



Government Gazette

of the State of

New South Wales

Number 71

Friday, 5 July 2019

The New South Wales Government Gazette is the permanent public record of official NSW Government notices. It also contains local council, private and other notices.

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Parliamentary Remuneration Tribunal

Annual Report and Determination

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

**21 June
2019**

Parliamentary Remuneration Tribunal

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Introduction

Section 11 of the *Parliamentary Remuneration Act 1989* (“the Act”) prescribes that the Parliamentary Remuneration Tribunal (“the Tribunal”) 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 Chief Commissioner of the Industrial Relations Commission of New South Wales determines.

Section 14(H)(1) of the Act requires that the Tribunal make a report to the Chief Commissioner of the Industrial Relations Commission of New South Wales for each determination made by the Tribunal. The Chief Commissioner is then required, as soon as practicable after receipt of the report, to forward it to the Minister (see section 14(H)(2)). The responsible Minister is the Premier, the Hon Gladys Berejiklian MP, jointly with the Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs and the Arts, the Hon Don Harwin MLC.

The Tribunal is required, pursuant to section 12A of the Act to invite the Secretary of NSW Treasury to make a submission to the Tribunal about the financial implications of the determination. A draft of this report and determination was provided to the Secretary of NSW Treasury in mid-February to ensure that there was enough time for any additional costs associated with Members’ additional entitlements to be considered in the 2019 State Budget.

NSW Treasury advised the Tribunal’s secretariat that the Secretary’s submission to the Tribunal was unlikely to be provided by the statutory deadline, that being on or before 1 June 2019. On 10 May 2019, the Tribunal requested that the Chief Commissioner of the Industrial Relations Commission, Mr Peter Kite SC, grant a short extension of time for the making of the determination. On 16 May 2019 the Chief Commissioner approved an extension to enable the Tribunal to make the annual determination on or before 30 June 2019, pursuant to section 11(2) of the Act. The notice of the extension was published in the 24 May 2019 edition of the Government Gazette.

The Tribunal received the statement from the Secretary of NSW Treasury on 21 June 2019.

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As is the usual process the Tribunal received written submissions from the Presiding Officers and Members. The Tribunal also met with the Presiding Officers and representatives from the NSW Liberal Party, the NSW Nationals and the NSW Labor Party.

The report of the determination addresses the general matters raised by the Presiding Officers and matters raised by Members as they relate to existing entitlements.

Consistent with the usual practice, the Tribunal has made changes to the determination that is considered minor or of an administrative nature, without the need for detailed separate reasons being given.

The Tribunal has also addressed the recommendation made in the Audit Office's Financial Audit of Additional Entitlements for Members of Parliament (Volume Three 2016) that there be more disclosure of Members' expenditure claims to improve transparency. This matter and legal advice provided to the Tribunal are outlined in **Section 2** of the report.

The Tribunal's determination in respect of the basic salary payable to Members is outlined in **Section 1** of the report. **Section 2** of the report provides an overview of the Tribunal's review of additional entitlements, including the publication of Members' expenditure and any other matters raised in respect of the additional entitlements. **Section 3** of the report provides a general summary of the determination.

Section 1 - Parliamentary Remuneration

Increase to basic salary

In accordance with section 4(2) of the Act the Tribunal is required to determine the basic salary of Members.

In determining the basic salary the Tribunal is required, pursuant to section 4(3), to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the *Industrial Relations Act 1996* (“the IR Act”) when making or varying awards or orders relating to the conditions of employment of public sector employees.

The current policy on wages pursuant to section 146C(1)(a) of the IR Act is articulated in the *Industrial Relations (Public Sector Conditions of Employment) Regulation 2014* (“the IR Regulation”). The effect of the IR Regulation is that public sector wages cannot increase by more than 2.5 per cent, this includes the salary payable to Members.

On that basis, with effect from 1 July 2019 the basic salary for Members will be increased by 2.5 per cent to \$169,192 per annum.

Recognised office holders receive an additional salary (if any) and an expense allowance (if any) being the percentage specified in Schedule 1 of the Act. Actual additional salary and expense allowances are published on the Parliament House website.

Section 2 - Additional Entitlements

Adjustments to quantum of entitlements

The Tribunal has determined that an adjustment of 2.5 per cent to the following allowances and fixed allocations is appropriate and consistent with the increase determined for the basic salary:

- Electoral Allowance
- Sydney Allowance
- Communications Allowance: Base Allocation
- General Travel Allowance

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- Electorate to Sydney Travel

The quantum of the increase to the Communications Allowance: Additional Allocation is based on the number of enrolled voters and is less than 2.5 per cent.

Communications Allowance

Submissions addressed a range of matters including:

- permissible items to be funded from the Communications Allowance
- quantum of the allowance having regard to postal costs
- several new types of expenses
- commencement date of the blackout period in an election year
- carry forward of Communication Allowance – Additional Entitlement.

A summary of the Tribunal's findings in respect of these requests is below.

Permissible items to be funded from the Communications Allowance

The Presiding Officers have sought the inclusion of a new condition which would list promotional items which are not permitted to be funded from the Communications Allowance.

The Tribunal notes that a list of prohibited items is currently published in the Parliament's Publication Guidelines and previous advice on this matter is contained in the 2009 determination and a subsequent Ruling.

The Tribunal has received numerous submissions about this matter in recent years and it is appropriate that the matter be clarified by way of an additional condition in the determination. The Tribunal remains of the view that items of a promotional nature should not be funded from the Communications Allowance.

The following condition applies to the use of the Communications Allowance:

9. *Communications with constituents/prospective constituents will be limited to matters affecting the Member's electorate.*

Promotional items such as calendars, notepads, fridge magnets etc are not considered items that would communicate a "matter affecting the Member's electorate". Instead, they are more likely to promote the Member's name, image and contact details.

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The Presiding Officers have provided a list of items which the Tribunal considers predominantly promotional. This list of prohibited promotional items, which is not considered exhaustive, will be included in a new condition 10 of the Communications Allowance.

The quantum of the allowance

The Tribunal has been requested to alter the methodology for calculating this entitlement to reflect increased standard postage rates.

The Tribunal undertook a review of the methodology for calculating the Communications Allowance – Additional Allocation (formerly the Electronic Communication Allowance) in 2016. As part of that review the Tribunal’s methodology – the original costing factor (OCF) - was adjusted to take account of increased postage costs. The OCF is calculated having regard to factors including postage and production costs. Consideration was also given to the increased use of electronic communication, including social media, which incurs significantly lower costs.

The Tribunal indicated in the 2016 report that it did not intend to adjust the OCF component of the additional allocation on an annual basis. The increased postal charges referred to in the submission were considered in the 2016 review and no further adjustment is warranted at this time.

New expense types

The Tribunal has been requested to consider additional communication services including communication by Voice over Internet Protocol (VoIP); skype and communications generated by computerised auto-diallers; telephone town halls; and interactive voice response (IVR).

The Tribunal finds that the inclusion of these items may be appropriate if Members use the technology to communicate with constituents about matters relating to their electorate.

The Department of Parliamentary Services has advised that further consideration is needed to determine which of these technologies is appropriate and to develop the

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appropriate administrative processes and guidelines. It would be appropriate for the Parliament to consult with Members about the need for these technologies.

The commencement date of the blackout period in an election year

Under the current arrangements Members are not permitted to use their Communications Allowance for the production and distribution of publications during the period from 26 January in a State election year to the election date.

The Tribunal has received a submission requesting that this date be changed to the date when the Legislative Assembly expires. The expiry date for the LA is prescribed in section 24 of the *Constitution Act 1902* as follows:

24 Duration of Assembly

(1) A Legislative Assembly shall, unless sooner dissolved under section 24B, expire on the Friday before the first Saturday in March in the fourth calendar year after the calendar year in which the return of the writs for choosing that Assembly occurred.

The Tribunal does not intend to change the commencement of the blackout period from 26 January in an election year. The current date is consistent with advice from the Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics and the pre-election period as provided for in the *Government Advertising Act 2011* as outlined below.

As part of the 2013 annual review the Tribunal considered the 2013 Auditor General's Report that recommended the Tribunal introduce a blackout period for the then Electorate Communication Allowance. The Presiding Officers' 2013 submission brought to the Tribunal's attention a report by the Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics – 2013 on "Electioneering, Campaigning and Doorknocking and the role of Electorate Officers". Appendix One of the Report (page 7) defined the pre-election period:

"36. Pre-election period means the period from 26 January in a State election year to the election date in which direct electioneering and political campaigning must not be undertaken by electorate officers during ordinary working hours in any circumstances."

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The date of 26 January is also consistent with restrictions on government advertising under the *Government Advertising Act 2011* as follows:

10 Restrictions on Government advertising campaigns during pre-election period

(1) A Government advertising campaign must not be carried out after 26 January in the calendar year in which the Legislative Assembly is due to expire and before the election for the Legislative Assembly in that year.

Carry forward of Communications Allowance – Additional Entitlement

The Tribunal has received a submission seeking to extend the carry over provisions of the Communications Allowance – Additional Entitlement to cover the entire parliamentary term. The Tribunal does not support this proposal and notes comments made in the New South Wales Auditor-General's Report, Financial Audit Volume Three 2016 - Additional Entitlements for Members of Parliament, which relate to expenditure patterns in the months preceding the last general election in 2015.

The Audit Office reviewed whether Members of the NSW Parliament complied with certain requirements outlined in the Tribunal's determination for the year ended 30 June 2015.

The report found significantly higher use of the then Electorate Communication Allowance prior to the 2015 election.

"There was a significant increase in Electorate Communication Allowances paid in January and February 2015 compared to other months in the financial year..."

The report also found significantly higher use of the then Logistic Support Allocation before the State election.

"The graph shows a significant increase in Logistic Support Allocations paid in January and February 2015."

While the Auditor General's Report found that these entitlements had not been used for electioneering purposes, it indicates that Members may choose to concentrate their communication with constituents during an election year. This is contrary to the original intent of this entitlement which was that Members be able to communicate regularly with constituents on matters affecting the Member's electorate.

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General Travel Allowance

The Tribunal has been requested to permit Members to receive a refund for the cost of parking at a commercial parking station. This matter was first raised in the 2018 annual review.

Commercial parking costs and parking meters

It was submitted that an anomaly exists in that Members can be reimbursed for the cost of a taxi, other hire cars and other commercially available transport but not for the cost of parking at a commercially available space.

The Tribunal considers that it is reasonable for Members to be reimbursed for all relevant travel costs associated with undertaking their electorate and parliamentary duties. On that basis the conditions have been amended to include the reimbursement of commercial car parking costs and parking meters for travel relating to attendance at a meeting or an event. These costs are to be funded from the existing entitlements and no additional funds are provided to meet these costs.

Members are not able to claim the cost of parking at their principal place of employment – either Parliament House or their electorate office.

The conditions relating to the General Travel Allowance on page 45 of the determination have been amended to reflect this change and to clarify relevant modes of transport.

Equipment, Services and Facilities

The Tribunal has received submissions which address the allocation and classification of staff to Independent and Cross Bench Members in the Legislative Assembly and the number of electorate offices in the electorates of Cootamundra and Murray.

Independent and Cross Bench staff

The Tribunal has received a submission to restore the previous staffing arrangements whereby Independent and Cross Bench Members of the Legislative Assembly received an additional staff member. Also, that the additional staff member be designated a

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“Research Officer” and remunerated at a higher level than a Senior Electorate Officer to reflect a broader role and skill set.

The submission refers to the arrangement that existed between 1991 and 2014 when Independent Members were entitled to an additional staff member in their electorate office. The employment classification of the additional staff member was initially a Research Officer and then a Senior Electorate Officer following implementation of the Members’ Staff Conditions of Employment Determination of the Presiding Officers (February 2014).

The classification of electorate staff for Independent and Cross Bench Members has previously been raised with the Tribunal. As stated in the 2018 report the classification, remuneration and employment conditions of electorate staff are determined by the Presiding Officers. The Tribunal does not intend to comment further on this matter.

In respect of the number of electorate office staff this matter was considered in the 2017 review of electorate office staff:

“The Tribunal also reviewed the allocation of staff to Independents and Cross Bench Members. The Tribunal found that there is no basis to alter the existing allocation of three electorate staff. The determination is amended to provide all Members of the Legislative Assembly with the same allocation of three electorate staff.”

Independent Members who participated in that review put forward a strong case to retain the provision of three staff in their offices. That review did not specifically address whether the workload in their offices was substantially more than that experienced in the electorate offices of other Members. The Tribunal will consider this matter in more detail in the 2020 review. The review will examine whether there is a case for Independent and Cross Bench Members to have more electorate office staff than other Members. The Tribunal will review practices in other jurisdictions and will also consider whether electorate offices are equipped to accommodate additional staff.

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Electorate Offices

The Member for Murray and the Member for Cootamundra have requested a third electorate office. Each of these electorates currently have two electorate offices.

The Tribunal has previously considered requests for a third electorate office from these Members. The Tribunal remains of the view that an additional electorate office is not warranted at this time. The Tribunal notes that both the Member for Murray and Cootamundra each have six electorate staff to assist with serving constituents. The Tribunal notes that advancements in technology will make it easier for Members to interact with constituents in remote areas. As discussed in the paragraphs relating to the Communications Allowance, the Department of Parliamentary Services is examining a range of new technologies which may assist Members in communicating with constituents. The Tribunal would like to review the impact of these new technologies before considering further electorate resources. This matter will be considered in the 2020 review.

The Tribunal notes that the Member for Murray also suggested an alternative approach which would be to provide the Member with an allowance to cover the costs associated with a satellite office, an arrangement provided to some Members of the House of Representatives (Federal Parliament). The Tribunal finds that an additional allowance is not warranted at this time, noting that such expenses could be funded from the electoral allowance. The Tribunal also notes that Federal Members have almost double the number of electors which would warrant the need for additional electorate resources.

Skills Development Allowance

In 2018 the Tribunal introduced the Skills Development Allowance to provide both Members and their staff with skills development opportunities. The determination provided a list of training which could be appropriately funded from the allowance. The Tribunal has received two submissions in relation to this matter. One submission seeks greater flexibility in the allocation of the allowance to allow for the transfer of entitlements between staff. The other submission requests that the list of permissible training be expanded to include office management and constituent management.

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Following the introduction of the allowance in 2018 the Tribunal was asked to clarify whether the skills development budget allocated to staff (\$500 per full time equivalent position) could be pooled and shared between staff within that office. The Tribunal's view was that this approach was inconsistent with the intent of the determination. The Tribunal did however provide additional guidance to assist the Parliament with the administration of this entitlement.

The Tribunal has reconsidered this matter and has now determined that the allowance can be pooled and shared between staff within an office. The extension of this entitlement includes the addition of new conditions to assist Members to ensure training requirements are considered equitably.

The Tribunal also considered requests to include in the training pool the amount exclusively allocated to Members (\$1,500 per Member). The Department of Parliamentary Services has advised that there has been limited use of this entitlement to date. The Tribunal considers that there is insufficient information to determine whether any further changes to the quantum of the allowance and the conditions of use are warranted at this time. The Tribunal will consult with the Department of Parliamentary Services on the application of this allowance and seek further submissions for consideration as part of the 2020 review.

The Tribunal also considered a request to expand the list of permissible training to include office management and constituent management. The Tribunal notes that the determination provides for the Skills Development Allowance to be provided to Members and Members' staff for training that is directly related to their roles. The Tribunal finds that "office management" could encompass a range of general skills or competencies that are not specific to the role of Members or Members' staff but are applicable across the general job market. On that basis, this type of training is not appropriately funded from the Skills Development Allowance. This type of training could be provided by the Parliament or can be funded by Members from the Electoral Allowance. In respect of constituent management, the Tribunal has been advised that the cost of databases of information on constituent and elector details, are costs which the Parliament allocated to the Electoral Allowance when the Logistic Support Allowance was abolished. On that basis, the Tribunal finds that expenses associated with constituent management,

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including training on the use of this software or analysis tools, is appropriately funded from the Electoral Allowance.

The Tribunal does not intend to expand the list of training applicable under the Skills Development Allowance. Noting that the list is indicative only and the Parliament has the discretion to approve the reimbursement of other appropriate courses which are consistent with the intent of the determination.

Other matters raised in submissions

Administration of Entitlements

As outlined in previous determinations the Tribunal encourages the Parliament to work with Members to improve administrative practices whilst complying with the Tribunal's determination, the relevant legislation and NSW Audit Office requirements.

The Members' Entitlements Handbook published by the Department of Parliamentary Services provides advice on the administration and processing of Members' entitlements. Members must comply with the Parliament's administrative guidelines where they are consistent with the determination and guidelines and conditions contained herein. The General Conditions of the determination have been amended to include a statement to that effect.

Merging of entitlements

The Tribunal received two submissions seeking to either combine the General Travel Allowance and Communications Allowance or alternatively allow Members to transfer funds between these allowances during any given year to create more flexibility. The Tribunal canvassed the proposal with Members and the Presiding Officers during its meetings. While there was general support for the proposal the Tribunal does not consider it appropriate to determine any further changes at this time. The current arrangements were introduced after extensive consultation and further changes would significantly impact upon administrative arrangements. The Tribunal would welcome in the future, submissions on the practicalities of implementing these changes if they are broadly supported.

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Publication of Members' expenditure

The Tribunal proposed in the report of the 2018 annual determination that the public reporting of Members' expenditure would commence with effect from 1 July 2019. The proposal was to provide for expenditure information to be reported via an online reporting platform. An overview of the reporting model, the estimated cost and the timeframe for implementation are outlined in the 2018 report. The Tribunal intended that the final reporting model would be determined in consultation with the Parliament and published in the 2019 annual determination.

Since making the 2018 determination the Tribunal wrote to the Treasurer, the Hon Dominic Perrottet MP, requesting favourable consideration of funding for the proposal.

After sending that letter questions were raised as to whether the Tribunal has the power under the Act, to determine a Members' entitlement reporting system. This uncertainty prompted the Tribunal to seek the advice of the Crown Solicitor.

On 1 November 2018, the Crown Solicitor provided advice to the Tribunal to the effect that the Tribunal does not have the power to make a determination to require the Parliament to report on Members' entitlements expenditure in the format proposed.

Therefore, based on the Crown Solicitor's advice, it is not within the Tribunal's power to determine that the Department of Parliamentary Services publish Members' expenditure as proposed in the 2018 annual determination.

While the Tribunal is not legally able to make a determination on this matter, it continues to support the Auditor General's recommendation and encourages the Audit Office, the Department of Parliamentary Services and NSW Treasury to work together to implement the proposal. The public reporting of Members' expenditure will improve transparency regarding the expenditure of public money and promote open government. Public reporting will provide citizens with greater visibility of how Members spend public funds. In addition, the introduction of public reporting should incentivise Members to think carefully about how they spend public funds and further assist in ensuring compliance with the conditions of the Tribunal's determination.

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Quantum of entitlements

Individual entitlements have been increased by 2.5 per cent which is consistent with the Act and the Government's wages policy.

Pursuant to section 12A of the Act, the Tribunal is required to invite the Secretary of the Treasury to provide a submission about the financial implications of the determination. The Tribunal provides the Secretary with estimated financial data to cost the additional entitlements. This year the Tribunal consulted with the Department of Parliamentary Services on the methodology for determining overall costs. Based on that advice, the estimated overall cost of some allowances has increased to reflect changes in the principal place of residence for some Members. Also, the budget for the Skills Development Allowance has been adjusted to reflect the actual number of Members' staff, including additional entitlements for independent and cross bench Members and electorates with more than one electorate office. While these changes have resulted in increases of more than 2.5 per cent for certain classes of entitlements the overall increase in costs does not exceed 2.5 per cent.

Section 3 General Summary of the Determination

2019 adjustments

Basic salary and additional entitlements	Increase
Basic Salary	2.5 per cent increase
Electoral Allowance:	
Base Allowance	2.5 per cent increase
Additional Allowance	2.5 per cent increase
Recognised Office Holder Allowance (except Independents)	2.5 per cent increase
Independents Allowance	2.5 per cent increase
Sydney Allowance	2.5 per cent increase
Communications Allowance:	
Base Allocation	2.5 per cent increase
Additional Allocation	0.3 per cent increase reflects increase in constituent numbers
Committee Allowances	2.5 per cent increase
General Travel Allowance:	
Base Allocation	2.5 per cent increase
Additional Allocation	2.5 per cent increase
Skills Development Allowance	No increase
Travel Allowances	As per Australian Tax Office Determination TD2018/11

The Parliamentary Remuneration Tribunal

(Signed)

The Hon C G Staff

Dated: 21 June 2019

Section 4 The Determination

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

With effect on and from 1 July 2019, 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 2019.

1. Definitions

“Member” or “Members” refers to a duly elected Member or Members of the Parliament of New South Wales (referred to hereinafter in this Determination as “the Parliament”).

In this Determination the expression “additional entitlements” is to be understood in the sense used in Part 3 of the Act.

“Basic salary” has the meaning given by section 4 of the Act.

“Parliamentary duties” has the meaning attributed to it by section 3 of the Act.

“Electoral groups” are the groups of electorates specified in Table 1.

“Zones” are the areas for Members of the Legislative Council as specified in Table 2.

“Approved relatives” means:

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

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

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

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

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

2.1 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.

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- 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 CPA provided such activities arise directly from Membership of the New South Wales Branch and

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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 *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;

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

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.

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3. The Tribunal sets out the following additional and general guidelines:
 - 3.1 Some intermingling of a member's parliamentary duties and non-parliamentary duties is in practical terms not always easily avoided. The onus is always on the Member to show that expenditure or any claims for reimbursement relate to parliamentary duties. Where there is intermingling of non-parliamentary activity which is incidental to a Member's parliamentary duties, such incidental non-parliamentary use is permissible. If it is not practical to separate intermingled parliamentary and non-parliamentary use a Member must estimate the component of non-parliamentary use and, using the Member's best efforts, meet these costs independently.
 - 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.

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

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2. All procurement by Members will be in accordance with the Parliament's purchasing policies.
3. Members must ensure that they have sufficient funds to meet the costs associated with their parliamentary duties.
4. All entitlements, except for the Electoral Allowance, shall be established and maintained by the Chief Executive, Department of Parliamentary Services. Members should be advised by the Department of Parliamentary Services each month as to the balance of these allocations.
5. Nothing shall prevent the use of the Electoral Allowance for legitimate electorate expenses which might also fall within the categories of expenses covered by the Communications Allowance, General Travel Allowance and Skills Development Allowance.
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. Members' additional entitlements in the nature of fixed allocations and Sydney Allowance provided to Members shall be audited annually for compliance through the Parliament's internal audit function. In addition to any internal audit conducted by the Parliament, Members' additional entitlements in the nature of fixed allocations and the Sydney allowance shall be the subject of an external assurance engagement conducted by the Auditor-General of NSW. The cost of any assurance engagements shall be met by the Parliament. Members should ensure they maintain appropriate records of expenditure for the purpose of any audit or assurance engagements.
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, are for the sole use of the Member and are not to be transferred to other persons or organisations including Members. The Member may use his/her entitlements to meet official costs of the approved relatives

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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.

2.3 List of Tables Relating to Additional Entitlements

Table 1	Electoral Groupings for the Legislative Assembly
Table 2	Zones for the Legislative Council
Table 3	Electoral Allowance Legislative Assembly and Legislative Council
Table 4	Sydney Allowance Daily Rates
Table 5	Electorate to Sydney Travel Entitlements – Additional Entitlements for Recognised Office Holders
Table 6	Communications Allowance –Base Allocation
Table 7	Communications Allowance – Additional Allocation
Table 8	General Travel Allowance
Table 9	Travel Allowances Indicative Upper Limits for Recognised Officer Holders
Table 10	Travel Allowances Group Classifications for Recognised Office Holders
Table 11	Recognised Office Holder and Other Member Additional Entitlements
Table 12	Skills Development Allowance

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3. Basic Salary

With effect from 1 July 2019 the basic salary of Members, pursuant to section 4 of the Act, shall be \$169,192 per annum.

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4. Electoral Groupings and Zones for Fixing Additional Entitlements

The electoral groupings for the Legislative Assembly and Zones for the Legislative Council to be used for the purposes of determining the quantum of additional entitlements shall be as follows:

Table 1: Electoral Groupings for the Legislative Assembly		
<p style="text-align: center;">Group 1</p> <ol style="list-style-type: none"> 1. Auburn 2. Balmain 3. Bankstown 4. Baulkham Hills 5. Blacktown 6. Cabramatta 7. Camden 8. Campbelltown 9. Canterbury 10. Castle Hill 11. Coogee 12. Cronulla 13. Davidson 14. Drummoyne 15. East Hills 16. Epping 17. Fairfield 18. Granville 19. Heffron 20. Holsworthy 21. Hornsby 22. Kogarah 23. Ku-ring-gai 24. Lakemba 25. Lane Cove 26. Liverpool 27. Londonderry 28. Macquarie Fields 29. Manly 30. Maroubra 31. Miranda 32. Mount Druitt 33. Riverstone 34. Rockdale 	<p style="text-align: center;">Group 2</p> <ol style="list-style-type: none"> 1. Blue Mountains 2. Charlestown 3. Gosford 4. Hawkesbury 5. Heathcote 6. Keira 7. Lake Macquarie 8. Newcastle 9. Shellharbour 10. Swansea 11. Terrigal 12. The Entrance 13. Wallsend 14. Wollondilly 15. Wollongong 16. Wyong 	<p style="text-align: center;">Group 3</p> <ol style="list-style-type: none"> 1. Ballina 2. Cessnock 3. Coffs Harbour 4. Kiama 5. Maitland 6. Myall Lakes 7. Port Macquarie 8. Port Stephens 9. South Coast 10. Tweed <p style="text-align: center;">Group 4</p> <ol style="list-style-type: none"> 1. Albury 2. Bathurst 3. Bega 4. Clarence 5. Dubbo 6. Goulburn 7. Lismore 8. Orange 9. Oxley 10. Tamworth 11. Wagga Wagga <p style="text-align: center;">Group 5</p> <ol style="list-style-type: none"> 1. Cootamundra 2. Monaro 3. Upper Hunter <p style="text-align: center;">Group 6</p> <ol style="list-style-type: none"> 1. Northern Tablelands <p style="text-align: center;">Group 7</p> <ol style="list-style-type: none"> 1. Murray <p style="text-align: center;">Group 8</p> <ol style="list-style-type: none"> 1. Barwon

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Table 2: Zones for the Legislative Council

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

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5. Additional Entitlements in the Nature of Allowances

5.1 Summary

The entitlements in this category comprise the following:

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

Sydney Allowance

Committee Allowances

5.2 Electoral Allowance

Basis

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.

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

Entitlement

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 or zone for the electorate of the Member as follows:

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Table 3: Electoral Allowance - Legislative Assembly and Legislative Council			
Electoral Group/Zone	Base Allowance	Additional Allowance	Total
Legislative Assembly			
Group 1	\$51,130	\$15,430	\$66,560
Group 2	\$59,880	\$17,060	\$76,940
Group 3	\$70,575	\$17,060	\$87,635
Group 4	\$77,040	\$17,060	\$94,100
Group 5	\$81,940	\$17,060	\$99,000
Group 6	\$89,825	\$17,060	\$106,885
Group 7	\$105,060	\$17,060	\$122,120
Group 8	\$143,670	\$29,745	\$173,415
Legislative Council			
Zone 1	\$59,880	\$16,255	\$76,135
Zone 2	\$59,880	\$17,060	\$76,940
Zone 3	\$59,880	\$21,170	\$81,050

2. A further allowance of \$3,980 per annum is payable to each Recognised Office Holder (except an Independent) in the Legislative Assembly and Legislative Council.
3. A further allowance of \$1,990 per annum is payable to each Independent in the Legislative Assembly and Legislative Council
4. The electoral allowances shall be payable calendar monthly in arrears in conjunction with salary payments.

5.3 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.

Members whose principal place of residence is a minimum distance of 70 KMs by road from Parliament House are eligible to receive the Sydney Allowance.

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Members may receive the lower or greater amount of overnight stays based on the following distance criteria:

- Members whose principal place of residence is between 70 KMs and 140 KMs by road from Parliament House are eligible to receive the Sydney Allowance at the lower amount of overnight stays.
- Members whose principal place of residence is a distance greater than 140 KMs by road from Parliament House are eligible to receive the Sydney Allowance at the greater amount of overnight stays.

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 eligible Members shall be in accordance with *Table 4: Sydney Allowance Daily Rates* below. Where a Member elects for a daily rate, he/she shall be entitled to the daily rate for the number of overnight stays per annum specified in that Table, except as provided in condition 5.

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Table 4: Sydney Allowance Daily Rates				
Office	Principal Place of Residence	Overnight Stays p.a.	Overnight in Sydney where accommodation costs are incurred	In transit to and from Sydney where no overnight stay is involved
Minister, Speaker, President, Leader and Deputy Leader of the Opposition (Assembly and Council), Leader of Third Party in Assembly with not less than 10 Members.	A minimum of 70 KMs by road from Parliament House	180	\$315.00	Actual reasonable expenses for meals and incidentals up to a maximum of \$131.85 per day
Deputy Speaker, Legislative Assembly, Deputy President and Chair of Committees (Legislative Council), Whip and Deputy Whip (Assembly and Council), Parliamentary Secretary, Assistant Speaker Legislative Assembly, Assistant President Legislative Council, Deputy Leader of Third Party in Assembly with not less than 10 Members.	A minimum of 70 KMs by road from Parliament House	140	\$315.00	As above
Chairs of Standing/Select Committees	A minimum of 70 KMs by road from Parliament House	140	\$315.00	As above
Legislative Council Members	Greater than 140 KMs by road from Parliament House	135	\$315.00	As above
	Between 70 KMs and 140 KMs by road from Parliament House	105	\$315.00	As above
Legislative Assembly Members	Greater than 140 KMs by road from Parliament House	135	\$315.00	As above
	Between 70 KMs and 140 KMs by road from Parliament House	105	\$315.00	As above

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Conditions

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 Department of Parliamentary Services of the Legislature will calculate the annual entitlement by multiplying the number of overnight stays for the particular Member or Recognised Office Holder by the daily rate.
3. In order to receive the Allowance each Member must certify to the Chief Executive, 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 4: Sydney Allowance Daily Rates*. The Member is entitled to the number of overnight stays per annum specified in *Table 4: Sydney Allowance Daily Rates* without the need to substantiate to the Parliament expenses up to the daily rate.
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 4: Sydney Allowance Daily Rates*. This rate is only applied when the Member is travelling to Sydney or travelling home from Sydney following an overnight stay. Members may not claim the in transit allowance if they have exceeded the allocated number of overnight stays applicable for receipt of the Sydney Allowance.

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7. Members may not claim this entitlement in their hometown closest to their principal place of residence, at their nominated home airport or within a 70 kilometre radius of Parliament House for which Sydney Allowance payments are provided.
8. When in receipt of the annual allowance Members are required to certify halfway and at the end of the financial year the number of occasions they stayed in Sydney and that on each occasion the stay was for parliamentary business. Members who nominate to receive the annual allowance cannot claim for additional overnight stays in excess of those specified in *Table 4: Sydney Allowance Daily Rates*.
9. 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 Chief Executive to substantiate each such occasion. Provided, however, it will be sufficient for Members to provide entries from their diaries, or other forms of documentary proof, acceptable to the Chief Executive to certify as proof of their attendance in Sydney.
10. Members in receipt of the annual amount will be required to provide a reconciliation of their annual payments twice per year. The first reconciliation will be required by 31 January of each year for payments made in the previous period of 1 July to 31 December. A further reconciliation will be required by 31 July of each year for payments made in the subsequent six months. The first reconciliation is only to be used for the purpose of validating the number of nights claimed during the period. Any financial adjustments will be calculated in consideration of the total number of nights validated over the whole financial year. Where applicable, Members will return to Parliament any part of the annual amount that they have not substantiated by 30 September each year or 30 days of ceasing to be a Member.

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11. 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.
12. Members are not to claim the Sydney Allowance if they stay in Government owned or funded accommodation including Parliament House.
13. In determining eligibility Members will need to nominate their principal place of residence immediately following their election to Parliament. Members are not to relocate during the parliamentary term for the purposes of meeting the eligibility criteria.

5.4 Committee Allowances

Purpose and Operation of the Provision

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

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 \$215.00 for each day upon which they attend a meeting or an official visit of inspection if that day is one upon which the Legislative Council (so far as a Member of the Council is concerned) or the Legislative Assembly (so far as a Member of the Assembly is concerned) is not sitting. This allowance is not payable to Chairpersons in receipt of a salary of office as specified in Schedule 1 of the Act.

Members of the Public Accounts Committee, other than the Chairperson of the Committee or another Committee in receipt of a salary of office as specified in Schedule 1 of the Act, shall each receive a committee allowance of \$4,985 per annum.

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6. Additional Entitlements in the Nature of Fixed Allocations

6.1 Summary

The entitlements in this category comprise the following:

Electorate to Sydney Travel	
Communications Allowance	– Base Allocation
	– Additional Allocation
General Travel Allowance	
	– Base Allocation
	– Additional Allocation
Travelling Allowances for Recognised Office Holders	
Equipment, Services and Facilities	
Skills Development Allowance	

6.2 Electorate to Sydney Travel

Purpose and Operation of the Provisions

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

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Table 5: Electorate to Sydney Travel Entitlements - Additional Entitlements for Recognised Office Holders	
Office holder	Electorate to Sydney travel entitlement
Minister of the Crown	32 single journey entitlements
Speaker of the Legislative Assembly	32 single journey entitlements
President of the Legislative Council	32 single journey entitlements
Leader of the Opposition Assembly and Council	32 single journey entitlements
Leader of Party (not less than 10 Members in the Legislative Assembly)	32 single journey entitlements
Deputy President and Chair of Committees, Legislative Council	32 single journey entitlements.
Assistant Speaker, Legislative Assembly	32 single journey entitlements.
Assistant President, Legislative Council	32 single journey entitlements.
Deputy Speaker	32 single journey entitlements
Deputy Leader of the Opposition Assembly and Council	16 single journey entitlements
Deputy Leader of Party (not less than 10 Members in the Legislative Assembly)	16 single journey entitlements

Conditions

5. All electorate to Sydney travel and return is restricted to economy class.
6. 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.
7. 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.
8. Entitlements are not transferable between Members, or approved relatives, or Members' staff.
9. 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.

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10. Members may charter a plane in lieu of travelling on commercial flights if travel is for electorate and/or parliamentary business and that sufficient entitlements based on the equivalent commercial cost of each person travelling are surrendered. The cost of Members' approved relatives travelling on the charter is to be met from the Member's General Travel Allowance. It is a condition of all air transport charters that the Member responsible for organising the charter obtains a passenger manifest from the charter operator and attaches it to the invoice when it is sent for payment.
11. A Member's air transport booking for parliamentary duties and that of their spouse/approved relatives and staff are to be made by the Member with an appropriate transport provider.
12. 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.

6.3 Communications Allowance

Purpose

The Communications Allowance is an annual budget provided to Members to meet the costs associated with communicating with their constituents including:

- production and distribution of newsletters and brochures
- printing of letterhead and flyers
- audio posters and other e-publications
- developing, hosting and maintaining a website and/or other social media
- email distribution services
- advertisements
- other forms of communications approved by Parliament.

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Entitlement

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

Table 6: Communications Allowance - Base Allocation	
Member	Base Allocation
Legislative Assembly	\$18,440
Legislative Council	\$4,695

3. The additional annual allocation for each Member of the Legislative Assembly shall be as follows:

Table 7: Communications Allowance - Additional Allocation		
Electoral District	Number of Electors (as at 8 January 2019 as provided by the State Electoral Office)	Annual entitlement
1. Albury	57,496	\$86,244
2. Auburn	55,304	\$82,956
3. Ballina	58,958	\$88,437
4. Balmain	57,585	\$86,378
5. Bankstown	54,080	\$81,120
6. Barwon	55,074	\$82,611
7. Bathurst	56,658	\$84,987
8. Baulkham Hills	55,430	\$83,145
9. Bega	57,804	\$86,706
10. Blacktown	55,053	\$82,580
11. Blue Mountains	54,782	\$82,173
12. Cabramatta	54,944	\$82,416
13. Camden	69,280	\$103,920
14. Campbelltown	54,501	\$81,752
15. Canterbury	57,037	\$85,556
16. Castle Hill	57,675	\$86,513
17. Cessnock	57,951	\$86,927
18. Charlestown	55,607	\$83,411
19. Clarence	56,594	\$84,891
20. Coffs Harbour	55,047	\$82,571
21. Coogee	55,175	\$82,763
22. Cootamundra	53,402	\$80,103

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Table 7: Communications Allowance - Additional Allocation		
Electoral District	Number of Electors (as at 8 January 2019 as provided by the State Electoral Office)	Annual entitlement
23. Cronulla	57,049	\$85,574
24. Davidson	54,928	\$82,392
25. Drummoyne	53,891	\$80,837
26. Dubbo	55,756	\$83,634
27. East Hills	55,020	\$82,530
28. Epping	54,224	\$81,336
29. Fairfield	53,655	\$80,483
30. Gosford	56,206	\$84,309
31. Goulburn	57,344	\$86,016
32. Granville	53,440	\$80,160
33. Hawkesbury	55,562	\$83,343
34. Heathcote	56,093	\$84,140
35. Heffron	60,283	\$90,425
36. Holsworthy	56,337	\$84,506
37. Hornsby	55,065	\$82,598
38. Keira	58,682	\$88,023
39. Kiama	55,301	\$82,952
40. Kogarah	53,353	\$80,030
41. Ku-ring-gai	54,348	\$81,522
42. Lake Macquarie	57,319	\$85,979
43. Lakemba	55,226	\$82,839
44. Lane Cove	56,907	\$85,361
45. Lismore	55,886	\$83,829
46. Liverpool	57,419	\$86,129
47. Londonderry	63,501	\$95,252
48. Macquarie Fields	61,270	\$91,905
49. Maitland	59,825	\$89,738
50. Manly	55,507	\$83,261
51. Maroubra	55,944	\$83,916
52. Miranda	54,858	\$82,287
53. Monaro	56,584	\$84,876
54. Mount Druitt	56,183	\$84,275
55. Mulgoa	58,124	\$87,186
56. Murray	55,716	\$83,574
57. Myall Lakes	57,421	\$86,132
58. Newcastle	58,839	\$88,259
59. Newtown	56,313	\$84,470
60. North Shore	55,142	\$82,713
61. Northern Tablelands	55,277	\$82,916
62. Oatley	53,714	\$80,571

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Table 7: Communications Allowance - Additional Allocation		
Electoral District	Number of Electors (as at 8 January 2019 as provided by the State Electoral Office)	Annual entitlement
63. Orange	56,747	\$85,121
64. Oxley	56,737	\$85,106
65. Parramatta	56,830	\$85,245
66. Penrith	56,302	\$84,453
67. Pittwater	56,082	\$84,123
68. Port Macquarie	59,650	\$89,475
69. Port Stephens	56,128	\$84,192
70. Prospect	54,474	\$81,711
71. Riverstone	59,325	\$88,988
72. Rockdale	56,367	\$84,551
73. Ryde	54,805	\$82,208
74. Seven Hills	53,639	\$80,459
75. Shellharbour	62,659	\$93,989
76. South Coast	56,725	\$85,088
77. Strathfield	53,322	\$79,983
78. Summer Hill	56,330	\$84,495
79. Swansea	56,591	\$84,887
80. Sydney	55,038	\$82,557
81. Tamworth	56,523	\$84,785
82. Terrigal	57,351	\$86,027
83. The Entrance	56,264	\$84,396
84. Tweed	56,752	\$85,128
85. Upper Hunter	55,281	\$82,922
86. Vaucluse	56,390	\$84,585
87. Wagga Wagga	55,453	\$83,180
88. Wakehurst	55,686	\$83,529
89. Wallsend	58,770	\$88,155
90. Willoughby	54,444	\$81,666
91. Wollondilly	57,136	\$85,704
92. Wollongong	60,809	\$91,214
93. Wyong	57,290	\$85,935

4. Recognised Office Holders receive an additional loading on the Communications Allowance Base Allocation in accordance with *Table 11 Recognised Office Holder and Other Member Additional Entitlements*.

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Carry over/forfeiture of entitlement

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

Special Conditions

1. Upon the gazettal of new electoral districts following an electoral redistribution (undertaken pursuant to s 27(1)(c) of the *Constitution Act 1902*), Members of the Legislative Assembly may use their Communications Allowance to communicate with prospective constituents from neighbouring electorates who at the time of the next election following the gazettal of the new electoral districts will become constituents of the Member's electorate.
2. When an electoral redistribution results in the abolition or renaming of an electorate, that Member may communicate with prospective constituents in a new or renamed electorate, subject to the new or renamed electorate comprising the majority of the constituents who would have resided in the Member's former electorate prior to the gazettal of the new electoral districts.

Conditions

1. Members will receive a monthly report containing expenditure and balance of their account.
2. All procurement of services will be in accordance with the Parliament's purchasing policies.
3. No supplementation to the allocation will be considered. Any additional costs may be met from the Member's Electoral Allowance.
4. The printing and distribution of publications is to be in accordance with the Parliament's administrative guidelines.

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5. Use of social media including websites and audio posters is to be in accordance with the Parliament's administrative guidelines.
6. Members are encouraged to submit material they are proposing to print or produce using the Communications Allowance to the Department of Parliamentary Services for a pre-production assessment.
7. Communication with prospective constituents is permitted following the gazettal of electoral districts. Each Member is to receive the details of the prospective constituents from the NSW Electoral Commission. For Members whose electorates are substantially unchanged by the electoral redistribution communication will be limited only to those electors who will transfer from adjoining electorates. For Members whose electorates are abolished or renamed, those Members may communicate with prospective constituents in a new or renamed electorate, where that electorate comprises the majority of the constituents who would have resided in the Member's former electorate prior to the gazettal of the new electoral districts.
8. Communications with constituents/prospective constituents will be limited to matters affecting the Member's electorate.
9. Members will not be permitted to use their Communications Allowance for the production and distribution of publications (paper based or electronic) intended for distribution either electronically, by mail, letterbox drop, newspaper supplement/insert or handout during the period from 26 January in a State election year to the election date or beyond the issue of the writ for a by-election within an electorate for which a by-election is being held. This includes all written, drawn or pictorial matter, including advertisements, but not general office correspondence.
10. Members will not be permitted to use the Communications Allowance for purchasing, producing, contributing towards the cost of producing and distributing promotional material including but not limited to fridge magnets, calendars, wall planners, rainfall/tide charts, notepads, shopping lists, bowling scorecards, pens, key rings, balloons, clothing etc.

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6.4 General Travel Allowance

Purpose

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

Entitlement

1. The General Travel Allowance comprises a base annual allocation for Members of the Legislative Assembly and Legislative Council and an additional allocation for Members of specified electoral groups.
2. The annual base allocation and additional allocation for each electoral group/zone shall be as follows:

Table 8: General Travel Allowance			
Electoral Group/Zone	Base Allocation	Additional Allocation	Total General Travel Allowance
Legislative Assembly			
Group 1	\$6,265		\$6,265
Group 2	\$9,415		\$9,415
Group 3	\$12,585		\$12,585
Group 4	\$12,585		\$12,585
Group 5 (and Port Macquarie)	\$12,585	\$10,615	\$23,200
Group 6	\$15,725	\$17,325	\$33,050
Group 7	\$15,725	\$32,040	\$47,765
Group 8	\$36,110	\$63,610	\$99,720
Legislative Council			
Zone 1	\$6,265		\$6,265
Zone 2	\$6,265		\$6,265
Zone 3	\$15,665		\$15,665

3. Recognised Office Holders receive an additional loading on the General Travel Allowance - Base Allocation in accordance with *Table 11 Recognised Office Holder and Other Member Additional Entitlements*.

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Carry over/forfeiture of entitlement

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

Conditions

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

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3. A Member who incurs parking costs (at either a commercial parking station or a parking meter) may be reimbursed these costs from the General Travel Allowance when the travel relates to attending a meeting or event.
4. It is a condition of all air transport charters that the Member responsible for organising the charter obtains a passenger manifest from the charter operator and attaches it to the invoice when it is submitted for payment to the Parliament. Only the cost of the Member's approved relatives or member of staff accompanying the Member may be met for charter transport costs.
5. The Member for Port Macquarie shall receive a General Travel Allowance - Additional Allocation commensurate with that provided to Members located in electoral Group 5 and shall include costs associated with up to four return trips to Lord Howe Island per year, flying from Port Macquarie or from Sydney subject to available flights.
6. A Member representing the Electorate of Murray and a Member representing the Electorate of Barwon who flies his/her own aircraft, may claim reimbursement against this allowance for the cost of fuel, landing fees and one annual service.
7. All travel costs associated with Members' staff travel may be met from this entitlement. Such travel shall be paid in accordance with the *Members' Staff Conditions of Employment – Determination of the Presiding Officers*.
8. All associated travel expenses for Members and Members' staff including registration costs for conferences, conventions, symposiums, forums or similar and associated accommodation and meal costs approved by the Parliament shall be met from this entitlement. Such costs shall however exclude professional development for Members, overseas travel, Electorate to Sydney travel and costs met from the Sydney Allowance.
9. Members and their approved relatives, when travelling in connection with the Member's Parliamentary duties, may claim reasonable actual accommodation and meal expenses from the Member's General Travel Allowance. The reimbursement of

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these expenses may not exceed the travel allowance rates as determined for Group 2 in *Table 9: Travel Allowances – Indicative Upper Limits for Recognised Office Holders*.

10. The entitlement may not be used to meet or defray the cost of any individual, office holder or other party not included in these conditions.
11. Members should ensure that records are maintained that clearly document each occasion and the purpose of any travel met from this entitlement for stays in Sydney or other locations when travelling in connection with the Member’s parliamentary duties. Such documentation including airline boarding passes if applicable is to be retained for subsequent review by internal and external auditors if required.
12. A Member and his or her approved relatives may travel together or separately in connection with attendance at a function in the course of Parliamentary duties. Dependent children may only travel in the company of the Member or other approved relative.
13. Members undertaking training using the Skills Development Allowance may use the General Travel Allowance to meet their travel costs.

6.5 Travelling Allowances for Recognised Office Holders

Table 9: Travelling Allowances Indicative Upper Limits for Recognised Office Holders			
Office Holders	Destinations	Amount	Where no overnight stay is required
Group 1	Adelaide	\$392.70	Actual reasonable meal expenses
	Brisbane	\$440.70	
	Canberra	\$429.70	
	Darwin	\$476.70	
	Hobart	\$379.70	
	Melbourne	\$448.70	
	Perth	\$448.70	
	Other areas	\$378.70	
Group 2	Adelaide	\$368.05	Actual reasonable meal expenses
	Brisbane	\$417.05	
	Canberra	\$406.05	
	Darwin	\$453.05	
	Hobart	\$356.05	
	Melbourne	\$388.05	
	Perth	\$405.05	
	Other areas	\$272.80	

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Group classifications

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

Table 10: Travelling Allowances Group Classifications for Recognised Office Holders
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.

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Conditions

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 9: Travelling Allowances Indicative Upper Limits for Recognised Office Holders*.
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 relatives 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 relatives.
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.

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6.6 Recognised Office Holder and Other Member Additional Entitlements

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

Table 11: Recognised Office Holder and Other Member Additional Entitlements		
Recognised Office Holder	General Travel Allowance Base Allocation	Communications Allowance Base Allocation
Presiding Officer	30%	55%(A) 175%(C)
Leader of the Opposition	20%(A)	140%(A) 175%(C)
Deputy Leader of the Opposition	10%	15%(C)
Whips		15%(C)
Party Leader (not less than 10 Members)	15%	
Deputy Party Leader (not less than 10 Members LA or 9 Members LC)	10%	
Leader of the National Party (in Opposition with not less than 10 Members in LA)	15%	15%

Carry over/forfeiture of entitlement

End of each financial year (within 4 year parliamentary term): Balance of loadings forfeited

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

Conditions

The following conditions shall apply in respect of this allowance:

1. Recognised Office Holders and Members referred to in *Table 11: Recognised Office Holder and Other Member Additional Entitlements* may receive this additional entitlement for only one office; that office being the office which attracts the greater level of entitlement.
2. These entitlements, as they apply to Recognised Office Holders, are to be available only for Recognised Office Holder duties.

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3. Where entitlements formerly provided for the Recognised Office Holder's approved relatives these have been included in the allocation.
4. Where an entitlement is followed by (A) or (C) it applies only to the Office Holder in either the Assembly or the Council.

6.7 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 Barwon shall be provided with an additional two electorate offices (a total of three) and the Members for Murray, Cootamundra and Northern Tablelands one additional electorate office (a total of two).
3. Section 18 of the *Members of Parliament Staff Act 2013* provides for the number of staff to be determined by the Tribunal. The number of staff allocated to Members and special office holders (as specified) is as follows:
 - 3.1 Each Member of the Legislative Assembly shall have three staff members employed at each electorate office.
 - 3.2 Each Member of the Legislative Council, who is not a Minister, shall be entitled to one staff member.
 - 3.3 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.
 - 3.4 The Parliament will provide relief arrangements to Members of the Legislative Assembly and Legislative Council when any staff member is absent on approved

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leave on any full working day. Parliament will be fully funded to provide relief arrangements to comply with this condition.

- 3.5 Relief arrangements and minimum staffing requirements will be provided in accordance with the provisions set out in the Members' Staff Conditions of Employment Determination of the Presiding Officers.
- 3.6 The Whip of each recognised political party of not less than 10 Members to each shall be provided with one member of staff.
- 3.7 Ministers shall receive a reasonable allocation of staff members.
- 3.8 The Leader of the Opposition in the Legislative Council and Deputy Leader of the Opposition in the Legislative Council shall be provided with one member of staff to assist both recognised office holders.
- 3.9 Nothing in this determination removes from the employer of staff other obligations arising under the *Work Health and Safety Act 2011*.

6.8 Skills Development Allowance

Purpose

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

- media skills training
- public speaking
- community engagement
- graphic design
- website and social media maintenance
- writing skills for reports and media releases.

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Entitlement

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

Table 12: Skills Development Allowance	
Member/Members' Staff	Annual entitlement
Members of the Legislative Assembly and Legislative Council	\$1,500
Members' staff (each full-time equivalent position)	\$500

Carry over/forfeiture of entitlement

End of each financial year (within 4 year parliamentary term): Balance of allowances forfeited

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

Conditions

The following conditions shall apply in respect of this allowance:

1. Entitlements are not transferable between Members
2. Entitlements may be transferred between staff in the same office subject to the expenditure not exceeding the total budget allocation provided to a Member for staff training.
3. As a general principle, the Member should ensure that the training requirements of staff members are considered equitably. Where a staff member does not get an opportunity to use the allowance during one financial year, they should where possible, be given priority in the subsequent year.
4. Members should prioritise the training of full-time and part-time staff members. Training from the allowance should only be provided to short term temporary staff members if resources remain from the allocation of training to full-time and part-time staff members.

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5. Members and Members' staff will be required to use their Skills Development Allowance before 30 June each year. Unused funds will be forfeited.
6. No supplementation to the allocation will be considered.
7. All travel expenses for Members and Members' staff and associated accommodation and meal costs to attend training under the Skills Development Allowance may be met from the General Travel Allowance subject to Parliament's administrative guidelines. Such travel for Members' staff shall be paid in accordance with the *Members' Staff Conditions of Employment – Determination of the Presiding Officers*.

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Signed

The Hon C G Staff

Dated: 21 June 2019

Appendices

Appendix 1 Advice of the Secretary of NSW Treasury

In a letter dated 13 June 2019 the Secretary of NSW Treasury, Mr Michael Pratt AM provided the following statement in respect to the financial implications of the Determination pursuant to section 12A of the Act.

Sensitive: NSW Government



Advice of the Secretary of NSW Treasury

The following comments on the Parliamentary Tribunal's 2019 Determination are made pursuant to Section 12A of the *Parliamentary Remuneration Act 1989*.

Financial Impact of the 2019 Determination

Basic salaries for Members of Parliament will be increased in accordance with NSW Wages Policy, consistent with the requirements of section 4(3) of the Act.

Based on the commencement from 1 July 2019, Members basic salary and entitlements are estimated to increase by \$1,078,536 over the 2019 Determination. The additional costs arising from the determination can be absorbed within the Legislature's current budget allocation.

I advise that the financial implications of the proposed variation in entitlements in the 2019 Determination is provided for within the Legislature's existing budget controls and escalation arrangements.