

PARLIAMENTARY REMUNERATION ACT 1989
REPORT PURSUANT TO SECTIONS 13 OF THE ACT

1. On 7 February 2000 the Premier of New South Wales directed the Parliamentary Remuneration Tribunal (“the Tribunal”), pursuant to section 12(1) of the *Parliamentary Remuneration Act 1989* (“the Act”), to make a special determination in relation to the date of implementation for the Tribunal’s Initial Determination of Additional Entitlements for Members of the Parliament of New South Wales.
2. The Tribunal made its initial determination, pursuant to section 3 of the *Parliamentary Remuneration Further Amendment Act 1998*, on 20 December 1999. The initial determination, which took effect from 1 January 2000, introduced significant changes to Members’ entitlements. It should be noted, however, that several components of the initial determination did not operate in a practical sense until July 2000.
3. The Tribunal has considered the issues raised by the Members and officers with regard to difficulties experienced by both the Parliament and some Members in the implementation of the initial determination. The Tribunal recognises that the implementation of the initial determination may necessitate significant changes in the administration of these entitlements by the Parliament as well as the nature of the entitlements afforded Members.
4. The provisions of the initial determination will be further considered by the Tribunal during its annual review of Members’ entitlements commencing on 1 March 2000. During that time, the Tribunal will seek submissions from Members, Recognised Office Holders and political parties on all aspects of the initial determination. Amendments, if any, to the initial determination resulting from this review process will take effect on and from 1 July 2000.
5. Having regard to these matters and the issues raised in the Tribunal’s correspondence to the Premier of 20 January 2000, the Tribunal has determined that the implementation date of the initial determination shall be varied to provide for a later date of operation. This will provide Members and the Parliament sufficient time to consider the implementation of the changes determined by the Tribunal in the initial determination. This process will correspond with the Tribunal receiving submissions as to the annual determination (including submissions as to changes sought to the initial determination).

6. The letter from the Premier requesting the Tribunal's consideration of a special determination does not give a precise indication as to the extent of any change to the date of operation which may be desirable. However, because many of the changes have a budgetary impact, particularly in relation to the additional entitlements in the nature of fixed allocations, it would be preferable, in the Tribunal's view, that the initial determination operate on and from 1 July 2000. This would mean that the new scheme would operate within the normal financial year cycle and would provide Members with full year allocations. Furthermore, the provisions would then incorporate the outcome of the annual determination process.

7. The effect of this determination is to restore the Tribunal's 1999 annual determination which will now remain in place until 30 June 2000 at which time the initial determination will operate, as amended by the outcome of the annual determination process. As the Secretary of the Treasury previously provided his statement as to the financial implications of the 1999 annual determination it would appear that no advice is required from the Treasury pursuant to section 13(5) of the Act. For more abundant caution, however, the Tribunal refer this determination to the Treasury.

DETERMINATION PURSUANT TO SECTIONS 9(1) OF THE ACT

Pursuant to section 9(1) of the Act the Tribunal varies the date of operation of the Initial Determination of Additional Entitlements for Members of the Parliament of New South Wales. The initial determination, subject to any variation in consequence of the year 2000 annual determination, shall operate on and from 1 July 2000.

Dated on this day of February 2000

The Hon (Justice) Michael Walton

THE PARLIAMENTARY REMUNERATION TRIBUNAL