

**ANNUAL REPORT AND DETERMINATION OF ADDITIONAL
ENTITLEMENTS FOR MEMBERS OF THE PARLIAMENT OF
NEW SOUTH WALES**

by the

PARLIAMENTARY REMUNERATION TRIBUNAL

pursuant to the

Parliamentary Remuneration Act 1989

30 JUNE 2003

PARLIAMENTARY REMUNERATION ACT 1989
REPORT PURSUANT TO SECTION 13(1) OF THE ACT

1. INTRODUCTION

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

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

Because of the election on 22 March 2003 it was not possible to commence the annual review until after its completion. The later commencement date necessitated the Tribunal writing only to the Presiding Officers seeking submissions from them, the major parties and Independents.

Because of time constraints and the later than expected receipt of submissions, the Tribunal wrote to the President of the Industrial Relations Commission on 19 May 2003 and sought, pursuant to section 11(2) of the Act an extension to the completion date of the Determination. By an Order published in the 30 May 2003 edition of the Government Gazette, the President has extended the date of completion of the determination to 30 June 2003.

The Tribunal received submissions from the Presiding Officers, the major political parties and some individual Members. The Tribunal also met with the Presiding Officers and representatives of the major Parties.

While there were a range of matters canvassed in the submissions the Tribunal does not intend to discuss all in their entirety. As has been the previous practice, the Tribunal has made changes to the Determination without the need for detailed separate reasons being

provided. Such changes reflect, in general, minor wording changes to give greater consistency to the Determination.

In a number of cases the submissions have repeated matters previously raised without providing any additional information for consideration by the Tribunal. Where the Tribunal has dealt with such matters in earlier Reports and Determinations no further consideration has been given in the present review.

The submissions have, however, also raised a number of substantive issues which, in the Tribunal's view, merit further consideration.

2. GENERAL MATTERS RAISED

Additional Entitlements for Shadow Ministers

For a number of years Members of the major Opposition Parties have sought additional entitlements for the Shadow Ministers. Shadow Ministers are established 'offices' in the Westminster System of Parliament and as the title implies they are alternative spokespersons on Government policies in the respective portfolios. Shadow Ministers perform a valuable role in our system of government, providing the community with alternatives to government policies and putting forward counter arguments to Government proposals. The community expects to hear from Shadow Ministers on executive government activities and challenge Ministers on their portfolio responsibilities. The community can only be better informed when alternative views and proposals are put forward.

The Tribunal is cognisant of the needs of Shadow Ministers to ensure they perform effectively in their role. The Tribunal has repeatedly stated its support for additional entitlements for Shadow Ministers, both to the present Government and the previous coalition Government. Neither took the opportunity to address the issue.

The Tribunal had interpreted the legislation as meaning that it could only provide additional entitlements to Members or Recognised Office Holders (Ministers, Presiding Officers, Leaders of the Opposition etc). As Shadow Ministers were not Recognised Office Holders then the Tribunal could not make specific determinations for them.

In 2000 following a major review of the additional entitlements scheme, the Tribunal interpreted the legislation as allowing the determination of additional entitlements for Shadow Ministers (being a specific class of Member). The Tribunal, therefore, determined some additional entitlements for Shadow Ministers. These were continued in the 2001 and 2002 determinations.

For the 2002 determination the Tribunal indicated that it would be seeking a special reference from the Premier to examine whether the Tribunal should determine additional staff resources for Shadow Ministers. Prior to requesting this special reference the Tribunal sought the advice of the Crown Solicitor on the Tribunal's authority to determine additional entitlements for Shadow Ministers and clarification of those sections of the Act which would allow or prevent the Tribunal from determining additional entitlements for Shadow Ministers. This was necessary to ascertain exactly what the Tribunal's statutory powers were in determining additional entitlements for Shadow Ministers.

On 16 October 2002 the Crown Solicitor noted that section 10A of the Act provided for additional entitlements to facilitate the efficient performance of parliamentary duties by Members and Recognised Office Holders.

The Crown Solicitor concluded that the Tribunal could not determine additional entitlements for Shadow Ministers as they were not recognised Office Holders for the purposes of the Act. He also advised that the Tribunal could not determine additional entitlements for Shadow Ministers as Members because the duties performed by Shadow Ministers are not the parliamentary duties ordinarily performed by Members.

He stated that the safest course of action in providing additional entitlements is to include the 'office' of Shadow Minister in Schedule 1 of the Act.

The Tribunal, as a result of this advice will no longer be able to determine additional entitlements for Shadow Ministers and the existing entitlements will be removed from this Determination.

There are a number of options available. Option 1 would be to retain the status quo. Option 2 would be to amend the Act to include Shadow Ministers as recognised office holders. Option 3 would be to increase the budget allocation in the Premier's Department for the Leaders of the Opposition to provide sufficient funds to meet the additional needs of the Shadow Ministry. Something similar occurs in the Federal jurisdiction. Option 4 would be to enhance the Budget of the Legislature so that the additional resource needs of the Shadow Ministry can be met by the Parliament. While the Tribunal has long supported the inclusion of Shadow Ministers in the Schedule of Recognised Office Holders, all the above Options are matters for the consideration of the Government.

Some Shadow Ministers who are also Recognised Office Holders have asked the Tribunal to restore the entitlements formerly provided to them as Recognised Office Holders.

In its determination of 20 December 1999 the Tribunal addressed the additional entitlements for Recognised Office Holders and how they would be reflected in the newly created Logistic Support Allocation in the following terms:

"Recognised Office Holders

Schedule 1 of the Act provides a list of office holders whose duties, over and above those duties as a Member, attract an additional salary and an expense of office allowance.

Remuneration Tribunals across Australia have also recognised the additional duties and responsibilities of Recognised Office Holders by providing them with additional entitlements. In NSW, Recognised Office Holders receive the following additional entitlements:

- a. Additional travel entitlements*
- b. One hundred percent reimbursement of home telephone/facsimile charges*
- c. Additional stamp allowance*
- d. Additional number of overnight stays for Living Away from Home Allowance*
- e. A travelling allowance*
- f. Additional printing and stationery entitlements.*

One complicating factor when considering this issue is that the additional entitlements are not applied uniformly to all Recognised Office Holders across the various entitlements. This, coupled with grouping of these entitlements for Members in the initial determination, will also require a different approach to specifying entitlements for Recognised Office Holders.

Draft determination.

The draft determination did not make any provision for the additional entitlements of Recognised Office Holders, preferring to receive submissions from Members after the determination had been published.

Consideration

The Tribunal accepts that Recognised Office Holders have additional duties and responsibilities of office over and above those required of a Member of Parliament. These additional duties and responsibilities vary from office to office.

As all entitlements are now expressed in monetary terms and because the entitlements for Recognised Office Holders are additional to those received by Members they will be expressed as a percentage of the basic amount." (pp103-104)

Schedule 3 of that Determination provided the appropriate percentages for the various components of the Logistic Support Allocation for Recognised Office Holders. This Schedule has been carried forward in subsequent Determinations. For 2001 and 2002 the Schedule also included allocation for Shadow Ministers.

As a result of this Determination those allocations for Shadow Ministers will be removed. Shadow Ministers who also occupied Recognised Office Holder positions will receive the additional entitlements in accordance with Schedule 3.

Legislative Changes

The Parliamentary Remuneration Amendment (Recognised Office Holder) Act 2002 amended Schedule 1 of the Act by amending the description of the Office of Deputy Leader in the Legislative Council (other than the Leader of the Opposition or the Deputy Leader of the Opposition) of a recognised political party by reducing the number of members from ten to nine. For consistency the Tribunal has amended its description of this Office in the determination.

Sydney Allowance

The focus of the submissions received by the Tribunal expressed concerns about the Sydney Allowance. The issues raised in the submissions ranged from matters previously canvassed and rejected by the Tribunal (increase in the rate to the full daily travel allowance amount) to more complex and significant matters dealing with the administration of the scheme and the perceived inequity between the daily rate and the annual rate.

The Presiding Officers have recommended that the existing provisions in respect of the Sydney Allowance remain unchanged pending a further review and consideration of the impact on Members.

The Tribunal was also advised that the condition that Members who opt to receive the annual allowance must repay any unspent portion of the allowance is a deterrent to making long term accommodation arrangements. This, it was argued, contradicted the Tribunal's basic premise for introducing the annual amount.

Some submissions suggested that Members in receipt of the annual rate should have access to additional overnight stays when required.

In discussions on this matter with representatives of the major Parties, the Tribunal was also advised that the number of occasions the Tribunal determines as being reasonable number of overnight stays in Sydney per annum (and hence the basis for determining the annual rate) understates the actual number of overnight stays that Members and Recognised Office Holders actually spend in Sydney on parliamentary business. Because of the shortness of time these matters could not be explored further, hence it was suggested to the Tribunal that rather than making any further changes to this entitlement that a fundamental review of the Sydney Allowance be undertaken at the time of the next annual review. The Parties would then be in a better position to provide comprehensive details of all the relevant issues.

The Sydney Allowance (formerly known as the special expense or Living Away from Home Allowance) was introduced in 1975 by Act of Parliament. The Allowance, as noted by the Tribunal in 1975, was intended to assist country Members in meeting the additional costs associated with overnight stays whilst in Sydney on parliamentary business or in transit to and from Sydney. The Allowance was payable to Members when the stay was for:

- sittings of Parliament or direct travel to and from such sittings; or
- meetings of parliamentary committees of which they are a member or direct travel to or from such meeting; or
- other parliamentary business.

The Tribunal first considered special expense allowances in its Report and Determination of 3 November 1975. The Allowance was only available as an annual amount.

Because country Members would be spending a considerable amount of time in Sydney it was expected that they would make longer term accommodation arrangements at presumably cheaper rates. Indeed, in 1979 the Tribunal noted that:

"...it appears that it was envisaged that the members would rent or buy permanent accommodation rather than stay at hotels and the allowance may have been pitched below the likely hotel, motel charges for this reason."

In keeping with this assessment the rate of this Allowance has consistently been struck at a significantly lower rate than the normal capital city travelling allowance rate available to public servants where the full cost of commercial and/or motel/hotel accommodation is included. This approach has been adopted by the Federal and other State/Territory Remuneration Tribunals.

In 1990 the Tribunal introduced the daily rate of the allowance and also introduced the number of overnight occasions considered reasonable to meet the purposes for which it was intended. Members in receipt of the annual amount were not required to substantiate the expenditure. The annual amount was capped. The daily rate could exceed the number of overnight stays determined by the Tribunal, however, full substantiation was required for each such overnight stay.

The Parliamentary Remuneration Amendment Act 1998, made significant changes to the Act. The Crown Solicitor advised the Tribunal that additional entitlements could only be used for parliamentary duties. This required changes to the administration of the Allowance and the rules applicable to it.

The Initial Determination of 24 December 1999 provided that Members who opted to receive the annual allowance were required to provide evidence of the number of overnight stays. Those Members whose overnight stays are less than the number provided for the annual allowance were required to reimburse the difference to the Parliament. It is this requirement, it is argued, that now makes the annual allowance impractical for members to make longer term accommodation arrangements.

Since the Initial Determination the Tribunal has made changes to the rules governing this entitlement. One such change had the unintended consequence of providing a potentially greater benefit to those Members in receipt of the daily allowance than those on the annual rate.

It is clear to the Tribunal that the Sydney Allowance is in need of a fundamental review. All aspects of the Allowance require consideration from the quantum of the daily rate to whether the number of overnight stays - introduced in 1990 – need to be re-assessed in light of the work patterns of Members and Recognised Office Holders. The rules underpinning this entitlement will also need to be examined to ensure they are sufficient to meet the needs of Members and the Legislature. Finally, the Tribunal may also need to assess a definition of “principal place of residence” in connection with this entitlement.

Such a broad sweeping review will require greater time than is available for this annual review. For this reason the Tribunal will make a cost of living adjustment to the entitlement. The Tribunal has considered the suggestion that the Allowance be reviewed as part of the next annual review but would prefer not to wait that long.

On completion of this review the Tribunal will, therefore, write to the Premier seeking a special reference to review all aspects of the Sydney Allowance. This will ensure that a new determination is in place prior to the next annual review where any potential adjustments can be made at that time.

Interpretations of the Tribunal's Determinations.

Since the making of the 2002 Determination the Presiding Officers have, on occasion, sought interpretations from the Tribunal. These have assisted the Presiding Officers with the administration of the entitlements scheme or clarified particular matters. Where subsequent changes have been required to be made to the Determination this has been done without additional comment here.

3. REVIEW OF ADDITIONAL ENTITLEMENTS

Electoral Allowance

The Tribunal has again received submissions seeking an increase in the Electoral Allowance beyond the normal Consumer Price Index (CPI) movement. The Tribunal has also been requested to re-categorise one electorate to a higher category.

The Tribunal has been provided with information on the how the allowance is expended and, in particular, the significant cost of the motor vehicle that Members are required to purchase or lease from this entitlement.

The Electorate Allowance has always included a component for the acquisition of a motor vehicle. Unlike Federal Members of Parliament, NSW Members do not have access to private plated motor vehicles for \$750 pa. For this reason NSW Members receive a higher rate of electorate allowance than their Federal counterparts.

The Tribunal has also considered the application for re-categorisation. The Categories were established at the time of the last electoral redistribution in 1999. Nothing has changed since that time to warrant a new examination of a particular electorate. The Tribunal does not intend to review electorates individually unless demonstrated exceptional circumstances warrant such a review. The Tribunal will again review the categories of electorates at the time of the next redistribution.

The Tribunal intends for this review to increase electorate allowances in line with the movements in the Consumer Price Index i.e., 3.4 percent.

Sydney Allowance

In light of what has been noted above the Tribunal will increase the Sydney Allowance in line with the movement in the Consumer Price Index i.e., 3.4 percent.

Logistic Support Allocation (LSA)

The Tribunal introduced the LSA in 2000 as a means of grouping a broad range of entitlements formerly available to Members in various forms. To simplify these entitlements the Tribunal determined a monetary value for each entitlement and grouped them into four broad areas of activity. Each Member was allocated an LSA account to which various expenditures incurred under the four broad areas would be debited.

LSA budgets were based on electorate Groupings for the Legislative Assembly and Zones for the Legislative Council. Budgets were based on actual expenditure figures obtained from the Legislature.

Members are given the flexibility to use the LSA to meet their particular needs in the performance of their parliamentary duties. Members are able to carry forward unspent entitlements and may manage the funds as they deem appropriate. Accountability and transparency in the use of the LSA are provided through the rules imposed by the Tribunal including an annual audit requirement.

For the current review the Tribunal has been requested to increase the transport component of the Allocation. The National Party submission provided costings of flights to certain destinations but beyond that there was no information which the Tribunal could use to accurately assess the merits of the argument. While the submission provided the cost of a flight from Sydney to Dubbo, for example, it provided no details of how many Members travel to Dubbo or how often. Such quantifiable information would assist the Tribunal in assessing whether or not the transport component is adequate.

The Deputy Speaker has sought an increase in his travel component based on his particular circumstances. The Tribunal understands that the Deputy Speaker has been provided with a motor vehicle to meet his transport requirements.

The Tribunal did not increase the LSA for the 2002 annual review. On this occasion the Tribunal will increase the LSA by the Consumer Price Index i.e., 3.4 percent.

Committee Allowance

The purpose of this Allowance is to remunerate Members serving as Chairpersons on Committees for the extra time and effort required to carry out this role. In previous Determinations this allowance has been increased in line with Members' salary increases.

Member's salaries were increased from 1 July 2002 by 3.3 percent and a further increase of 4 percent will be applied on and from 1 July 2003. In accordance with normal practice, therefore, the Committee Allowance will be increased by 7.3 percent.

Reimbursement of Expenses for Charter Transport for Members of the Legislative Assembly

Electorate charter transport allowances for Members of the Legislative Assembly were reviewed in 2002 when the Tribunal provided for increases of 15 percent to reflect the general increase in fees charged by charter operators since 1998. The Tribunal has again undertaken a review of these costs.

As part of this review, the Tribunal has undertaken a survey of fees charged by air charter transport operators. The results of the survey indicate that there has been a small increase in charter fees. On this basis the Tribunal will not increase the fees for charter transport for Members of the Legislative Assembly on this occasion. Actual amounts and conditions applying in respect of charter transport allowances are specified in the annual Determination.

Travelling Allowances for Recognised Office Holders

The Tribunal has undertaken a review of the travelling allowances paid to Recognised Office Holders. The Tribunal's Determination is based on those rates provided to NSW Public Servants and those deemed "reasonable" by the Australian Taxation Office. In accordance with conditions applicable to other NSW public officials, Recognised Office Holders will only be able to claim actual expenditure for absences from Sydney or their usual place of residence where an overnight stay is involved.

For absences that do not involve an overnight stay Recognised Office Holders may claim reasonable actual expenses. The Tribunal has provided indicative upper limits for travel expenditure. It is proposed that these allowances will be adjusted annually in line with movements to the public sector rates.

Relief Staff for Members of the Legislative Council

Members of the Legislative Council who are not Ministers and/or Crossbench Members are entitled to one staff member. The Presiding Officers have requested the Tribunal consider providing relief staff for these Members when their staff member is absent on recreation leave.

The Tribunal has considered this matter and supports the request on equity grounds. The Determination has been amended accordingly.

4. SUMMARY OF 2003 DETERMINATION

Electoral Allowance	3.4 percent increase (CPI)
Sydney Allowance	3.4 percent increase (CPI)
Logistic Support Allocation	3.4 percent (CPI)
Electorate Mailout Account	No increase
Committee Allowance	7.3 percent increase
Electorate Charter Allowance	No increase
Travel Allowances	Increased generally to public sector rates

Significant Changes to Conditions

Relief staff to be provided to Members of the Legislative Council with one staff member.

Dated this 30th day of June 2003

The Honourable Justice R Boland

THE PARLIAMENTARY REMUNERATION TRIBUNAL

THE DETERMINATION OF THE PARLIAMENTARY REMUNERATION TRIBUNAL

THE DETERMINATION

Pursuant to section 10 (2) and 11(1) of the Parliamentary Remuneration Act, 1989 (the Act), the Tribunal makes the Determination appearing hereunder.

With effect on and from 1 July 2003, 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 2003.

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.

"Parliamentary duties" has the meaning attributed to it by section 3 of the Act,

"Electoral groups" are the groups of electorates specified in Schedule 1.

For the purpose of the Additional Entitlements Account for Members of the Legislative Council, "Zones" shall be those areas described in Schedule 2A.

GUIDELINES AND GENERAL CONDITIONS REGARDING ADDITIONAL ENTITLEMENTS FOR MEMBERS IN CONNECTION WITH PARLIAMENTARY DUTIES.

1. Guidelines

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

1. **Circumstances upon which the additional entitlements may be used for Parliamentary Duties.**
 - 1.1 **Additional entitlements are provided to facilitate the efficient performance of the following particular Parliamentary duties of Members as follows:**
 - 1.1.1 **Activities undertaken in representing the interests of constituents, but excluding activities of an electioneering or political campaigning nature.**
 - 1.1.2 **Performing electorate work for a Member's electorate and participation in official and community activities to which the Member is invited because of the Member's status as a Parliamentary representative.**
 - 1.1.3 **Attending and participating in sessions of Parliament.**
 - 1.1.4 **Participation in the activities of Parliamentary committees.**
 - 1.1.5 **Attending Vice-Regal, Parliamentary and State ceremonial functions.**
 - 1.1.6 **Attending State, Commonwealth and Local Government functions.**
 - 1.1.7 **Attending official functions to which a Member is invited because of the Member's status as a Parliamentary representative, eg. receptions and other community gatherings hosted by Members of the diplomatic corps, educational and religious institutions, community and service organisations, business associations, sporting bodies or other special interest groups.**
 - 1.1.8 **Participation in the activities of recognised political parties, including participation in national, State and regional conferences, branch meetings, electorate council meetings, executive meetings, committee meetings, and meetings of the Members of the Parliamentary political party, its executive and committees.**
 - 1.1.9 **For a Member elected to the Parliament as an independent, participation in activities that are reasonable alternatives to participation in the activities of recognised political parties.**
 - 1.1.10 **A Member who is elected to the Parliament as a representative of a recognised political party and who subsequently resigns from that party Membership and thereafter sits as an independent Member, howsoever**

described, shall continue to receive the same entitlements as they received as a Member of the party prior to resignation and not the additional entitlements provided to elected independents. The Member is also not entitled to the benefit of the rule in Clause 1.1.9 above.

- 1.1.11 Participation within Australia in the activities of the Commonwealth Parliamentary Association as well as activities outside Australia organised by the Commonwealth Parliamentary Association provided such activities arise directly from Membership of the New South Wales Branch and officially endorsed by the Branch (exclusive of air travel).
- 1.1.12 Participation in a Parliamentary Group such as the Asia Pacific Friendship Group; provided that, such group is approved in writing by the President of the Legislative Council and the Speaker of the Legislative Assembly. Such written approval shall be forwarded to the Tribunal.

2. Where any additional entitlement fixed by this Determination is to be used for the purpose of facilitating Members' participation in the activities of recognised political parties, the Tribunal sets out the following guidelines as to the use of that additional entitlement:

- 2.1 Parties registered under the *Parliamentary Electorates and Elections Act 1912*, and included in the register of parties maintained by the Electoral Commissioner, are to be treated as recognised political parties.
- 2.2 Additional entitlements should not be used to fund:
 - 2.2.1 activities such as those associated with party Membership drives;
 - 2.2.2 mail distributions for non-electorate or non-Parliamentary activities;
 - 2.2.3 costs associated with election campaigning for an individual Member;
 - 2.2.4 fund raising for other party political Members (such as the purchase of raffle tickets, raffle prizes or tickets to attend functions, etc); and
 - 2.2.5 costs previously borne by political parties which are not principally related to a Member's Parliamentary or electorate duties.
- 2.3 The electorate office provided for a Member of the Legislative Assembly is not to be used as an election campaign office.

- 3. The Tribunal sets out the following additional and general guidelines:**
- 3.1 Some intermingling of a Member's Parliamentary duties and private activities is in practical terms not always easily avoided, but the onus is always on the Member to show that any expenditure or any claim for reimbursement relates to Parliamentary duties, or to the Parliamentary duties component of costs incurred for intermingled Parliamentary duties and private purposes.**
- 3.2 In the case of electorate work, any activities within the electorate, and in respect of which a Member's involvement may reasonably be regarded as deriving from the Member's status as the Parliamentary representative for the electorate, should be treated as Parliamentary duties.**
- 3.3 In the case of Parliamentary work, any activities in which a Member's involvement may reasonably be regarded as deriving from the Member's responsibilities as a Parliamentary representative should be treated as Parliamentary duties.**
- 3.4 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. Conditions

The following general conditions will apply to all additional entitlements determined hereunder. These conditions are in addition to any special conditions attaching to the provision of allowances or other benefits (as specified later in this Determination):

1. All procurement by Members will be in accordance with the Parliament's purchasing policies.
2. Members must ensure that they have sufficient funds to meet the costs associated with their Parliamentary duties.
3. Each Member shall have, in addition to payments of the Electoral and Sydney Allowance, an account entitled the "Logistic Support Allocation" which shall cover expenditure in the areas of transport (excepting for electorate to Sydney travel), communications, printing and stationery.
4. The Logistic Support Allocation shall be established and maintained by the Clerks of the Parliament. Members should be advised by the Clerks each month as to the balance of their Logistic Support Allocation
5. The funds in the Logistic Support Allocation shall only be used by the Member to carry out the purpose for which the allowance is established, but otherwise may, subject to these conditions, manage the funds as he/she thinks appropriate.
6. Nothing shall prevent the use of the Electoral Allowance for legitimate electorate expenses which might also fall within the categories of expenses covered by the Logistic Support Allocation.
7. All accounts and Members' claims must be submitted to the Legislature for payment within 60 days of receipt or occurrence of the expense.
8. All Members' additional entitlements in the nature of fixed allocations and Sydney allowance provided to Members shall be audited annually for compliance. In addition to any internal audit conducted by the Parliament, Members' additional entitlements in

the nature of fixed allocations and the Sydney allowance provided to Members shall be the subject of an external audit conducted by the Auditor-General of NSW. The cost of any audit shall be met by the Parliament. Members should ensure they maintain appropriate records of expenditure for the purpose of any audit.

9. 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).

10. The various allowances determined here, as well as the Logistic Support Allocation are for the sole use of the Member and are not to be transferred to other persons or organizations including Members. The Member may use his/her entitlements to meet official costs of the spouse/approved relative and/or staff employed by the Parliament when that expenditure is in connection with official Parliamentary duties.

ADDITIONAL ENTITLEMENTS IN THE NATURE OF ALLOWANCES

1. Electoral Allowance

Purpose and Operation of the Provision

The allowance is based upon those factors which have historically been taken into account in assessing the quantum of the allowance (including the additional costs associated with the performance by Members of their Parliamentary duties in their electorates) and such other factors as may be determined from time to time as appropriate to be taken into account by the Tribunal under the Act.

Entitlement

The allowances shall be paid as follows:

- a. Each Member of the Legislative Assembly and the Legislative Council shall receive an electoral allowance. The quantum of that allowance shall be fixed in accordance with the electoral grouping for the electorate of the Member.
- b. The allowance payable for each electorate group shall be as follows:

Electorate Group	Allowance
Group 1	\$33,725
Group 2	\$39,495
Group 3	\$46,545
Group 4	\$50,810
Group 5	\$54,050
Group 6	\$59,250
Group 7	\$62,210
Group 8	\$69,295

- c. The electoral allowance for each Member of the Legislative Council shall be \$39,495.

2. Sydney Allowance

Purpose and Operation of the Provisions

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

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

Entitlement

The daily rate (including the number of overnight stays) and the annual amount for the Sydney allowance for categories 1 and 2 shall be in accordance with Table 1 below. Where a Member elects for a daily rate, he/she shall be entitled to the daily rate for the number of overnight stays per annum specified in that Table, except as provided in conditions 3 and 4.

TABLE 1

	Residence	Daily Rate			Annual amount
		Overnight Stays p.a.	Overnight in Sydney	In Transit to and from Sydney	
Minister, Speaker, President, Leader of the Opposition (Assembly and Council), Leader of Third Party in Assembly with not less than 10 Members.	Category 1 or 2	140	\$175	\$135	\$24,500
Deputy Speaker, Chairman of Committees in the Legislative Assembly and Chairman of Committees in the Legislative Council.	Category 1 or 2	120	\$175	\$135	\$21,000
Parliamentary Secretary/	Category 1	90	\$175	\$135	\$15,750
	Category 2	120	\$175	\$135	\$21,000
Other Assembly/Council Members	Category 1	90	\$175	\$135	\$15,750
	Category 2	120	\$175	\$135	\$21,000

The following conditions apply to the Sydney allowance:

1. A Member can choose to receive the Sydney allowance as either an annual fixed allowance or a daily rate.

2. Where a Member chooses to receive the daily rate of allowance the Member shall receive the overnight daily rate as specified in Table 1 at the 'Sydney' or the 'transit to and from Sydney' rate as applicable. The Member is entitled to the number of overnight stays per annum specified in Table 1 without the need to substantiate to the Parliament expenses up to the daily rate.
3. Where the reasonable daily costs exceed the daily rate, full substantiation of daily costs will be required (including tax invoices/receipts).
4. Where the number of overnight stays is exceeded, documentary evidence of each overnight stay will be required.
5. When in receipt of the annual allowance Members are required to certify at the end of the financial year the number of occasions they stayed in Sydney and that on each occasion the stay was for Parliamentary business. Members who nominate to receive the annual allowance cannot claim for additional overnight stays in excess of those specified in Table 1.
6. Members will need to maintain records or other relevant evidence that clearly document the occasions they stayed in Sydney in connection with their Parliamentary duties. Such documentation could include airline boarding passes for arrival and departure from Sydney or any other documentary evidence of having travelled and stayed in Sydney in connection with Parliamentary duties.
7. Members in receipt of the annual amount will be required to return to Parliament the unspent portion of the Allowance for re-credit of the Consolidated Fund.
8. Members are not to claim the Sydney Allowance if they stay in Government owned or funded accommodation including Parliament House.

3. Committee Allowances

Purpose and Operation of the Provision

Committee Allowances are paid to Chairpersons of Joint and Select Committees in recognition of the additional responsibilities of the office. Because of the statutory nature of the Public Accounts Committee and its role in Government activities, an annual rate of allowance is payable to Members of the Public Accounts Committee.

Entitlement

The allowances shall be paid as follows:

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 \$134.00 for each day upon which they attend a meeting or an official visit of inspection if that day is one upon which the Legislative Council (so far as a Member of the Council is concerned) or the Legislative Assembly (so far as a Member of the Assembly is concerned) is not sitting. This allowance is not payable to Chairpersons in receipt of a salary of office as specified in Schedule 1 of the Parliamentary Remuneration Act 1989.

Members of the Public Accounts Committee, other than the Chairperson, shall each receive a committee allowance of \$3,050 per annum.

ADDITIONAL ENTITLEMENTS IN THE NATURE OF FIXED ALLOCATIONS

1. Electorate to Sydney Travel

Purpose and Operation of the Provisions

Members of the Legislative Assembly who reside in electorate groups 2 to 8 and Members of the Legislative Council who reside in zones 2 or 3 qualify for return air travel warrants between their electorates/zones and Sydney.

These entitlements are provided for the performance of Parliamentary duties.

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

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

Entitlement

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
Chairman of Committees Legislative Assembly and 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

Conditions

1. All electorate to Sydney travel and return is restricted to economy class.
2. Warrants may be used to meet the cost of using a private motor vehicle or rental vehicle in lieu of electorate to Sydney air travel. The amount to be reimbursed for this purpose is not to exceed the commercial airfare for an equivalent distance flight.
3. A minimum of one warrant is required to be surrendered for each single journey; a return trip will require the surrender of at least two warrants.
4. Warrants are not transferable between Members, spouses or approved relatives, or Members' staff.
5. Where the Determination refers to warrants, the expression is intended to include a reference to the existing system for electorate to Sydney travel used for the Legislative Council.
6. Members may use electorate to Sydney warrants to defray part of the cost of intrastate and interstate Parliamentary travel when such travel is via Sydney.
7. Members may charter a plane in lieu of travelling on commercial flights provided that travel is for electorate and/or Parliamentary business and that sufficient warrants based on the equivalent commercial cost of each person travelling are surrendered. The cost of Member's spouse or approved relative travelling on the charter is to be met from the Member's Logistic Support Allocation. It is a condition of all air transport charters that the Member responsible for organising the charter obtain a passenger manifest from the charter operator and attach it to the invoice when it is sent for payment.
8. A Member's air transport bookings for Parliamentary duties are to be made through the booking agent nominated in the NSW government travel contract, for all types of transport covered by the contract. Should the official NSW government travel booking agent not offer a booking service required by a Member for Parliamentary

duties, the Member's transport bookings for that service may be made directly with the transport provider.

9. Benefits accrued by a Member by way of loyalty/incentive schemes such as frequent flyers, as a consequence of the Member using his or her additional entitlements, are to be used only for Parliamentary duties and not for private purposes. Any outstanding benefits of this nature, when the Member ceases to be a Member, are to be forfeited.

10. Members will need to maintain records or other relevant evidence that clearly document the occasions they travelled to Sydney in connection with their Parliamentary duties. Such documentation could include airline boarding passes for arrival and departure from Sydney or any other documentary evidence of having travelled to Sydney in connection with Parliamentary duties.

2. Logistic Support Allocation

Purpose and Operation of the Provision

The Clerks of the Parliament will establish a Logistic Support Allocation Account for each Member. Each Member's Logistic Support Allocation Account may be applied for the following purposes:

- ❖ All interstate and intrastate transport for Parliamentary business (any mode) excepting electorate to Sydney travel
- ❖ Taxi travel
- ❖ Staff travel costs (training excluded)
- ❖ Airport parking
- ❖ Transport expenses for Members' spouse or other approved relative
- ❖ Home telephone, facsimile and internet call charges for official business
- ❖ Mobile telephone call charges and network access fees
- ❖ Mail distribution and postal delivery services
- ❖ Post Office box rental
- ❖ Fax Post, Express Post and Lettergram services
- ❖ Postage stamps
- ❖ All stationery costs
- ❖ Courier and freight charges for delivery of stationery or equipment to electorate or home office
- ❖ Costs associated with photocopying
- ❖ Printing (both Parliament House and external providers)
- ❖ Publication services at Parliament House
- ❖ Developing and hosting a web page for individual Member
- ❖ Office equipment purchases up to \$2,500 (excluding GST)
- ❖ Any maintenance charges relating to minor equipment purchases
- ❖ Computer software
- ❖ Computer hardware and peripheral devices not exceeding \$4,999

It is intended that the above list be used as a guide as to the types of items Members can spend against their Logistic Support Allocation. The Presiding Officers may exercise their discretion in permitting expenditure for items not on the "List". There must be sufficient funds in the Members Logistic Support Allocation, the items must not duplicate services already provided to Members by the Parliament and the expenditure must be consistent with the guidelines and general conditions in this Determination.

Entitlement

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

<u>Electorate Group</u>	<u>Entitlement</u>
Group 1	\$26,200
Group 2	\$29,375
Group 3	\$31,440
Group 4	\$31,440
Group 5	\$31,440
Group 6	\$31,440
Group 7	\$33,510
Group 8	\$33,510

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

<u>Zone</u>	<u>Entitlement</u>
Zone 1 Electorates	\$17,690
Zone 2 Electorates	\$18,235
Zone 3 Electorates	\$27,210

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

General Conditions

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

1. Subject to these conditions, each Member shall determine at his/her own discretion the use of the funds within this Account for the purpose and operations specified above.
2. It is the primary responsibility of Members to ensure that they manage their Logistic Support Allocation Account to ensure that they do not over-expend their budgets. No supplementation of this Allocation will be allowed by the Tribunal. However, the Logistic Support Allocation is not intended to restrict the proper use of the electoral allowance, which may be used to meet any expense referred to in the 'purpose and operations' section of this clause.
3. Members may not use their Logistic Support Allocation to procure goods or services to be used for electioneering purposes or political campaigning.
4. Any unused funds remaining in the Member's account at the end of the financial year within the four year Parliamentary term shall be carried over to the following financial year. At the end of each 4 year Parliamentary term or the earlier dissolution of the Legislative Assembly, any balance remaining in the Member's account is to be relinquished to the Consolidated Fund.
5. Accounts will be paid either directly by the Parliament and debited to a Member's account or paid in the first instance by the Member who would then seek reimbursement from the Parliament.
6. Members must personally authorise expenditure from their Logistic Support Allocation. Whilst, subject to the further conditions, Members may determine at their discretion the use of the funds available for any purpose and operation specified in this clause, the following table outlines the basis upon which the Tribunal has established the quantum of the account for future assessment. The table shall be used for the

future assessment of the Allocation and for particular purposes such as the calculation of additional entitlements for Recognised Office Holders.

Electorate Group or Zone	Transport	Communication –electronic	Communication –non- electronic	Printing and Stationery and Office Supplies	Total Logistic Support Allowance
Legislative Assembly					
Group 1	\$4,135	\$3,320	\$12,170	\$6,575	\$26,200
Group 2	\$6,205	\$4,425	\$12,170	\$6,575	\$29,375
Group 3	\$8,270	\$4,425	\$12,170	\$6,575	\$31,440
Group 4	\$8,270	\$4,425	\$12,170	\$6,575	\$31,440
Group 5	\$8,270	\$4,425	\$12,170	\$6,575	\$31,440
Group 6	\$8,270	\$4,425	\$12,170	\$6,575	\$31,440
Group 7	\$10,340	\$4,425	\$12,170	\$6,575	\$33,510
Group 8	\$10,340	\$4,425	\$12,170	\$6,575	\$33,510
Legislative Council					
Zone 1 Electorates	\$4,135	\$3,880	\$3,100	\$6,575	\$17,690
Zone 2 Electorates	\$4,135	\$4,425	\$3,100	\$6,575	\$18,235
Zone 3 Electorates	\$10,340	\$7,195	\$3,100	\$6,575	\$27,210

Particular Conditions.

Transport (Other than Electorate or Electorate to Sydney transport)

1. A Member may use any form of transport within Australia subject to the requirement that the transport was used for Parliamentary or electorate duties and that the cost was reasonable.
2. A Member may travel to any place in Australia, subject to the requirement that all such travel must be for Parliamentary duties and that there must be, at the time of the making of the relevant reservation, sufficient funds in that Member's Account to pay for the expenses involved.
3. All transport costs associated with spouse/approved relative or Members' staff travel (excluding travel costs associated with staff training) are to be provided from the Logistic Support Allocation Account. Staff training costs are to be met by the Legislature.
4. Members and their spouses/approved relatives, when travelling in connection with their Parliamentary duties, may claim reasonable actual accommodation and meal expenses from the Members' Logistic Support Allocation. The reimbursement of these expenses may not exceed the travel allowance rates as determined for Group 3 in Table 2 hereunder. Staff employed by the Parliament who travel with their Member or separately for Parliamentary business purposes may be paid travel allowances in accordance with appropriate Public Service Award conditions.
5. A Member and his or her spouse or approved relative may travel together or separately in connection with attendance at a function in the course of Parliamentary duties.
6. A Member, his or her spouse/approved relative and staff employed by the Parliament may use taxis or hire cars for Parliamentary duties.
7. A Member's air transport bookings for Parliamentary duties are to be made through the booking agent nominated in the NSW government travel contract, for all types of transport covered by the contract. Should the official NSW government travel

booking agent not offer a booking service required by a Member for Parliamentary duties, the Member's transport bookings for that service may be made directly with the transport provider.

8. 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.
9. Members should ensure that records are maintained that clearly document the occasions that staff employed by the Parliament stayed in Sydney or other locations when travelling in connection with the Member's Parliamentary duties. Such documentation may include airline boarding passes for arrival and departure or other documentary evidence of having travelled and stayed in accommodation.
10. A Member may use charter transport in connection with Parliamentary duties, but only within the limits of the Member's individual Logistic Support Allocation. No passenger, except the Member's spouse or an approved relative and staff employed by the Parliament accompanying the Member on Parliamentary duties, may be carried at the cost of the Member's Logistic Support Allocation entitlement. Where more than one Member is travelling on the air charter, the total air charter costs should be shared equally between the Members travelling.
11. It is a condition of all air transport charters that the Member responsible for organising the charter obtain a passenger manifest from the charter operator and attach it to the invoice when it is submitted for payment to the Legislature.
12. Members together with their spouses/approved relative will need to maintain records or other relevant evidence that clearly document the occasions they travelled in connection with their Parliamentary duties. Such documentation could include airline boarding passes for arrival and departure or any other documentary evidence of having travelled in connection with Parliamentary duties.

Communication – electronic

1. The Tribunal accepts that there will be some private usage in connection with mobile telephones supplied by the Parliament and electronic communication equipment installed at public expense in a Member's principal place of residence. To ensure the Legislature does not pay Fringe Benefits Tax for the private usage of electronic equipment, the Financial Controller will undertake a survey over an appropriate period of time to ascertain public/private percentage use of Members' home telephones. Once established Members will be reimbursed the Parliamentary business cost of each home telephone call account and an adjustment shall be made to previous accounts reimbursed from the effective date of this Determination on or from the date of election, whichever is the later.

2. The Parliamentary business use component of the following telecommunication services are eligible for reimbursement:
 - Directory assistance charges (only applies to business lines)
 - Call connect charges (extension of directory assistance)
 - Messagebank
 - Call waiting
 - Call forwarding/diversion
 - Last unanswered call recall
 - Telephone directory charges for home telephone listings (which are in addition to standard free entry)

3. The following Recognised Office Holders shall be entitled to 100 per cent reimbursement for electronic-communication costs including overseas calls for Parliamentary business.
 - Ministers
 - Presiding Officers
 - Leader of the Opposition (Assembly and Council)
 - Leader of a Party not less than 10 Members in the Legislative Assembly
 - Chairman of Committees (Assembly and Council)
 - Deputy Speaker

- Deputy Leader of the Opposition (Assembly and Council)
 - Deputy Leader of a Party not less than 10 Members in the Legislative Assembly
 - Parliamentary Secretaries (Assembly and Council)
 - Government and Opposition Whips (Assembly and Council)
 - Whip of a third party with not less than 10 Members (Legislative Assembly)
 - Deputy Whips (Legislative Assembly)
4. A fax line installed at Legislative Council Members' home offices continue to be reimbursed at the rate of 100 per cent.
 5. Call and rental charges pertaining to a data line installed at Legislative Council Members' home offices be reimbursed at the rate of 100 per cent subject to the line being used for Parliamentary duties.
 6. Members will be required to meet the cost of all overseas calls, other charged information/service calls, reverse charge calls and home-link and Telecard calls.
 7. Accounts will be paid either directly by the Parliament and debited to a Member's account or paid in the first instance by the Member who would then seek reimbursement from the Parliament.

Communication - non-electronic

Members are permitted to purchase postage stamps or other mail distribution and delivery services and make arrangements for payment direct by the Parliament or obtain reimbursement by providing substantiation in accordance with the requirements of the Parliament's administration.

Printing, Stationery and Office Supplies

1. Members may only use the printing, stationery and office supplies entitlement for Parliamentary duties.

2. The entitlement may be used to purchase printing, stationery and office supplies from the Parliament or other providers and in accordance with Parliamentary procurement policies and practices.
3. A Member may not use their printing, stationery and office supplies allowances to procure goods or services to be used for electioneering purposes or political campaigning.
4. The purchase of computer software from the Logistic Support Allocation is subject to the following conditions:
 - The software will not be supported by the Parliament's I.T. Section.
 - The software is required to be removed from the computers supplied by the Parliament if there is any conflict with the Parliament's computer network.
 - The software is not to be used for political campaigning or electioneering purposes.

3. Electorate Mailout Account

Each Member of the Legislative Assembly will be provided with an amount as specified in Schedule 4 for the specific purpose of preparing and distributing letters/newsletters to each constituent in his/her electorate. Members are provided with an annual amount to fund the cost of issuing such letters/newsletters on two occasions each year.

Conditions

1. The Electorate Mailout Account shall be established and maintained by the Clerk of the Legislative Assembly. Members should be advised by the Clerk each month as to the balance of their Account.
2. Members are to fund the cost of preparing, printing and posting letters/Newsletters to each constituent in his/her electorate and for no other purpose.
3. All procurement by Members will be in accordance with the Parliament's purchasing policies.
4. No supplementation to the allocation will be considered. Any additional costs are to be met from the Member's Logistic Support Allocation.
5. Unused funds are to be returned to the Consolidated Fund at the end of each financial year.
6. All accounts must be submitted to the Legislature for payment within 60 days of receipt.

4. Electorate Charter Transport for Members of the Legislative Assembly

Purpose and operation of the provision

Members of the largest electorates (Electoral Groups 5-8) shall be provided with an allowance from which are met charter transport costs incurred within their electorates. For the purposes of this allowance "charter transport" means charter transport used with and for the service of the Member's electorate and includes charter aircraft, drive yourself vehicles and any other mode of charter transport that may be deemed appropriate in the circumstances by the Speaker of the Legislative Assembly.

Entitlement

Members of the Legislative Assembly in the following Electorate Groups shall be entitled to Charter Transport Allowance up to the maximum amount shown below:

Electorates	Entitlement
Group 8	\$19,520
Group 7	\$12,940
Group 6	\$10,560
Group 5	\$6,460

Conditions

The following conditions shall apply in respect of Charter Transport Allowance:

1. This Allowance shall only be used in connection with Parliamentary duties within the Member's electorate and shall not be used during election campaigns or for other electioneering or party political activities.
2. Only the cost of the Member's spouse or approved relative or Member of staff accompanying the Member may be met from this Allowance.
3. It is a condition of all air transport charters that the Member responsible for organising the charter obtain a passenger manifest from the charter operator and attach it to the invoice when it is submitted for payment to the Legislature.

4. **Members are to meet the cost of the air charter and seek reimbursement from the Financial Controller with appropriate certification as to the purpose of the charter.**

5. **The charter transport shall only be used within and for the service of the Member's electorate. Where the only source of available charter transport is outside the boundaries of the electorate, the reasonable additional expenses consequently incurred may be included in the reimbursement available under this Determination.**

6. **These additional entitlements shall be audited annually for compliance. In addition to any internal audit conducted by the Parliament, Members' additional entitlements shall be the subject of an external audit conducted by the Auditor-General of NSW. The cost of any auditing shall be met by the Parliament. Members should ensure they maintain appropriate records of expenditure.**

5. Travelling Allowances for Recognised Office Holders

Table 2 – Indicative Upper Limits for Travel Expenditure

Office Holders	Capital Cities		Other Areas	Where no overnight stay is required
	Melbourne, Perth, Brisbane	Adelaide, Canberra, Darwin, Hobart		
Group 1	\$366.15	\$296.15	\$193.05	Actual reasonable meal expenses
Group 2	\$269.15	\$210.15	\$165.05	Actual reasonable meal expenses
Group 3	\$232.90	\$169.90	\$140.55	Actual reasonable meal expenses

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

Group 1

Premier

Group 2

Ministers,

President of the Legislative Council and Speaker of the Legislative Assembly,

Leader and Deputy Leader of the Opposition in the Legislative Council,

Leader and Deputy Leader of the Opposition in the Legislative Assembly,

Leader and Deputy Leader of a Recognised Political Party of which not less than ten Members are Members of the Legislative Assembly,

Chairman of Select, Joint Standing, Standing and Public Accounts Committees.

Group 3

Members of Select, Joint Standing, Standing and Public Accounts Committees,

The following conditions shall apply in respect of this allowance:

1. **Recognised Office Holders are eligible to claim reasonable actual travelling expenses for overnight absences from Sydney or their electorate/principal home residence. Where no overnight absence is involved Recognised Office Holders may claim reasonable actual meal expenses. Indicative upper limits for travel expenditure are outlined in Table 2.**
2. **The payment of actual travelling expenses will be paid subject to the production of tax invoices/receipts relating to accommodation, meal and other incidental expenses by the Recognised Office Holder concerned.**
3. **A Recognised Office Holder whose spouse/approved relative accompanies him or her to a State or other official function and who consequently incurs expenses in respect of meals and accommodation exceeding the allowance to which he or she is entitled, shall be entitled to be reimbursed the additional expenses associated with the spouse/approved relative.**
4. **Those Recognised Office Holders for whom non-Parliamentary funded budgets are provided are to meet travel allowance costs from those budgets and not from the Parliament.**

6. Equipment, Services and Facilities

Members of the Legislative Assembly and the Legislative Council shall be provided by the Parliament with the equipment, services and facilities necessary to perform their Parliamentary duties as follows:

1. All Members shall receive at the Parliament House, Sydney, a fitted out, equipped and maintained office, and secretarial services.
2. Each Member of the Legislative Assembly shall receive a fitted out, equipped and maintained Electorate Office to an appropriate standard. The Member for Murray-Darling is to be provided with an additional electorate office.
3. Each Member shall be supplied equipment and ancillary services in the Member's private residence (or if the Member has more than one private residence then in the Member's principal private residence) including a telephone and a facsimile machine, for the performance by the Member of Parliamentary duties.
4. Each Member shall receive portable equipment to supplement the provision of equipment as referred to in clauses 1, 2 and 3 above, except where such equipment is already provided by the Executive Government. This portable equipment shall include, but is not limited to, a mobile telephone and a notebook computer.
5. Each Member of the Legislative Council shall have a separate data line installed in their home office to provide access to the Parliament's secure computer network.
6. The Presiding Officers are to provide administrative support to each Member in accordance with the following:
 - i. Subject to (ii), each Member of the Legislative Assembly shall have two staff Members employed at each electoral office.
 - ii. Each Member of the Legislative Assembly elected as an Independent shall have an additional staff Member employed at his/her electoral office.

- iii. Each Member of the Legislative Council, who is not a Minister, shall be entitled to one staff Member. When the staff Member is on annual recreation leave or other extended period of leave, a relief staff member may be employed for the period of absence.
- iv. Each Member of the Legislative Council, who is not a Minister, and who is elected as a cross bench Member shall be entitled to two staff Members.
- v. Ministers shall receive a reasonable allocation of staff Members.
- vi. This provision specifies the minimum staffing required in electorate offices. Nothing in this Determination removes from the employer of staff the obligations arising under the Occupational Health and Safety Act 2000.

Dated this 30 of June 2003.

The Honourable Justice R Boland

THE PARLIAMENTARY REMUNERATION TRIBUNAL

ELECTORAL GROUPS**SCHEDULE 1**

Group 1 Electorates		
1. Auburn	17. Granville	33. North Shore
2. Bankstown	18. Heffron	34. Parramatta
3. Baulkham Hills	19. Hornsby	35. Penrith
4. Blacktown	20. Kogarah	36. Pittwater
5. Bligh	21. Ku-ring-gai	37. Port Jackson
6. Cabramatta	22. Lakemba	38. Riverstone
7. Campbelltown	23. Lane Cove	39. Rockdale
8. Canterbury	24. Liverpool	40. Ryde
9. Coogee	25. Macquarie Fields	41. Smithfield
10. Cronulla	26. Manly	42. Strathfield
11. Davidson	27. Maroubra	43. The Hills
12. Drummoyne	28. Marrickville	44. Vacluse
13. East Hills	29. Menai	45. Wakehurst
14. Epping	30. Miranda	46. Wentworthville
15. Fairfield	31. Mount Druitt	47. Willoughby
16. Georges River	32. Mulgoa	
Group 2 Electorates		
1. Blue Mountains	7. Illawarra	13. Peats
2. Camden	8. Keira	14. Swansea
3. Charlestown	9. Kiama	15. The Entrance
4. Gosford	10. Lake Macquarie	16. Wallsend
5. Hawkesbury	11. Londonderry	17. Wollongong
6. Heathcote	12. Newcastle	18. Wyong

SCHEDULE 1

Group 3 Electorates		
1. Ballina	5. Myall Lakes	8. South Coast
2. Cessnock	6. Port Macquarie	9. Southern Highlands
3. Coffs Harbour	7. Port Stephens	10. Tweed
4. Maitland		
Group 4 Electorates		
1. Albury	4. Dubbo	7. Oxley
2. Bathurst	5. Lismore	8. Tamworth
3. Bega	6. Orange	9. Wagga Wagga
Group 5 Electorates		
1. Burrinjuck		
2. Clarence		
3. Monaro		
4. Northern Tablelands		
Group 6 Electorates		
1. Lachlan		
2. Murrumbidgee		
3. Upper Hunter		
Group 7 Electorates		
Barwon		
Group 8 Electorates		
Murray-Darling		

SYDNEY ALLOWANCE GROUPINGS**SCHEDULE 2**

Category 1		
1. Blue Mountains	7. Heathcote	13. Newcastle
2. Camden	8. Illawarra	14. Peats
3. Campbelltown	9. Keira	15. Swansea
4. Charlestown	10. Kiama	16. The Entrance
5. Gosford	11. Lake Macquarie	17. Wallsend
6. Hawkesbury	12. Londonderry	18. Wollongong
		19. Wyong

Category 2		
1. Albury	11. Lachlan	20. Oxley
2. Ballina	12. Lismore	21. Port Macquarie
3. Barwon	13. Maitland	22. Port Stephens
4. Bathurst	14. Monaro	23. South Coast
5. Burrinjuck	15. Murray-Darling	24. Southern
6. Bega	16. Murrumbidgee	Highlands
7. Cessnock	17. Myall Lakes	25. Tamworth
8. Clarence	18. Northern	26. Tweed
9. Coffs Harbour	Tablelands	27. Upper Hunter
10. Dubbo	19. Orange	28. Wagga Wagga

LEGISLATIVE COUNCIL ZONES**SCHEDULE 2A**

Zone 1 Electorates		
1. Auburn	17. Granville	33. North Shore
2. Bankstown	18. Heffron	34. Parramatta
3. Baulkham Hills	19. Hornsby	35. Penrith
4. Blacktown	20. Kogarah	36. Pittwater
5. Bligh	21. Ku-ring-gai	37. Port Jackson
6. Cabramatta	22. Lakemba	38. Riverstone
7. Campbelltown	23. Lane Cove	39. Rockdale
8. Canterbury	24. Liverpool	40. Ryde
9. Coogee	25. Macquarie Fields	41. Smithfield
10. Cronulla	26. Manly	42. Strathfield
11. Davidson	27. Maroubra	43. The Hills
12. Drummoyne	28. Marrickville	44. Vaucluse
13. East Hills	29. Menai	45. Wakehurst
14. Epping	30. Miranda	46. Wentworthville
15. Fairfield	31. Mount Drutt	47. Willoughby
16. Georges River	32. Mulgoa	
Zone 2 Electorates		
1. Blue Mountains	7. Illawarra	13. Peats
2. Camden	8. Keira	14. Swansea
3. Charlestown	9. Kiama	15. The Entrance
4. Gosford	10. Lake Macquarie	16. Wallsend
5. Hawkesbury	11. Londonderry	17. Wollongong
6. Heathcote	12. Newcastle	18. Wyong

LEGISLATIVE COUNCIL ZONES**SCHEDULE 2A**

Zone 3 Electorates		
1. Albury	11. Lachlan	21. Port Macquarie
2. Ballina	12. Lismore	22. Port Stephens
3. Barwon	13. Maitland	23. South Coast
4. Bathurst	14. Monaro	24. Southern Highlands
5. Bega	15. Murrumbidgee	25. Tamworth
6. Burrinjuck	16. Murray-Darling	26. Tweed
7. Cessnock	17. Myall Lakes	27. Upper Hunter
8. Clarence	18. Northern Tablelands	28. Wagga Wagga
9. Coffs Harbour	19. Orange	
10. Dubbo	20. Oxley	

**RECOGNISED OFFICE HOLDER AND
OTHER MEMBER ENTITLEMENTS**

SCHEDULE 3

Recognised Office Holder	Transport	Communication (electronic)	Communication (non- electronic)	Printing & Stationery
Presiding Officer	30%		55%(A) 175%(C)	40%
Minister				40%
Deputy Speaker, Chair of Committees				40%
Leader of the Opposition	20%(A)		140%(A) 175%(C)	40%
Deputy Leader of the Opposition			15%(C)	40%
Whips			15%(C)	40%
Party Leader (not less than 10 Members)	15%			20%
Deputy Party Leader (not less than 10 Members LA or 9 Members LC)	10%			40%
Leader of the National Party (in Opposition with not less than 10 Members in LA)	15%		15%	40%
Other Recognised Office Holders				40%
Independent Members				20%

Where entitlements formerly provided for the recognised office holder's spouse these have been included in the allocation.

Where an entitlement is followed by (A) or (C) it applied only to the office holder in either the Assembly or the Council.

ELECTORATE MAILOUT ACCOUNT

SCHEDULE 4

ELECTORAL DISTRICT	CURRENT ENROLMENT (2 June 2003). As provided by the State Electoral Office	ANNUAL ENTITLEMENT
1. ALBURY	43,389	\$56,406
2. AUBURN	46,957	\$61,044
3. BALLINA	46,063	\$59,882
4. BANKSTOWN	45,143	\$58,686
5. BARWON	42,263	\$54,942
6. BATHURST	44,708	\$58,120
7. BAULKHAM HILLS	45,969	\$59,760
8. BEGA	48,759	\$63,387
9. BLACKTOWN	47,210	\$61,373
10. BLIGH	49,145	\$63,889
11. BLUE MOUNTAINS	46,492	\$60,440
12. BURRINJUCK	44,640	\$58,032
13. CABRAMATTA	43,510	\$56,563
14. CAMDEN	55,407	\$72,029
15. CAMPBELLTOWN	44,066	\$57,286
16. CANTERBURY	44,600	\$57,980
17. CESSNOCK	44,920	\$58,396
18. CHARLESTOWN	44,711	\$58,124
19. CLARENCE	44,169	\$57,420
20. COFFS HARBOUR	45,987	\$59,783
21. COOGEE	43,077	\$56,000
22. CRONULLA	45,070	\$58,591
23. DAVIDSON	45,483	\$59,128
24. DRUMMOYNE	49,146	\$63,890
25. DUBBO	44,067	\$57,287
26. EAST HILLS	44,969	\$58,460
27. EPPING	45,218	\$58,783
28. FAIRFIELD	44,501	\$57,851
29. GEORGES RIVER	46,560	\$60,528
30. GOSFORD	49,279	\$64,063
31. GRANVILLE	43,586	\$56,662
32. HAWKESBURY	49,861	\$64,819
33. HEATHCOTE	45,522	\$59,179
34. HEFFRON	44,369	\$57,680
35. HORNSBY	46,933	\$61,013
36. ILLAWARRA	46,355	\$60,262
37. KEIRA	44,035	\$57,246
38. KIAMA	49,055	\$63,772
39. KOGARAH	45,371	\$58,982
40. KU-RING-GAI	45,209	\$58,772
41. LACHLAN	44,599	\$57,979
42. LAKE MACQUARIE	47,339	\$61,541
43. LAKEMBA	43,077	\$56,000
44. LANE COVE	44,902	\$58,373
45. LISMORE	42,870	\$55,731
46. LIVERPOOL	48,326	\$62,824

ELECTORATE MAILOUT ACCOUNT

SCHEDULE 4 (cont'd)

ELECTORAL DISTRICT	CURRENT ENROLMENT (2 June 2003). As provided by the State Electoral Office	ANNUAL ENTITLEMENT
47. LONDONDERRY	44,492	\$57,840
48. MACQUARIE FIELDS	55,237	\$71,808
49. MAITLAND	50,479	\$65,623
50. MANLY	44,426	\$57,754
51. MAROUBRA	44,325	\$57,623
52. MARRICKVILLE	45,912	\$59,686
53. MENAI	48,940	\$63,622
54. MIRANDA	43,698	\$56,807
55. MONARO	47,499	\$61,749
56. MOUNT DRUITT	45,898	\$59,667
57. MULGOA	49,059	\$63,777
58. MURRAY-DARLING	41,184	\$53,539
59. MURRUMBIDGEE	44,112	\$57,346
60. MYALL LAKES	47,705	\$62,017
61. NEWCASTLE	45,537	\$59,198
62. NORTH SHORE	46,413	\$60,337
63. NORTHERN TABLELANDS	43,026	\$55,934
64. ORANGE	44,578	\$57,951
65. OXLEY	44,732	\$58,152
66. PARRAMATTA	45,595	\$59,274
67. PEATS	45,636	\$59,327
68. PENRITH	44,679	\$58,083
69. PITTWATER	46,116	\$59,951
70. PORT JACKSON	53,437	\$69,468
71. PORT MACQUARIE	47,729	\$62,048
72. PORT STEPHENS	47,887	\$62,253
73. RIVERSTONE	53,898	\$70,067
74. ROCKDALE	44,391	\$57,708
75. RYDE	45,884	\$59,649
76. SMITHFIELD	46,351	\$60,256
77. SOUTH COAST	49,307	\$64,099
78. SOUTHERN HIGHLANDS	47,790	\$62,127
79. STRATHFIELD	46,937	\$61,018
80. SWANSEA	47,681	\$61,985
81. TAMWORTH	44,943	\$58,426
82. THE ENTRANCE	46,429	\$60,358
83. THE HILLS	56,749	\$73,774
84. TWEED	50,238	\$65,309
85. UPPER HUNTER	42,473	\$55,215
86. VAUCLUSE	43,640	\$56,732
87. WAGGA WAGGA	44,438	\$57,769
88. WAKEHURST	45,115	\$58,650
89. WALLSEND	48,496	\$63,045
90. WENTWORTHVILLE	44,240	\$57,512
91. WILLOUGHBY	47,507	\$61,759
92. WOLLONGONG	43,509	\$56,562
93. WYONG	50,972	\$66,264

Advice of the Secretary of Treasury Pursuant to Section 12(A) of the *Parliamentary Remuneration Act, 1989*

The following comments on the Parliamentary Remuneration Tribunal's 2003 annual determination are made pursuant to Section 12 (A) of the *Parliamentary Remuneration Act, 1989* by the Secretary of the Treasury.

Financial Implications

The 2003 annual determination is fundamentally consistent with the previous determination and the NSW Budget Administration and Policy framework.

The table below shows the variation in entitlements over the 2002 determination.

For the purpose of calculating the financial costs, the estimates are based on the 2002 composition of the Legislative Assembly and the Council membership. It is also assumed that there were no changes to the electorate groupings. Estimates have not been provided where the maximum remuneration limits for the particular allowances are not defined. The Sydney allowance is calculated on the annual amount allocated to members.

ENTITLEMENT	2002 DET.	2003 DET.	CHANGE
Electoral Allowance	\$ 5,225,195	\$ 5,402,851	\$ 177,656 (3.4%)
Sydney allowance	\$ 1,173,312	\$ 1,213,204	\$ 39,892 (3.4%)
Committee Allowance*	\$ 14,212	\$ 15,250	\$ 1,038 (7.3%)
Electorate to Sydney Travel**	Not Estimated	Not Estimated	---
Logistic Support Allocation	\$ 3,381,480	\$ 3,495,450	\$ 114,970 (3.4%)
Electorate Mail-out Account***	\$ 5,600,000	\$ 5,600,000	NIL
Electorate Charter Transport All. - LA Mem.	\$ 89,980	\$ 89,980	NIL
Travelling Allowance for recog. Off. holders	Not Estimated	Not Estimated	Increased****
Equipment, Services & Facilities	Not defined	Not defined	Not defined
TOTAL MINIMUM EXPENDITURE	\$ 15,484,179	\$ 15,817,735	\$ 333,556 (2.2%)

* Includes members of Public Account Committee only

** Estimates not provided where maximum remuneration limits are not defined

*** Partially used in 2002-03 since determined in mid-year but allocation per annum is \$5.6m

**** Adjusted in line with movements in public sector rates

Member entitlements have increased by **\$333,556** over the 2002 determination, which represents a rise of 2.2 percent.

The increase in Electoral Allowance, Sydney Allowance and Logistic Support Allocation is in line with the Sydney CPI of 3.4% for year 2002-03 and a 7.3% increase granted to Committee Allowance reflects increases in Members salaries. No increase has been granted for the Electorate Mail-out Allowance and Electorate Charter Transport Allowance due to minimal increases in the costs of these services. The removal of existing entitlements for Shadow Ministers has enabled a saving of up to \$10,000 per annum and the appointment of 3 Ministers from outer electorates, who are entitled to additional benefits, will increase the Sydney Allowance by \$15,000 per annum.

The increase in entitlement should be fully met from escalation provided in the 2003-04 Budget.

Accountability and Control

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

John Pierce
Secretary

