

**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

21 June 2010

Parliamentary Remuneration Act 1989

Report Pursuant to Section 13(1) of the Act

Introduction

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

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

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

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

Part one

1. General Matters Raised

Electoral Allowance

The Tribunal has received a number of submissions seeking an adjustment in the quantum of the Electoral Allowance in line with the Consumer Price Index (CPI). For a number of years the Tribunal has increased the Electoral Allowance in line with the annual CPI. For this review the Tribunal has adopted its usual approach and increased the electoral allowance by 2.9 per cent ie the CPI increase between March 2009 and March 2010.

The Tribunal has again received a submission seeking to have the unspent portion of the Electoral Allowance not fully expended returned to the Consolidated Fund rather than being retained by Members. As has previously been advised, the Tribunal's sole function in respect of this Allowance is to determine its quantum. Any changes in the Tribunal's role in respect of the Electoral Allowance would require legislative amendment.

Sydney Allowance

The Tribunal received submissions seeking to increase the quantum of the Sydney Allowance by either the CPI or to levels equivalent to the travel allowances payable to public servants for overnight stays in Sydney. Submissions also provided details on long term rental movements in Sydney over the previous twelve months. These movements showed that rents had increased on average by \$70 per week.

Since the introduction of the Allowance in 1975 the Tribunal has set the daily rate of the Sydney 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.

The Tribunal is aware that Members from non-metropolitan electorates make a variety of arrangements when staying overnight in Sydney on Parliamentary business. For this reason

the Tribunal has regard to a number of factors when determining the appropriate quantum of this allowance, including movements in the CPI and commercial and rental accommodation costs.

Between 2005 and 2008, the Tribunal increased the Sydney Allowance by 33% (from \$180 per night to \$240 per night) in recognition of the considerable increases in accommodation costs in Sydney during that period. In 2009, the Tribunal increased the Sydney allowance in line with CPI to \$246 per day. By way of comparison, Federal Members receive \$230 per overnight stay in Canberra.

In respect of increases in rentals, the December 2009 quarter figures provided by the Real Estate Institute of Australia on the rents for one bedroom units in inner Sydney varied between \$350 per week and \$470 per week with the median rental being \$400 pw. This represents an average increase of 1.3% since December 2008.

The Tribunal also has information on Government accommodation rates at hotels in Sydney, ranging from \$129 per night to \$170 per night.

While the Tribunal acknowledges that rents will fluctuate from time to time, the Tribunal also notes that Members do not exclusively rent units in the inner city of Sydney. Members making long term accommodation arrangements have the discretion to make such arrangements as their particular circumstances dictate. The Tribunal's role is to ensure that Members who necessarily incur additional costs arising from having to travel and stay in Sydney on parliamentary business, are reasonably reimbursed through the Sydney Allowance for these additional costs. As the Tribunal has previously stated, Allowances determined are set at what the Tribunal considers to be a reasonable level. This was clearly expressed in the Tribunal's Report on Sydney Allowance in 2005.

"...Members' entitlements, applied as they are uniformly to Members of both Houses, cannot always meet the specific needs of every Member. There are Members who utilise all their entitlements and there are those who under-utilise these entitlements. In the end the Tribunal can only make an assessment on what is reasonable for the majority of Members and provide sufficient flexibility to best meet their needs."

On this basis the Tribunal finds that any increase greater than the CPI is not warranted and determines that the Sydney Allowance be increased by the CPI to \$253 per day.

2. Number of overnight stays

The Tribunal has again received submissions seeking an increase in the number of overnight stays. The number of overnight stays was last increased in 2005 by 15 days per annum for Members.

In its 2005 Report, the Tribunal expressed the following principle in respect of overnight stays:

“...The Tribunal has for many years adopted the principle that entitlements for Members should be consistent for both Houses as this provides the most equitable approach to remuneration setting. In the current case, for example, Legislative Council Members may have to spend more time in Sydney attending Committee meetings but Members of the Legislative Assembly spend more time in Sydney attending sittings of Parliament.”

The Tribunal notes that the number of parliamentary sitting days have not increased over the last few years. There has also been insufficient evidence provided to suggest that the occasions members are spending in Sydney attending Committee meetings or attending other parliamentary business has increased to warrant a review of the number of overnight stays. On the basis of information provided, therefore, the Tribunal does not consider an increase in the number of overnight stays is warranted.

The Tribunal has also considered a submission regarding the administration of the Sydney Allowance and in particular the rules surrounding the level of proof to be presented by Members to confirm the overnight stay. Additional entitlements are provided to Members to meet the costs associated with parliamentary duties. As public money is provided for this purpose there must be sufficient rigour around the proper use of additional entitlements. The Tribunal considers that the existing conditions provide a proper balance between such rigour and flexibility to meet Members' needs.

Acquittal of Entitlement

The Auditor General, in his Report to Parliament for the year ended 30 June 2009, recommended that the Tribunal consider introducing sanctions against Members who do not reimburse the Parliament their unspent annual entitlement within the specified time.

Sydney Allowance is available to Members on either a daily basis or an annual basis. At the end of each year, Members in receipt of the annual entitlement are required to acquit the number of overnight stays and repay the unspent portion of the allowance. Essentially this is simply a matter of the Member subtracting the number of actual overnight stays in Sydney from the maximum number applicable and repaying the difference. As part of its 2008 review, the Tribunal determined that Members in receipt of the annual amount were required to repay the unspent portion by 31 August ie within 61 days of the end of the financial year.

For the 2009 review the Tribunal extended the time for repayment, until 30 September ie within 90 days of the end of the financial year.

The Tribunal expects Members to adhere to the conditions attached to the various additional entitlements. The requirement to repay the unspent portion of the Sydney Allowance within 90 days of the end of the financial year is not considered excessive and the Tribunal can find no reason why this should be the case. The Tribunal expects, as would the community expect, that Members when required to repay public monies would do so promptly. The Tribunal accepts that the majority of Members do make reimbursements expeditiously.

To resolve this issue, the Tribunal will provide for additional sanctions to be imposed against those Members who do not reimburse outstanding amounts by 30 September each year. These sanctions will include the suspension of annual entitlement and a reversion to a daily rate until the reimbursement is made. The Tribunal also recommends that the Presiding Officers consider publishing the names of those Members who have not repaid the unused portion of Sydney Allowance within the specified time.

Logistic Support Allocation (LSA)

The Presiding Officers have requested the Tribunal adjust the quantum of the Logistic Support Allocation by \$1,500 per annum to compensate Members for the cost of purchasing portable electronic communication equipment. This equipment was previously supplied by Parliament.

In 2009, the Tribunal determined that Members would fund the purchase of portable electronic communication devices (laptops, blackberries etc) from their Logistic Support Allocation.

To test the contention that additional funds were required by members to purchase electronic communication equipment, a review was conducted of the LSA balances as at 30 June 2009. The figures provided by the Parliament show that nearly 66% of Members carried forward more than \$5,000 to the 09/10 year and nearly 50% of Members carried forward balances of more than \$10,000.

On this basis, the Tribunal is not convinced that additional annual increases in Members' LSA are warranted. The Tribunal also notes that while Members are now required to fund portable electronic equipment it was never the Tribunal's intention that additional funds would be provided for this purpose. In this respect it should be noted that the Parliament is making a saving from these changed arrangements and if funding this equipment becomes an issue the Parliament should examine alternative funding arrangements.

The Presiding Officers have also sought increases in Members LSA for minor matters like toilet and cleaning requisites and the removal of restrictions on the type and the nature of telephone calls that can be reimbursed from home telephones. In respect of the former, the Tribunal has considered such matters in the past and can only note again that the provisioning of electorate offices (including essential consumables is properly a function of the Legislative Assembly and not individual Members. In respect of the latter, the Tribunal considers that the present restrictions on the types of calls that can be reimbursed eg overseas phone calls, continues to be appropriate and will not be making any adjustments. If the Legislature finds the dissection of these accounts onerous, then the Presiding Officers may wish to issue a policy that Members must provide reconciled accounts for payment.

The Presiding Officers have also sought the Tribunal's approval for Members to provide their staff with mobile phones paid for from the Member's LSA. As noted in this Determination, Members entitlements are for the use of Members in connection with their parliamentary duties. If Members wish to provide their electorate staff with a mobile phone to assist the Member then they should consider using their Electoral Allowance for this purpose.

The Tribunal will be increasing the LSA by the CPI increase of 2.9%.

“Trade ins”

One submission proposed that any value the Parliament receives for electronic items surrendered by a Member be credited to the Member's LSA.

All entitlements provided to Members are funded through the consolidated fund. It is therefore appropriate that any monetary value of disposed equipment be reimbursed to that fund.

Corporate Credit Cards

The Tribunal was informed by the Presiding Officers that Parliament has trialled the use of corporate cards to Members, and that the review suggested that there was merit in introducing the use of corporate credit cards.

The Tribunal supports the introduction of a corporate card to pay for items and services associated with Members carrying out their parliamentary duties. The Tribunal has been advised that Members normally use their private credit cards for LSA related expenditure and that considerable time is expended in separating private and parliamentary expenditure recorded on credit card statements. The Tribunal considers that by using corporate credit cards (with adequate guidelines around their use), would result in reconciliation efficiencies and also enhanced transparency in expenditure.

Working Party

The Tribunal received a request to establish a working party to meet with the Tribunal three times a year as part of the proceedings to review parliamentary remuneration.

The Tribunal provides ample opportunity for all Members to participate in its proceedings and to be heard by means of making submissions at the time when the Tribunal conducts its annual review.

The Tribunal has considered this request but is of the view that the existing arrangements are adequate.

Staff Travel

Submissions have been received seeking an increase in the LSA to cater for the additional costs associated with paying travel expenses for staff travelling to Sydney with the Member for parliamentary duties.

The Tribunal has determined that Members of Parliament may employ an additional staff member for a total of 61 days to cover parliamentary sittings. The Tribunal understands that some Members bring their staff member to Sydney on such occasions to work out of the Member's Parliament House office but others do not.

While submissions have asked for a general increase for this purpose, there has been no evidence provided as to how broadly, and with what frequency, staff travel to Sydney with the Member on parliamentary sitting days. The Tribunal has also not been advised as to the types of duties these staff members perform while in Sydney. If, for example, such staff members undertake basic secretarial and/or reception services, there is no reason why such staff cannot be employed from Sydney. Furthermore, with the electronic communication equipment now available to all Members, the Tribunal has not been persuaded, based on the evidence available, why a staff member would be required to be in Sydney to attend to electorate based matters.

Until such time as a proper review of these arrangements is undertaken, the Tribunal is not prepared to increase the LSA for this purpose. As also noted above, Members' LSA balances suggest there is sufficient scope within existing entitlements to meet such costs.

Electorate to Sydney Travel

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

This matter was considered most recently in the 2008 Report. No additional information has been provided by Members to warrant a review of the existing arrangements. The Tribunal, therefore, adheres to its decision that the application of the electorate to Sydney travel warrants and the rules surrounding such travel are on balance fair and reasonable

The Presiding Officers have sought the inclusion of the office of Assistant President of the Legislative Council as an office eligible for additional electorate to Sydney travel warrants. It is noted in the submission that the Assistant President may claim a higher rate of travelling allowance and therefore should receive additional travel warrants and other enhanced entitlements eg reimbursement of electronic communication costs.

The Tribunal notes that in the Legislative Assembly, the office of Chair of Committees has been abolished and the functions of the Chair are performed by the new office of Assistant Speaker. It is therefore appropriate for this office to receive the same entitlements formerly provided to the Chair of Committees in the Legislative Assembly.

The Tribunal notes however that the office of Chair of Committees in the Legislative Council has not been abolished but is combined in the office of *Deputy President and Chair of Committees in the Legislative Council*.

On this basis the Tribunal can see no reason why the entitlements should be extended to the Assistant President in the Legislative Council. The Tribunal is prepared to consider this matter further if additional supporting evidence is provided. It should be noted that the rate of travelling Allowance is not a basis for determining enhancements to other additional entitlements.

Electorate Charter Transport

The Tribunal has received submissions requesting an extension to this entitlement to reimburse Members of the electorates of Barwon and Murray Darling for any additional costs associated in using their own aircraft for travel within their electorates. Such costs include hangar, inspection and landing fees.

The Determination was amended in 2009 to enable the Member for the Electorate of Murray Darling and the Member for the Electorate of Barwon to seek reimbursement for the use of their own aircraft where applicable. These Members were allowed to seek reimbursement for the cost of fuel used in the Member's private aircraft for travel within the Member's Electorate on parliamentary business.

This Allowance is only to be used in connection with parliamentary duties within the Member's electorate and cannot be used during election campaigns or for other electioneering or party political activities. Fuel costs can be clearly linked to parliamentary business and the Tribunal has been advised that landing fees are paid on a per flight basis. The Tribunal considers that landing fees for those flights made in connection with parliamentary business may also be claimed from this entitlement.

The Tribunal does not support broadly extending this entitlement to reimburse Members for any additional costs associated with Members flying their own aircraft at this time. The Tribunal would require a detailed submission of options from the Presiding Officers on any other costs eg hangar and inspection fees before giving further consideration to these claims.

Funding for Equipment, Services and Facilities

The Tribunal was requested to make a Determination as to the level of funding that should be provided for the provision of these services and facilities.

Providing a monetary value on the cost of equipping an electorate office (down to such things as cups and saucers) was proposed in the Determination of 1999 but was rejected at that time. As a result, the provision of an appropriate level of equipment services and facilities in its current form was adopted in the Tribunal's 2000 Determination. The Tribunal does not support the calculation of a monetary value for the cost of furnishing and equipping an electorate office. Each office is different and many have different needs and requirements. The Tribunal would also be required to determine replacement values, oversight depreciation schedules and on going monitoring of cost escalations in furniture and fittings. The Tribunal considers that expressing equipment services and facilities in

monetary terms would provide an unacceptable level of complexity in the Tribunal's deliberations.

It should be noted that although the Tribunal has flexibility in how additional entitlements are to be determined its powers are not unlimited. Section 10(3) of the Act provides:

"... (3) A determination may provide for additional entitlements in any form, including but not limited to:

(a) the payment of additional allowances in terms of allowances, fees and other emoluments payable in money (including for example travel allowances, travel expenses, and committee allowances), and

(b) the provision of services, facilities and equipment (including for example electorate services, electorate staff, electorate offices, office equipment, travel, and communication equipment)."

Extra Staff Member

The Tribunal received submissions seeking the provision of a third full time electorate officer to replace the 61 days a year to cover parliamentary sittings. Members advised that issues handled through electorate offices have increased in quantity and complexity, especially over the last four to five years.

In 2006, the Tribunal undertook an extensive review of staffing levels for Members. The review was broad reaching and covered staffing both in electorate offices and in Parliament House. In this review, the Tribunal concluded overall, while there had been an increase in the workload of electorate officers to warrant additional support, it was not satisfied that the workload was consistent in all electorate offices as to justify the salary, on cost and the additional cost of refitting electorate offices for a third full time electorate officer. Nothing presented during this annual determination has changed this assessment.

The Tribunal considers that the provision of a third full time staff member would pose a significant increase in costs and would require a proper work value assessment to be carried out. Such assessment may also require inspections of members' offices as occurred when the last review of this item was conducted by the Tribunal.

The Presiding Officers have also sought an amendment to the existing arrangements where a Member does not fully utilise the Temporary Staff Allocation by the end of the financial year. It was proposed that the Member may carry forward to the next year any unexpended

amount. It was argued that Members have variable periods of activity throughout the year that do not conform to the financial year cycle.

The Tribunal does not accept the premise of this claim. Members have an Allocation that they may expend within the financial year. In the next financial year a new Allocation is provided and may be utilised by Members. The key point to note is that the Allocation is based on an additional staff resource for a maximum of 61 days per financial year. Allowing Members to carry forward unspent portions could ultimately lead to Members not employing an additional staff Member for the first three years of the parliamentary term and then employing an additional staff member for up to 244 days in the election year (61 x 4). This would result in a Member having the services of a third electorate officer for the full 4th year until the election. Such an approach undermines the spirit and the intent of providing the Additional Staff Allocation and is not supported.

Professional Development

Submissions received sought the creation of a new entitlement to provide financial support for the professional development of Members. This would cover course/lecture/conference fees and associated travel and accommodation costs. It was suggested that the Presiding officers would authorise relevant professional development courses.

The Tribunal has considered this matter previously and continues to hold the view that the professional development of Members is a matter for the Legislature. In the meantime, Members should meet these costs from the Electoral Allowance.

Resettlement Allowance for Members not eligible to receive pension or superannuation benefits

In 2009 the Tribunal received submissions seeking the introduction of a "relocation allowance" similar to the one introduced for Federal Members of Parliament in 2007 by the Commonwealth Remuneration Tribunal. The Tribunal rejected those submissions, stating:

"the Act does not provide the Tribunal with authority to make determinations applicable to former Members. Without expressing a view on the merits of a 'resettlement' type allowance for members, the Act would need to be amended to allow the Tribunal to make a determination on this matter."

The Tribunal has again received a submission from the Presiding Officers seeking a Resettlement Allowance similar to that provided to Federal Members.

The Tribunal would require a detailed submission from the Presiding Officers on this matter before giving further consideration to this claim.

Committee Allowance

The Tribunal received submissions seeking confirmation that a Member elected as Chair of more than one Joint, Select or Standing Committee may claim the Committee Allowance in respect of each.

The Tribunal has also received a submission seeking the Committee Allowance payable to Members of the Public Accounts Committee be extended to all Members of committees in recognition of the additional workload.

The issue of the payment of additional allowances for Members who hold two or more offices is set out at section 6(3) of the Act which provides,

“...A person who holds 2 or more of the offices specified in Schedule 1 is entitled to the remuneration under this section that is applicable to only one of them, whichever has the greater or greatest such remuneration.”

Clearly Members can only receive one allowance no matter how many offices they hold.

The extension of the Committee Allowance currently paid only to members of the Public Accounts Committee to be paid to all Committees is also not supported.

The purpose of the Allowance is to remunerate Members serving as Chairpersons on Committees for the extra time and effort required to carry out this role. Unlike other Committees, the Members of the Public Accounts Committee have also received an Allowance in view of its statutory nature and the scope and importance of its activities. No cogent case has been presented to the Tribunal for the need to extend these existing arrangements for Members of other Committees.

In terms of the quantum of Committee Allowances, it should be noted that historically this Allowance has been increased in line with Members' salary increases.

Member's salaries were increased from 1 October 2009 by 3.0 percent. In accordance with normal practice, therefore, the Committee Allowance will be increased by 3.0 percent.

Electorate Mail-out Account (EMA)

The EMA has been adjusted to reflect enrolment statistics as at March 2010. These are outlined in Schedule 4 of the Determination.

Constituent Communication Entitlement

The Tribunal received submissions seeking to expand the use of the Electorate Mailout Account to allow Members of the Legislative Assembly to develop and host websites to communicate with their constituents. Figures provided by Parliament reveal that Members of both Houses currently have websites and that some of these claim the costs of developing and hosting from the Logistic Support Allocation (LSA).

The Tribunal recognises the benefits of a website to inform constituents of community issues. The Tribunal does not, however, support the extension of the Electorate Mailout Account for this purpose at this time. It should be noted that within the LSA, Members are provided with funds for electronic and non-electronic communication. Quite appropriately, nearly a quarter of Members are paying for these websites from the LSA.

The Tribunal is not convinced that a new entitlement is warranted for this purpose. Once again while some Members may wish to develop and host websites others may not wish to do so. There is sufficient flexibility and funding available to Members for this purpose. An alternative source of funding for such purposes would be, in the Tribunal's view, using the Members' Electoral Allowance.

There will however be an ongoing and ever increasing demand for Members to communicate with their constituents in more flexible forms such as the internet. The Tribunal would be prepared to consider such an arrangement for all Members of Parliament. Any such arrangement would have cost implications and the Tribunal would need to explore all options to ensure minimum impact on the public purse. The Tribunal would also need to consider what guidelines should be put in place to ensure proper content for members' websites.

Home Office Allowance

The Tribunal has received a submission seeking the creation of a separate “Home Office Allocation” to accommodate the purchase of office furniture and equipment in the various locations where a Member may be required to perform his/her parliamentary duties. The submission seeks an Allowance of \$2,500 for each Member to be paid at the commencement of each parliamentary term.

This proposal is considered impractical and is not supported. Members are provided with offices in Parliament (LA and LC) in the Electorate (LA Members). Equipment is also provided at the residence of all Members. In addition, Members can purchase laptops and mobile phones from their LSA.

On this basis, the Tribunal considers that Members have sufficient office equipment to meet all their needs and further office allocations beyond those provided are unnecessary.

Part two

Summary of 2010 Determination

Electoral Allowance	2.9 per cent increase
Sydney Allowance	2.9 per cent increase
Logistic Support Allocation	2.9 per cent increase
Electorate Mailout Account	No increase
Committee Allowance	3 per cent increase
Electorate Charter Allowance	2.9 percent
Travel Allowances	No increase

Dated this 21st day of June 2010

The Honourable Justice C G Staff

THE PARLIAMENTARY REMUNERATION TRIBUNAL

The Determination of the Parliamentary Remuneration Tribunal

The Determination

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

With effect on and from 1 July 2010, 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 2010.

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 Logistic Support Allocation for Members of the Legislative Council, “Zones” shall be those areas described in Schedule 2A.

“Approved relative” is a person who meets one of the following criteria:

- Wife or husband of the Member
- A person living in a domestic relationship as defined in the Property Partner (Relationships) Act 1984
- Single or widowed Members may nominate a Member of their immediate family (parents, siblings, children who are not minors i.e. below 16 years of age) as an approved relative.

Under special circumstances a Member may apply through the Presiding Officers to the Tribunal for an exception to the criteria. This will need to be based on the ability of the Member to meet their parliamentary duties and individual circumstances that apply at the time.

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

1. Guidelines

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

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

- 1.1.8 Participation in the activities of recognised political parties, including participation in national, State and regional conferences, branch meetings, electorate council meetings, executive meetings, committee meetings, and meetings of the Members of the Parliamentary political party, its executive and committees.
- 1.1.9 For a Member elected to the Parliament as an independent, participation in activities that are reasonable alternatives to participation in the activities of recognised political parties.
- 1.1.10 A Member who is elected to the Parliament as a representative of a recognised political party and who subsequently resigns from that party Membership and thereafter sits as an independent Member, howsoever described, shall continue to receive the same entitlements as they received as a Member of the party prior to resignation and not the additional entitlements provided to elected independents. The Member is also not entitled to the benefit of the rule in Clause 1.1.9 above.
- 1.1.11 Participation within Australia in the activities of the Commonwealth Parliamentary Association (CPA) as well as activities outside Australia (exclusive of air travel) organised by the Commonwealth Parliamentary Association provided such activities arise directly from Membership of the New South Wales Branch and officially endorsed by the Branch. Members may utilise Frequent Flyer Points which have been accrued as a result of the use of public funds to purchase international flights or obtain an upgrade in seat class in order to attend CPA activities.

1.1.12 Participation in a Parliamentary Group such as the Asia Pacific Friendship Group; provided that, such group is approved in writing by the President of the Legislative Council and the Speaker of the Legislative Assembly.

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

2.1 Parties registered under the *Parliamentary Electorates and Elections Act 1912*, and included in the register of parties maintained by the Electoral Commissioner, are to be treated as recognised political parties.

2.2 Additional entitlements should not be used to fund:

2.2.1 activities such as those associated with party Membership drives;

2.2.2 mail distributions for non-electorate or non-Parliamentary activities;

2.2.3 costs associated with election campaigning for an individual Member;

2.2.4 party fundraising for a Member's own political use and/or other party political Members such as the purchase of raffle tickets, raffle prizes or tickets to attend functions etc, and

2.2.5 costs previously borne by political parties which are not principally related to a Member's Parliamentary or electorate duties;

2.2.6 costs associated with pre-selection activities.

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

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

2. Conditions

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

- 1 All procurement by Members will be in accordance with the Parliament's purchasing policies.
- 2 Members must ensure that they have sufficient funds to meet the costs associated with their Parliamentary duties.
- 3 Each Member shall have, in addition to payments of the Electoral and Sydney Allowance, an account entitled the "Logistic Support Allocation" which shall cover expenditure in the areas of transport (except for electorate to Sydney travel), communications, printing, stationery and office supplies and other purposes related to a Member's Parliamentary duties not specifically excluded by the Parliamentary Remuneration Tribunal, the Parliament's administration or taxation ruling TR99/10.
- 4 The Logistic Support Allocation shall be established and maintained by the Executive Manager, Department of Parliamentary Services. Members should be advised by the

- Department of Parliamentary Services each month as to the balance of their Logistic Support Allocation.
- 5 Nothing shall prevent the use of the Electoral Allowance for legitimate electorate expenses which might also fall within the categories of expenses covered by the Logistic Support Allocation.
 - 6 All accounts and Members' claims must be submitted to the Legislature for payment within 60 days of receipt or occurrence of the expense.
 - 7 All Members' additional entitlements in the nature of fixed allocations and Sydney allowance provided to Members shall be audited annually for compliance. In addition to any internal audit conducted by the Parliament, Members' additional entitlements in the nature of fixed allocations and the Sydney allowance provided to Members shall be the subject of an external audit conducted by the Auditor-General of NSW. The cost of any audit shall be met by the Parliament. Members should ensure they maintain appropriate records of expenditure for the purpose of any audit.
 - 8 Expenditure is only to be incurred in connection with the Parliamentary duties of Members (and in this respect the Member should refer to the guidelines in this Determination and those issued by the Parliament).
 - 9 The various allowances determined here, as well as the Logistic Support Allocation are for the sole use of the Member and are not to be transferred to other persons or organisations including Members. The Member may use his/her entitlements to meet official costs of the approved relative and/or staff employed by the Parliament when that expenditure is in connection with official Parliamentary duties.
 - 10 Benefits accrued by a Member by way of loyalty/incentive schemes such as frequent flyers, as a consequence of the Member using his or her additional entitlements, are to be used only for Parliamentary duties and not for private purposes. Any outstanding benefits of this nature, when the Member ceases to be a Member, are to be forfeited. Members shall be required to complete an annual declaration form provided by the Parliament's administration at the end of each financial year or within 30 days of ceasing to be a Member declaring that they have not used loyalty/reward benefits accrued through the use of their additional entitlements for non-Parliamentary or electorate purposes.

- 11 Payment of accounts relating to the use of a Member's additional entitlements in the nature of fixed allocations will be paid directly by the Parliament and debited to the Member's account or paid in the first instance by the Member who would then seek reimbursement from the Parliament.
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Additional Entitlements in the Nature of Allowances

1. Electoral Allowance

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

Entitlement

The allowances shall be paid as follows:

1 Each Member of the Legislative Assembly and the Legislative Council shall receive an electoral allowance. The quantum of that allowance shall be fixed in accordance with the electoral grouping for the electorate of the Member.

2 The allowance payable per annum for each electorate group shall be as follows:

Electorate Group	Electoral Allowance
Group 1	\$41,110
Group 2	\$48,140
Group 3	\$56,740
Group 4	\$61,940
Group 5	\$65,885
Group 6	\$72,225
Group 7	\$84,475

3 The electoral allowance for each Member of the Legislative Council shall be \$48,140 per annum.

4 The allowance shall be payable calendar monthly in arrears in conjunction with salary payments.

2. Sydney Allowance

Purpose and Operation of the Provisions

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

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

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

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

Entitlement

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

TABLE 1

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 over night 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.	Category 1 or 2	180	\$253	Actual reasonable expenses for meals and incidentals up to a maximum of \$82.05 per day
Deputy Speaker, Legislative Assembly, Deputy President and Chair of Committees (Legislative Council), Whip and Deputy Whip (Assembly and Council), Parliamentary Secretary. Deputy Leader of Third Party in Assembly with not less than 10 Members.	Category 1 or 2	140	\$253	As above
Chairs of Standing/Select Committees	Category 1 or 2	140	\$253	As above
Legislative Council Members	Category 2	135	\$253	As above
	Category 1	105	\$253	As above
Legislative Assembly Members	Category 2	135	\$253	As above
	Category 1	105	\$253	As above

The following conditions apply to the Sydney Allowance:

- 1 A Member can choose to receive the Sydney Allowance as either an annual fixed allowance or a daily rate. The election is to be made at the commencement of each financial year.
- 2 If a Member chooses to receive the annual fixed allowance the Financial Controller of the Legislature will calculate the annual entitlement by multiplying the number of overnight stays for the particular Member or Recognised Office Holder by the daily rate.
- 3 In order to receive the Allowance each Member must certify to the Executive Manager, Department of Parliamentary Services their principal place of residence.
- 4 Where a Member chooses to receive the daily rate of allowance the Member shall receive the overnight daily rate as specified in Table 1. The Member is entitled to the

- number of overnight stays per annum specified in Table 1 without the need to substantiate to the Parliament expenses up to the daily rate.
- 5 Where a Member chooses to receive the daily rate of allowance and the Member exceeds the number of overnight stays Members will be reimbursed actual costs, up to the daily maximum upon the production of tax invoices/receipts for each such occasion.
 - 6 Members in receipt of the Sydney Allowance when travelling to Sydney for parliamentary business or home from Sydney and where there is no overnight stay required en-route will be entitled to reasonable actual expenses to the maximum provided in the "In transit...." Column of Table 1 above. This rate is only applied when the Member is travelling to Sydney or travelling home from Sydney following an overnight stay. Members may not claim the in transit allowance if they have exceeded the allocated number of overnight stays applicable for receipt of the Sydney Allowance.
 - 7 When in receipt of the annual allowance Members are required to certify at the end of the financial year the number of occasions they stayed in Sydney and that on each occasion the stay was for Parliamentary business. Members who nominate to receive the annual allowance cannot claim for additional overnight stays in excess of those specified in Table 1.
 - 8 Members are required to maintain records or other relevant proof that clearly document the occasions they stayed in Sydney in connection with their Parliamentary duties. Subject to the proviso below, Members attending Parliament House on Parliamentary business when Parliament is not sitting are required to sign in and out of the Parliamentary Register as proof of being in Sydney. On those occasions where Members are in Sydney on parliamentary business but are not required to attend Parliament House e.g., attending a function, then the Member must provide sufficient proof to the Executive Manager to substantiate each such occasion. Provided, however, it will be sufficient for Members to provide entries from their diaries, or other forms of documentary proof, acceptable to the Executive Manager to certify as proof of their attendance in Sydney.
 - 9 Members in receipt of the annual amount will be required to provide their annual reconciliation for payments made in the previous financial year and, if applicable,

return to Parliament any part of the annual amount that they have not substantiated by 30 September each year or within 30 days of ceasing to be a Member.

- 10 Members who do not reimburse outstanding amounts by 30 September each year are to have their annual entitlement suspended and are to revert to the daily rate of Sydney Allowance until the reimbursement is made.
- 11 Members are not to claim the Sydney Allowance if they stay in Government owned or funded accommodation including Parliament House.

3. Committee Allowances

Purpose and Operation of the Provision

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

Entitlement

Members of the Legislative Council and the Legislative Assembly serving as Chairpersons of Joint Committees, Select Committees and Standing Committees shall be paid the sum of \$175.00 for each day upon which they attend a meeting or an official visit of inspection if that day is one upon which the Legislative Council (so far as a Member of the Council is concerned) or the Legislative Assembly (so far as a Member of the Assembly is concerned) is not sitting. This allowance is not payable to Chairpersons in receipt of a salary of office as specified in Schedule 1 of the *Parliamentary Remuneration Act 1989*.

Members of the Public Accounts Committee, other than the Chairperson of the Committee or another Committee in receipt of a salary of office as specified in schedule 1 of the Parliamentary Remuneration Act 1989, shall each receive a committee allowance of \$4,010 per annum.

Additional Entitlements in The Nature Of Fixed Allocations

1. Electorate to Sydney Travel

Purpose and Operation of the Provisions

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

These entitlements are provided for the performance of Parliamentary duties.

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

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

Entitlements

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 Assistant Speaker, Legislative Assembly	32 single journey entitlements.
Deputy Speaker	32 single journey entitlements
Deputy Leader of the Opposition Assembly and Council	16 single journey entitlements
Deputy Leader of Party (not less than 10 Members in the Legislative Assembly)	16 single journey entitlements

Conditions

- 1 All electorate to Sydney travel and return is restricted to economy class.
- 2 Entitlements may be used to meet the cost of using a private motor vehicle or rental vehicle in lieu of electorate to Sydney air travel. The amount to be reimbursed for this purpose is not to exceed the commercial airfare for an equivalent distance flight.
- 3 A minimum of one entitlement is required to be surrendered for each single journey; a return trip will require the surrender of at least two warrants.
- 4 Entitlements are not transferable between Members, or approved relatives, or Members' staff.
- 5 Members may use electorate to Sydney entitlements to defray part of the cost of intrastate and interstate Parliamentary travel when such travel is via Sydney.
- 6 Members may charter a plane in lieu of travelling on commercial flights provided that travel is for electorate and/or Parliamentary business and that sufficient entitlements based on the equivalent commercial cost of each person travelling are surrendered. The cost of Member's approved relative travelling on the charter is to be met from the Member's Logistic Support Allocation. It is a condition of all air transport charters that the Member responsible for organising the charter obtains a passenger manifest from the charter operator and attaches it to the invoice when it is sent for payment.
- 7 A Member's air transport booking for Parliamentary duties and that of their spouse/approved relative and staff are to be made by the Member with an appropriate transport provider.
- 8 Members will need to maintain records or other relevant evidence that clearly document the occasions they travelled to Sydney in connection with their Parliamentary duties. A copy of this documentation including airline boarding passes if travelling by commercial air is to be retained for subsequent review by internal and/or external auditors if required.

2. Logistic Support Allocation

Purpose and Operation of the Provision

The purpose of the Logistic Support Allocation is to provide Members with sufficient funds to cover the operational costs of undertaking their Parliamentary duties.

The items in respect of which the LSA may be used must not duplicate services already provided to Members by the Parliament and the expenditure must be consistent with the Determination and in accordance with General Condition 3 on page 17 of this Determination.

Entitlement

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

Electorate Group	LSA
Group 1	\$32,290
Group 2	\$36,130
Group 3	\$38,650
Group 4	\$38,650
Group 5	\$38,650
Group 6	\$41,165
Group 7	\$41,165

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:

Zone	Entitlement
Zone 1 Electorates	\$21,900
Zone 2 Electorates	\$22,550
Zone 3 Electorates	\$33,410

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

General Conditions

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

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

Electorate Group or Zone	Transport	Communication – electronic	Communication – non- electronic	Printing and Stationery, Office Supplies & Services	Total Logistic Support Allowance
Legislative Assembly					
Group 1	\$5,040	\$4,405	\$14,835	\$8,010	\$32,290
Group 2	\$7,565	\$5,720	\$14,835	\$8,010	\$36,130
Group 3	\$10,085	\$5,720	\$14,835	\$8,010	\$38,650
Group 4	\$10,085	\$5,720	\$14,835	\$8,010	\$38,650
Group 5	\$10,085	\$5,720	\$14,835	\$8,010	\$38,650
Group 6	\$12,600	\$5,720	\$14,835	\$8,010	\$41,165
Group 7	\$12,600	\$5,720	\$14,835	\$8,010	\$41,165
Legislative Council					
Zone 1 Electorates	\$5,040	\$5,070	\$3,780	\$8,010	\$21,900
Zone 2 Electorates	\$5,040	\$5,720	\$3,780	\$8,010	\$22,550
Zone 3 Electorates	\$12,600	\$9,020	\$3,780	\$8,010	\$33,410

Particular Conditions

Transport (Other than Electorate or Electorate to Sydney transport)

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

when travelling in connection with the Member's Parliamentary duties. Such documentation including airline boarding passes if applicable is to be retained for subsequent review by internal and external auditors if required.

- 9 A Member may use charter transport in connection with Parliamentary duties, but only within the limits of the Member's individual Logistic Support Allocation. No passenger, except the Member's approved relative and staff employed by the Parliament accompanying the Member on Parliamentary duties, may be carried at the cost of the Member's Logistic Support Allocation entitlement. Where more than one Member is travelling on the air charter, the total air charter costs should be shared equally between the Members travelling.
- 10 It is a condition of all air transport charters that the Member responsible for organising the charter obtain a passenger manifest from the charter operator and attach it to the invoice when it is submitted for payment to the Legislature.
- 11 Members together with their approved relative will need to maintain records or other relevant evidence that clearly document the occasions they travelled in connection with their Parliamentary duties. A copy of this documentation including airline boarding passes if travelling by commercial air flights is to be retained for subsequent review by internal and external auditors if required.

Communication – electronic

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

- 3 The following Recognised Office Holders shall be entitled to 100 per cent reimbursement for electronic-communication costs.
- Ministers
 - Presiding Officers
 - Leader of the Opposition (Assembly and Council)
 - Leader of a Party not less than 10 Members in the Legislative Assembly
 - Deputy Speaker
 - Deputy President and Chair of Committees, Legislative Council
 - Assistant Speaker, Legislative Assembly
 - Deputy Leader of the Opposition (Assembly and Council)
 - Deputy Leader of a Party with not less than 10 Members in the Legislative Assembly
 - Parliamentary Secretaries (Assembly and Council)
 - Government and Opposition Whips (Assembly and Council)
 - Whip of a third party with not less than 10 Members (Legislative Assembly)
 - Deputy Whips (Legislative Assembly).
- 4 Call charges pertaining to a data line installed at Legislative Council Members' home offices be reimbursed at the rate of 100 per cent where Members do not have a broadband service connected, subject to the line being used for Parliamentary duties.
- 5 Members will be required to meet the cost of all overseas calls, other charged information/service calls, reverse charge calls and home-link and Telecard calls.
- 6 Members are to meet the cost of their portable communication equipment and the associated operating costs from the Logistic Support Allocation. The purchase of such items is to be in accordance with the Parliament's procurement policies and administrative guidelines.

Communication - non-electronic

Members are permitted to purchase postage stamps or other mail distribution and delivery services to enable them to undertake their Parliamentary duties.

Printing, Stationery, Office Supplies and Services

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

- 2 The entitlement may be used to purchase printing, stationery, office supplies and services from the Parliament or other providers and in accordance with Parliamentary procurement policies and practices.
- 3 A Member may not use their printing, stationery, office supplies and services allowances to procure goods or services to be used for direct electioneering purposes or political campaigning.
- 4 The purchase of computer software from the Logistic Support Allocation is subject to the following conditions:
 - The software will not be supported by the Parliament's I.T. Section.
 - The software is required to be removed from the computers supplied by the Parliament if there is any conflict with the Parliament's computer network.
 - The software is not to be used for political campaigning or electioneering purposes.
- 5 Members may use the entitlement to engage a suitably qualified independent professional to manage their financial record keeping to monitor their use of their additional entitlements in the form of fixed allocations to ensure they do not exceed their entitlements. These services are not to be used for any other purpose including the preparation of the Member's tax return.

3. Electorate Mailout Account

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

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

Conditions

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

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

4. Electorate Charter Transport for Members of the Legislative Assembly

Purpose and operation of the provision

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

Entitlement

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

Electorates	Entitlement
Group 5	\$7,180
Group 6	\$11,730
Group 7	\$21,690

Conditions

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

- 1 This Allowance shall only be used in connection with Parliamentary duties within the Member's electorate and shall not be used during election campaigns or for other electioneering or party political activities. For the purpose of this condition the last day available for the issue of the writs shall be used as the effective commencement date of the election campaign.
- 2 Only the cost of the Member's approved relative or Member of staff accompanying the Member may be met from this Allowance.

- 3 It is a condition of all air transport charters that the Member responsible for organising the charter obtains a passenger manifest from the charter operator and attaches it to the invoice when it is submitted for payment to the Parliament.
- 4 The charter transport shall only be used within and for the service of the Member's electorate. Where the closest source of available charter transport to the Member's electorate, electorate office or principal place of residence is outside the boundaries of the electorate, the reasonable additional expenses consequently incurred may be included in the reimbursement available under this Determination.
- 5 Members may use their Charter Transport Allowance to fly to an airfield located outside their electorate in circumstances where there is no suitable airfield located in the part of the electorate being visited by the Member. In these circumstances the Member would fly to the relevant airfield outside his/her electorate and then drive back to the electorate to conduct electorate business.
- 6 Members may also use the Charter Transport Allowance to attend regional or other meetings within an adjoining electorate relating to matters affecting their electorate. Members will need to maintain and retain records to verify that the purpose of the journey relates to electorate business for subsequent audit review if required.
- 7 A Member representing the Electorate of Murray Darling and a Member representing the Electorate of Barwon who flies his/her own aircraft, may claim reimbursement against this allowance for the cost of fuel and landing fees.
- 8 These additional entitlements shall be audited annually for compliance. In addition to any internal audit conducted by the Parliament, Members' additional entitlements shall be the subject of an external audit conducted by the Auditor-General of NSW. The cost of any auditing shall be met by the Parliament. Members should ensure they maintain appropriate records of expenditure.

5. Travelling Allowances for Recognised Office Holders

Table 2 – Indicative Upper Limits for Travel Expenditure

Office Holders	Capital Cities		Other Areas	Where no overnight stay is required
Group 1	\$424.00 (Brisbane, Melbourne, Perth)	\$414.15 (Adelaide, Canberra, Darwin, Hobart)	\$339.55	Actual reasonable meal expenses
Group 2	\$363.25 (Brisbane, Melbourne, Perth)	\$313.25 (Adelaide, Canberra, Darwin, Hobart)	\$223.05	Actual reasonable meal expenses

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

Group 1

Premier,
 Deputy Premier,
 Senior and Other Ministers,
 President of the Legislative Council and Speaker of the Legislative Assembly,
 Chairman of Select, Joint Standing, Standing and Public Accounts Committees,
 Leader of the Opposition in the Legislative Assembly and Legislative Council,
 Deputy Leader of the Opposition in the Legislative Assembly,
 Deputy Speaker in the Legislative Assembly,
 Deputy President and Chair of Committees in the Legislative Council,
 Assistant Speaker Legislative Assembly,
 Assistant President Legislative Council,
 Parliamentary Secretary (Leader of the House) Legislative Assembly,
 Deputy Leader of the Opposition in the Legislative Council.

Group 2

Deputy Leader in the Legislative Council (other than the Leader or Deputy Leader of the Opposition) of a recognised political party not fewer than 9 Members of which are Members of the Legislative Council and of which no Member is a Minister,
 Leader and Deputy Leader of a Recognised Political Party of which not less than ten Members are Members of the Legislative Assembly,
 Government and Opposition Whips,
 Deputy Government and Deputy Opposition Whips,

Parliamentary Secretary,

Whip in the Legislative Assembly of a recognised political party, not fewer than 10 Members of whom are Members of the Legislative Assembly,

Deputy Whip in the Legislative Assembly of a recognised political party, not fewer than 40 Members of which are Members of the Legislative Assembly,

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

The following conditions shall apply in respect of this allowance:

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

6. Equipment, Services and Facilities

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

- 1 All Members shall receive at Parliament House, Sydney, a fitted out, equipped and maintained office, and secretarial services.
- 2 Each Member of the Legislative Assembly shall receive a fitted out, equipped and maintained Electorate Office to an appropriate standard. The Member for Murray-Darling and the Member for Barwon is to be provided with an additional electorate office.
- 3 Each Member shall be supplied equipment and ancillary services in the Member's private residence (or if the Member has more than one private residence then in the Member's principal private residence) including a telephone and a facsimile machine, for the performance by the Member of Parliamentary duties.
- 4 The Presiding Officers are to provide administrative support to each Member in accordance with the following:
 - i. Subject to (ii), each Member of the Legislative Assembly shall have two staff Members employed at each electoral office.
 - ii. Each Member of the Legislative Assembly elected as an Independent shall have an additional staff Member employed at his/her electoral office.
 - iii. Each Member of the Legislative Assembly, not elected as an Independent, shall be provided with a budget specific for the recruitment of temporary staff. The budget is to provide for an additional staff Member to work in the electorate office or at Parliament House. The budget is to be the equivalent of the salary of an electorate officer grade 2 for a period of 61 days per annum. Within this budget, Members have the flexibility to use this entitlement to employ additional staff.
 - iv. Each Member of the Legislative Council, who is not a Minister, shall be entitled to one staff Member. When the staff Member is on annual recreation leave or other extended period of leave, a relief staff Member may be employed for the period of absence.

- v. Each Member of the Legislative Council, who is not a Minister, and who is elected as a cross bench Member shall be entitled to two staff Members.
- vi. Ministers shall receive a reasonable allocation of staff Members.
- vii. The Whip of each recognised political party of not less than 10 Members to each be provided with one Member of staff.
- viii. This provision specifies the minimum staffing required in electorate offices.
Nothing in this Determination removes from the employer of staff the obligations arising under the Occupational Health and Safety Act 2000.

Dated this 21st day of June 2010

The Honourable Justice C G Staff

THE PARLIAMENTARY REMUNERATION TRIBUNAL

ELECTORAL GROUPS**SCHEDULE 1**

Group 1 Electorates		
1. Auburn	19. Heffron	37. Parramatta
2. Balmain	20. Hornsby	38. Penrith
3. Bankstown	21. Kogarah	39. Pittwater
4. Baulkham Hills	22. Ku-ring-gai	40. Riverstone
5. Blacktown	23. Lakemba	41. Rockdale
6. Cabramatta	24. Lane Cove	42. Ryde
7. Camden	25. Liverpool	43. Smithfield
8. Campbelltown	26. Londonderry	44. Strathfield
9. Canterbury	27. Macquarie Fields	45. Sydney
10. Castle Hill	28. Manly	46. Toongabbie
11. Coogee	29. Maroubra	47. Vacluse
12. Cronulla	30. Marrickville	48. Wakehurst
13. Davidson	31. Menai	49. Willoughby
14. Drummoyne	32. Miranda	
15. East Hills	33. Mount Druitt	
16. Epping	34. Mulgoa	
17. Fairfield	35. North Shore	
18. Granville	36. Oatley	
Group 2 Electorates		
1. Blue Mountains	7. Lake Macquarie	13. Wallsend
2. Charlestown	8. Newcastle	14. Wollondilly
3. Gosford	9. Shellharbour	15. Wollongong
4. Hawkesbury	10. Swansea	16. Wyong
5. Heathcote	11. Terrigal	
6. Keira	12. The Entrance	

SCHEDULE 1 continued ...

Group 3 Electorates		
1. Ballina 2. Cessnock 3. Coffs Harbour 4. Goulburn	5. Kiama 6. Maitland 7. Myall Lakes 8. Port Macquarie	9. Port Stephens 10. South Coast 11. Tweed
Group 4 Electorates		
1. Albury 2. Bathurst 3. Bega	4. Dubbo 5. Lismore 6. Orange	7. Oxley 8. Tamworth 9. Wagga Wagga
Group 5 Electorates		
1. Burrinjuck 2. Clarence 3. Monaro		
Group 6 Electorates		
1. Murrumbidgee 2. Upper Hunter 3. Northern Tablelands		
Group 7 Electorates		
1. Barwon 2. Murray Darling		

SYDNEY ALLOWANCE GROUPINGS**SCHEDULE 2**

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

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

LEGISLATIVE COUNCIL ZONES

SCHEDULE 2A

Zone 1 Electorates		
1. Auburn	19. Heffron	37. Parramatta
2. Balmain	20. Hornsby	38. Penrith
3. Bankstown	21. Kogarah	39. Pittwater
4. Baulkham Hills	22. Ku-ring-gai	40. Riverstone
5. Blacktown	23. Lakemba	41. Rockdale
6. Cabramatta	24. Lane Cove	42. Ryde
7. Camden	25. Liverpool	43. Smithfield
8. Campbelltown	26. Londonderry	44. Strathfield
9. Canterbury	27. Macquarie Fields	45. Sydney
10. Castle Hill	28. Manly	46. Toongabbie
11. Coogee	29. Maroubra	47. Vaucluse
12. Cronulla	30. Marrickville	48. Wakehurst
13. Davidson	31. Menai	49. Willoughby
14. Drummoyne	32. Miranda	
15. East Hills	33. Mount Druitt	
16. Epping	34. Mulgoa	
17. Fairfield	35. North Shore	
18. Granville	36. Oatley	
Zone 2 Electorates		
1. Blue Mountains	8. Lake Macquarie	14. Wallsend
2. Charlestown	9. Newcastle	15. Wollondilly
3. Gosford	10. Shellharbour	16. Wollongong
4. Hawkesbury	11. Swansea	17. Wyong
5. Heathcote	12. Terrigal	
6. Keira	13. The Entrance	
7. Kiama		

LEGISLATIVE COUNCIL ZONES**SCHEDULE 2A**

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

RECOGNISED OFFICE HOLDER AND**SCHEDULE 3****Other Member Entitlements**

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	10%		15%(C)	40%
Whips			15%(C)	40%
Party Leader (not less than 10 Members)	15%			40%
Deputy Party Leader (not less than 10 Members LA or 9 Members LC)	10%			40%
Leader of the National Party (in Opposition with not less than 10 Members in LA)	15%		15%	40%
Other Recognised Office Holders				40%
Independent Members				20%

Recognised Office Holders and Members referred to in schedule 3 receive additional entitlements for only one office; that office being the office which attracts the greater level of entitlement. These entitlements, as they apply to Recognised Office Holders, are to be available only for Recognised Office Holder duties.

Where entitlements formerly provided for the Recognised Office Holder's approved relative these have been included in the allocation.

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

Electorate Mailout Account

SCHEDULE 4

ELECTORAL DISTRICT	NUMBER OF ELECTORS (as at 31 March 2010 as provided by the State Electoral Office)	ANNUAL ENTITLEMENT
1. Albury	48,905	\$63,577
2. Auburn	50,064	\$65,083
3. Ballina	47,043	\$61,156
4. Balmain	49,619	\$64,505
5. Bankstown	48,292	\$62,780
6. Barwon	43,448	\$56,482
7. Bathurst	48,718	\$63,333
8. Baulkham Hills	50,327	\$65,425
9. Bega	48,773	\$63,405
10. Blacktown	48,566	\$63,136
11. Blue Mountains	48,113	\$62,547
12. Burrinjuck	47,966	\$62,356
13. Cabramatta	49,782	\$64,717
14. Camden	48,648	\$63,242
15. Campbelltown	45,038	\$58,549
16. Canterbury	50,730	\$65,949
17. Castle Hill	51,132	\$66,472
18. Cessnock	49,417	\$64,242
19. Charlestown	47,334	\$61,534
20. Clarence	49,314	\$64,108
21. Coffs Harbour	49,197	\$63,956
22. Coogee	47,974	\$62,366
23. Cronulla	48,500	\$63,050
24. Davidson	48,376	\$62,889
25. Drummoyne	49,661	\$64,559
26. Dubbo	48,336	\$62,837
27. East Hills	47,044	\$61,157
28. Epping	48,911	\$63,584
29. Fairfield	50,762	\$65,991
30. Gosford	48,569	\$63,140
31. Goulburn	48,758	\$63,385
32. Granville	50,340	\$65,442
33. Hawkesbury	50,106	\$65,138
34. Heathcote	47,557	\$61,824
35. Heffron	50,793	\$66,031

ELECTORAL DISTRICT	NUMBER OF ELECTORS (as at 31 March 2010 as provided by the State Electoral Office)	ANNUAL ENTITLEMENT
36. Hornsby	50,945	\$66,229
37. Keira	47,506	\$61,758
38. Kiama	49,127	\$63,865
39. Kogarah	49,132	\$63,872
40. Ku-Ring-Gai	48,867	\$63,527
41. Lake Macquarie	48,413	\$62,937
42. Lakemba	50,924	\$66,201
43. Lane Cove	47,476	\$61,719
44. Lismore	49,356	\$64,163
45. Liverpool	49,331	\$64,130
46. Londonderry	46,404	\$60,325
47. Macquarie Fields	50,453	\$65,589
48. Maitland	50,798	\$66,037
49. Manly	47,053	\$61,169
50. Maroubra	49,031	\$63,740
51. Marrickville	49,646	\$64,540
52. Menai	48,331	\$62,830
53. Miranda	46,511	\$60,464
54. Monaro	48,648	\$63,242
55. Mount Druitt	47,167	\$61,317
56. Mulgoa	48,160	\$62,608
57. Murray-Darling	45,980	\$59,774
58. Murrumbidgee	47,304	\$61,495
59. Myall Lakes	49,147	\$63,891
60 Newcastle	47,572	\$61,844
61. North Shore	50,017	\$65,022
62. Northern Tablelands	49,706	\$64,618
63. Oatley	48,158	\$62,605
64. Orange	48,153	\$62,599
65. Oxley	47,567	\$61,837
66. Parramatta	50,027	\$65,035
67. Penrith	46,140	\$59,982
68. Pittwater	47,901	\$62,271
69. Port Macquarie	47,791	\$62,128
70. Port Stephens	47,976	\$62,369
71. Riverstone	54,204	\$70,465

ELECTORAL DISTRICT	NUMBER OF ELECTORS (as at 31 March 2010 as provided by the State Electoral Office)	ANNUAL ENTITLEMENT
72. Rockdale	48,628	\$63,216
73. Ryde	47,204	\$61,365
74. Shellharbour	48,287	\$62,773
75. Smithfield	51,143	\$66,486
76. South Coast	48,889	\$63,556
77. Strathfield	48,471	\$63,012
78. Swansea	49,190	\$63,947
79. Sydney	52,531	\$68,290
80. Tamworth	48,450	\$62,985
81. Terrigal	47,461	\$61,699
82. The Entrance	48,715	\$63,330
83. Toongabbee	48,436	\$62,967
84. Tweed	47,265	\$61,445
85. Upper Hunter	48,331	\$62,830
86. Vaucluse	48,921	\$63,597
87. Wagga Wagga	49,393	\$64,211
88. Wakehurst	49,625	\$64,513
89. Wallsend	47,017	\$61,122
90. Willoughby	48,835	\$63,486
91. Wollondilly	49,117	\$63,852
92. Wollongong	49,613	\$64,497
93. Wyong	48,829	\$63,478

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

The following comments on the Parliamentary Remuneration Tribunal's 2010 annual Determination are made pursuant to Section 12A of the *Parliamentary Remuneration Act, 1989* by the Secretary of the Treasury.

Financial Implications

The table below shows the variation in entitlements over the 2009 Determination. For the purpose of calculating the costs, the estimates are based on the 2009 composition of the Legislative Assembly and the Council membership.

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

ENTITLEMENT	2009 DET.	2010 DET.	CHANGE
Electoral Allowance	\$6,371,710	\$6,556,490	\$184,780 +2.9%
Sydney Allowance	\$1,988,910	\$2,046,588	\$57,678 +2.9%
Logistic Support Allocation	\$4,179,840	\$4,301,055	\$121,215 +2.9%
Electorate Mail-out Account ⁽¹⁾	\$5,898,463	\$5,890,802	-\$7,661 -0.1%
Committee Allowance ⁽²⁾	\$19,531	\$20,117	\$586 +3%
Electorate Charter Transport Allowance - LA Members	\$97,180	\$99,998	\$2,818 +2.9%
Travelling Allowance for Recognised Office Holders ⁽³⁾	Not estimated	Not estimated	Not estimated
TOTAL MINIMUM EXPENDITURE	\$18,555,634	\$18,915,050	\$359,416 +1.9%

- (1) Based on decrease in electors as provided by the NSW Electoral Commission as of March 2010.
- (2) Includes members of Public Accounts Committee only.
- (3) Adjusted in line with movements in public sector rates which vary depending on travel destination.

Member entitlements have increased by \$359,416 over the 2009 Determination, which represents a rise of about 1.9 per cent.

The increase in Electoral Allowance, Sydney Allowance and Logistic Support Allocation of 2.9 per cent is in line with the CPI increase for the period March 2009 to March 2010.

The rates for calculating the Electorate Mailout Account (EMA) have not changed since 2009 and remains at 65 cents per mail. However there is a minor reduction to the total cost due to a lower number of electors as of March 2010.

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

I advise that the financial implications of the proposed variation in entitlements in the 2010 Determination can be managed within existing funding arrangements.

Accountability and Control

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

Michael Schur
Secretary
21 June 2010