allowance
Table 9	Travel Allowances Indicative Upper Limits for Members
Table 10	Recognised Office Holder and Other Member Additional Entitlements
Table 11	Skills Development Allowance

3. Basic Salary

With effect from 1 July 2021 the basic salary of Members, pursuant to section 4 of the Act, shall be \$169,192 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		
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 2: Zones for the Legislative Council

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

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5. Additional Entitlements in the Nature of Allowances

5.1 Summary

The entitlements in this category comprise the following:

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

Sydney Allowance

Committee Allowances

5.2 *Electoral Allowance*

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			
Electoral Group/Zone	Base Allowance	Additional Allowance	Total
Legislative Assembly			
Group 1	\$52,205	\$15,755	\$67,960
Group 2	\$61,135	\$17,420	\$78,555
Group 3	\$72,055	\$17,420	\$89,475
Group 4	\$78,660	\$17,420	\$96,080
Group 5	\$83,660	\$17,420	\$101,080
Group 6	\$91,710	\$17,420	\$109,130
Group 7	\$107,265	\$17,420	\$124,685
Group 8	\$146,685	\$30,370	\$177,055
Legislative Council			
Zone 1	\$61,135	\$16,595	\$77,730
Zone 2	\$61,135	\$17,420	\$78,555
Zone 3	\$61,135	\$21,615	\$82,750

(ii) A further allowance of \$4,065 per annum is payable to each Recognised Office Holder (except an Independent) in the Legislative Assembly and Legislative Council.

(iii) A further allowance of \$2,030 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.

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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.

(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* 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				
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	\$321.00	Actual reasonable expenses for meals and incidentals up to a maximum of \$166.65 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	\$321.00	As above
Chairs of Standing/Select Committees	A minimum of 70 KMs by road from Parliament House	140	\$321.00	As above
Legislative Council Members	Greater than 140 KMs by road from Parliament House	135	\$321.00	As above
	Between 70 KMs and 140 KMs by road from Parliament House	105	\$321.00	As above
Legislative Assembly Members	Greater than 140 KMs by road from Parliament House	135	\$321.00	As above
	Between 70 KMs and 140 KMs by road from Parliament House	105	\$321.00	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 return to Parliament any part of the annual amount that they have not substantiated by 30 September each year or 30 days of ceasing to be a Member.

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(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 \$215.00 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.

(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 \$4,985 per annum.

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6. Additional Entitlements in the Nature of Fixed Allocations

6.1 Summary

The entitlements in this category comprise the following:

Electorate/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	
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
- advertisements

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- 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	
Member	Base Allocation
Legislative Assembly	\$18,825
Legislative Council	\$4,795

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

Table 7: Communications Allowance - Additional Allocation		
Electoral District	Number of Electors (as at 1 April 2021 as provided by the State Electoral Commission)	Annual entitlement
1. Albury	58,612	\$90,262
2. Auburn	57,386	\$88,374
3. Ballina	58,299	\$89,780
4. Balmain	58,179	\$89,596
5. Bankstown	55,694	\$85,769
6. Barwon	54,082	\$83,286
7. Bathurst	57,801	\$89,014
8. Baulkham Hills	56,850	\$87,549
9. Bega	58,312	\$89,800
10. Blacktown	55,282	\$85,134
11. Blue Mountains	53,464	\$82,335

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Table 7: Communications Allowance - Additional Allocation		
Electoral District	Number of Electors (as at 1 April 2021 as provided by the State Electoral Commission)	Annual entitlement
12. Cabramatta	54,951	\$84,625
13. Camden	80,740	\$124,340
14. Campbelltown	55,389	\$85,299
15. Canterbury	58,009	\$89,334
16. Castle Hill	63,734	\$98,150
17. Cessnock	61,170	\$94,202
18. Charlestown	56,228	\$86,591
19. Clarence	55,309	\$85,176
20. Coffs Harbour	56,301	\$86,704
21. Coogee	54,915	\$84,569
22. Cootamundra	53,336	\$82,137
23. Cronulla	57,970	\$89,274
24. Davidson	54,608	\$84,096
25. Drummoyne	54,195	\$83,460
26. Dubbo	56,631	\$87,212
27. East Hills	55,781	\$85,903
28. Epping	55,095	\$84,846
29. Fairfield	54,232	\$83,517
30. Gosford	57,811	\$89,029
31. Goulburn	57,727	\$88,900
32. Granville	54,726	\$84,278
33. Hawkesbury	55,900	\$86,086

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Table 7: Communications Allowance - Additional Allocation		
Electoral District	Number of Electors (as at 1 April 2021 as provided by the State Electoral Commission)	Annual entitlement
34. Heathcote	56,182	\$86,520
35. Heffron	63,299	\$97,480
36. Holsworthy	57,584	\$88,679
37. Hornsby	55,717	\$85,804
38. Keira	59,322	\$91,356
39. Kiama	57,822	\$89,046
40. Kogarah	53,623	\$82,579
41. Ku-ring-gai	55,314	\$85,184
42. Lake Macquarie	59,829	\$92,137
43. Lakemba	55,836	\$85,987
44. Lane Cove	58,878	\$90,672
45. Lismore	54,277	\$83,587
46. Liverpool	59,179	\$91,136
47. Londonderry	71,010	\$109,355
48. Macquarie Fields	67,058	\$103,269
49. Maitland	63,368	\$97,587
50. Manly	55,829	\$85,977
51. Maroubra	57,302	\$88,245
52. Miranda	56,442	\$86,921
53. Monaro	57,723	\$88,893
54. Mount Druitt	57,124	\$87,971
55. Mulgoa	58,947	\$90,778

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Table 7: Communications Allowance - Additional Allocation		
Electoral District	Number of Electors (as at 1 April 2021 as provided by the State Electoral Commission)	Annual entitlement
56. Murray	56,857	\$87,560
57. Myall Lakes	58,518	\$90,118
58. Newcastle	61,005	\$93,948
59. Newtown	56,323	\$86,737
60. North Shore	55,769	\$85,884
61. Northern Tablelands	54,805	\$84,400
62. Oatley	54,154	\$83,397
63. Orange	57,325	\$88,281
64. Oxley	58,586	\$90,222
65. Parramatta	58,032	\$89,369
66. Penrith	57,925	\$89,205
67. Pittwater	55,933	\$86,137
68. Port Macquarie	61,635	\$94,918
69. Port Stephens	58,305	\$89,790
70. Prospect	54,684	\$84,213
71. Riverstone	66,384	\$102,231
72. Rockdale	57,005	\$87,788
73. Ryde	57,021	\$87,812
74. Seven Hills	53,514	\$82,412
75. Shellharbour	64,540	\$99,392
76. South Coast	59,127	\$91,056
77. Strathfield	54,183	\$83,442

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Table 7: Communications Allowance - Additional Allocation		
Electoral District	Number of Electors (as at 1 April 2021 as provided by the State Electoral Commission)	Annual entitlement
78. Summer Hill	57,127	\$87,976
79. Swansea	57,307	\$88,253
80. Sydney	56,531	\$87,058
81. Tamworth	56,880	\$87,595
82. Terrigal	58,116	\$89,499
83. The Entrance	56,343	\$86,768
84. Tweed	55,811	\$85,949
85. Upper Hunter	55,980	\$86,209
86. Vaucluse	56,149	\$86,469
87. Wagga Wagga	56,004	\$86,246
88. Wakehurst	56,051	\$86,319
89. Wallsend	60,354	\$92,945
90. Willoughby	55,122	\$84,888
91. Wollondilly	57,936	\$89,221
92. Wollongong	61,519	\$94,739
93. Wyong	58,911	\$90,723

(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*.

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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 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

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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.

(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

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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.

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			
Electoral Group/Zone	Base Allocation	Additional Allocation	Total General Travel Allowance
Legislative Assembly			
Group 1	\$6,395		\$6,395
Group 2	\$9,615		\$9,615
Group 3	\$12,850		\$12,850
Group 4	\$12,850		\$12,850
Group 5 (and Port Macquarie)	\$12,850	\$10,840	\$23,690
Group 6	\$16,055	\$17,690	\$33,745

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Table 8: General Travel Allowance			
Group 7	\$16,055	\$32,715	\$48,770
Group 8	\$36,870	\$64,945	\$101,815
Legislative Council			
Zone 1	\$6,395		\$6,395
Zone 2	\$6,395		\$6,395
Zone 3	\$15,995		\$15,995

(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*.

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
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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.

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(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).

(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.

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(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 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*.

Table 9: Travelling Allowances Indicative Upper Limits for Members		
Destinations	Amount	Where no overnight stay is required
Adelaide	\$400.30	Actual reasonable meal expenses
Brisbane	\$448.30	
Canberra	\$437.30	
Darwin	\$484.30	
Hobart	\$387.30	
Melbourne	\$456.30	
Perth	\$456.30	
Other areas	\$386.30	

(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.

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(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. 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 for Recognised Office Holders and Members listed below shall be as follows:

Table 10: Recognised Office Holder and Other Member Additional Entitlements		
Recognised Office Holder	General Travel Allowance Base Allocation	Communications Allowance Base Allocation
Presiding Officer	30%	55%(A) 175%(C)
Leader of the Opposition	20%(A)	140%(A) 175%(C)
Deputy Leader of the Opposition	10%	15%(C)
Whips		15%(C)

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Table 10: Recognised Office Holder and Other Member Additional Entitlements		
Recognised Office Holder	General Travel Allowance Base Allocation	Communications Allowance Base Allocation
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%

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.

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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
- 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	
Member/Members' Staff	Annual entitlement
Members of the Legislative Assembly and Legislative Council	\$1,530
Members' staff (each full-time equivalent position)	\$510

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:

- (i) Entitlements are not transferable between Members.

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(ii) 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.

(iii) 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.

(iv) 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 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:

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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).

(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.

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(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.

(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



The Hon Acting Justice M Schmidt

Dated: 15 June 2021

Appendices

Appendix 1 Submission of the Secretary of NSW Treasury



Advice of the Secretary of NSW Treasury

The following comments on the Parliamentary Tribunal's 2021 Determination are made pursuant to Section 12A of the *Parliamentary Remuneration Act 1989*.

Financial Impact of the 2021 Determination

Basic salaries for Members of Parliament will be unchanged given the current economic circumstances stemming from the impacts of COVID-19.

Based on the commencement from 1 July 2021, Members' entitlements are estimated to increase by \$985,563 over the 2020 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 2021 Determination will be sufficiently provided for within the Legislature's budget controls and escalation arrangements.

A handwritten signature in black ink, followed by the date "1/6/21" written below it.