

Discussion Paper on the Members of Parliament (Victoria) Guidelines No. 01/2019

On 16 September 2019, the Victorian Independent Remuneration Tribunal (Tribunal) made the Members of Parliament (Victoria) Determination 01/2019 (Determination). On the same day, the Tribunal made the Members of Parliament (Victoria) Guidelines 01/2019 (Guidelines), for the:

- Electorate Office and Communications Budget (EO&C Budget)
- parliamentary accommodation sitting allowance
- travel allowance
- commercial transport allowance
- international travel allowance.

A summary of the allowances and EO&C Budget provided to MPs is at [Attachment A](#) and the Guidelines are at [Attachment B](#).

The Tribunal has received letters from the Special Minister of State and the Clerks of the Parliament of Victoria ([Attachments C and D](#)), to request it consider clarifying some aspects of the Guidelines.

Table 1 to this discussion paper sets out the matters in relation to which clarification has been sought on the Guidelines and the reasons advanced as to why clarification is sought. Table 1 also sets out:

- a) changes the Tribunal is considering making to the Guidelines (draft changes) having regard to the information currently before it in relation to the matters on which clarification is sought, and/or
- b) the matters where the Tribunal requires further information in order to decide whether and how to amend the existing Guidelines.

The Tribunal invites all persons and bodies to provide feedback and additional information relating to the draft changes and matters where the Tribunal requires further information, and to suggest additional changes for the Tribunal's consideration.

Feedback, information and suggestions can be provided in writing by sending a submission to enquiries@remunerationtribunal.vic.gov.au. The closing date for making a written submission is 5.00pm on 6 December 2019. Persons wishing to

make oral submissions to the Tribunal are requested to advise the Tribunal by 5.00pm on 29 November 2019.

All submissions will be published in full or in summary form as appropriate on the Tribunal's website, unless the person making the submission seeks confidentiality or the submission contains information that is identified as commercially sensitive. In this instance, the submission will be published in a form which protects the confidentiality or commercial sensitivity.

The Tribunal will decide whether to amend the Guidelines following the close of submissions. Any revised Guidelines will be published on the Tribunal's website.

Table 1: Proposed changes to the Guidelines

Category	Consideration	Reason	Draft changes and/or further information sought
<p>Several:</p> <ul style="list-style-type: none"> • travel allowance • commercial transport allowance • international travel allowance 	<p>Include additional offices, such as Shadow Ministers and Parliamentary Secretaries, in the list of office holders for whom parliamentary business includes 'attendances that are occasioned by official business resulting from the office held'.</p>	<p>Shadow Ministers undertake a wide range of duties, but do not have the same access to resources as Ministers.</p> <p>Not recognising the additional attendances that Shadow Ministers may be required to make by virtue of holding their office may reduce the effectiveness of the Opposition, with a corresponding detriment on keeping the Government of the day to account.</p> <p>Parliamentary Secretaries often represent Ministers at official functions and events.</p>	<p>Add the following to the list of office holders in the definition of parliamentary business in paragraph 3 of the Guidelines:</p> <ul style="list-style-type: none"> • Shadow Ministers • Parliamentary Secretaries when representing Ministers at official functions and events. <p>The Tribunal seeks further information about whether the Guidelines should be amended to list additional office holders in the definition of parliamentary business.</p>

Category	Consideration	Reason	Draft changes and/or further information sought
Travel allowance	Clarify the travelling allowance rates set in the Commonwealth Remuneration Tribunal's Determination that apply to the travel allowance.	The current wording of the Determination may create an operational concern for the Clerks who administer the travel allowance.	<p>Add the following to the end of paragraph 6.1 of the Guidelines:</p> <p>For the avoidance of doubt:</p> <ul style="list-style-type: none"> the travelling allowance rate for the office holders specified in paragraph (a) of the definition of 'travelling allowance rate', in clause 3.2 of the Determination, is calculated by reference to the values listed in column 2 of Schedule B of the Commonwealth Remuneration Tribunal (Members of Parliament) Determination the travelling allowance rate for other MPs is calculated by reference to the values listed in column 3 of Schedule B of the Commonwealth Remuneration Tribunal (Members of Parliament) Determination.

Category	Consideration	Reason	Draft changes and/or further information sought
Travel allowance	Reduce how far from their home base an MP is required to stay in order to claim the travel allowance for electorate business, for example, to align with the distance requirement for claiming the travel allowance for parliamentary business (28km from home base).	The different qualifying distances for claiming the travel allowance for parliamentary business and electorate business may result in inconsistency in access to the allowance for different duties. For example, an MP whose home base is 75km from Melbourne can claim for an overnight stay in Melbourne for sitting days and committee hearings (parliamentary business), but cannot claim for an overnight stay in Melbourne to attend a multiple day training course or conference (electorate business).	<p>Further information is requested.</p> <p>The Tribunal notes that the distance requirements for claiming travel costs for parliamentary and electorate business in the Guidelines are similar to those that were in effect previously, under the <i>Parliamentary Salaries and Superannuation (Allowances) Regulations 2013</i> (Vic). In addition, prior to the Determination, MPs were not able to claim a travel-related allowance (i.e. Melbourne allowance, general travel allowance or overnight electorate allowance) for accommodation costs for electorate business outside the MP's electorate.</p> <p>The Tribunal also notes that MPs may use the electorate allowance to cover travel costs related to electorate business. The Tribunal seeks further information about whether travel costs for electorate business within 80km of an MP's home base are more suitably claimed from the electorate allowance rather than from the travel allowance.</p>

Category	Consideration	Reason	Draft changes and/or further information sought
Commercial transport allowance	Allow all MPs to claim the commercial transport allowance for electorate business (along with for parliamentary business).	Prevents MPs claiming transport costs within Australia for legitimate electorate related work — for example investigating policy, program or service initiatives taking place in other jurisdictions.	<p>Further information is requested.</p> <p>The Tribunal seeks further information about whether transport costs for electorate business are more suitably claimed from the electorate allowance rather than the commercial transport allowance.</p> <p>The Tribunal also seeks further information about whether additional safeguards should be introduced in the Guidelines if the proposed clarification is adopted. Examples of safeguards that could be introduced include:</p> <ul style="list-style-type: none"> • MPs are to provide a travel report for claims relating to electorate business outside of their electorate, for publication. • If air travel costs for electorate business are claimed using the commercial transport allowance, electorate and/or parliamentary business must occupy at least 80 percent of the days that the MP is travelling. <p>The Tribunal notes that prior to the Determination, up to \$10,000 of the EO&C Budget could be spent per year on certain travel-related costs (including transport costs for electorate business outside of Victoria).</p>

Category	Consideration	Reason	Draft changes and/or further information sought
Commercial transport allowance	Increase the amount eligible MPs can claim under the commercial transport allowance for parliamentary business, in particular for the costs of attending Parliament.	The annual limit for claiming the commercial transport allowance for parliamentary business is insufficient for regional MPs who are required to purchase return airfares to Parliament to attend sittings of the MP's House of Parliament.	<p>Further information is requested.</p> <p>Under the Guidelines, MPs may use the commercial transport allowance to claim transport costs to Parliament for parliamentary business if their home base is at least 80km from the Melbourne centre. The Tribunal notes that MPs living within 80km of the Melbourne centre are able to use their private-plated vehicle or their motor vehicle allowance (depending on which option is chosen) to travel to and from Parliament.</p> <p>The Tribunal notes that the Department of Premier and Cabinet reimburses MPs who reside more than 240km from Melbourne for the cost of their return flights to Parliament. While these payments continue, such MPs need not claim the commercial transport allowance for attending Parliament.</p> <p>The Tribunal is seeking further information about the transport costs for MPs residing between 80km and 240km of the Melbourne centre to attend Parliament.</p> <p>The Tribunal notes that prior to the Determination, MPs were not provided with an allowance in respect of transportation costs within Victoria for parliamentary business.</p>

Category	Consideration	Reason	Draft changes and/or further information sought
International travel allowance	Allow MPs to claim the international travel allowance for electorate business (along with parliamentary business).	<p>Limiting the international travel allowance to parliamentary business limits MPs from engaging in legitimate electorate business overseas, for example:</p> <ul style="list-style-type: none"> • furthering sister city relationships • investigating policy, program or service initiatives that are relevant for their electorate • participating in parliamentarian associations forums. 	<p>Further information is requested.</p> <p>The Tribunal seeks further information about whether international travel costs and transport costs for electorate business are more suitably claimed from the electorate allowance rather than the international travel allowance.</p> <p>The Tribunal also seeks further information about whether additional safeguards should be introduced in the Guidelines if the proposed clarification is adopted. An example of a safeguard that could be introduced is:</p> <ul style="list-style-type: none"> • if air travel costs for electorate business are claimed using the international travel allowance, electorate and/or parliamentary business must occupy at least 80 percent of the days that the MP is travelling. <p>The Tribunal notes that prior to the Determination, up to \$10,000 of the EO&C Budget could be spent per year on certain travel-related costs (including international travel for electorate business).</p>

Category	Consideration	Reason	Draft changes and/or further information sought
International travel allowance	Clarify timing requirements regarding when MPs can claim the allowance, and when they are required to submit an international travel report.	There is a lack of guidance regarding when an international travel report must be submitted and when the international travel allowance can be claimed.	<p>Further information is requested.</p> <p>The Tribunal notes that section 9E(2)(a) of the <i>Parliamentary Salaries, Allowances and Superannuation Act 1968</i> (Vic) states that a claim for a work-related parliamentary allowance (including the international travel allowance) must be accompanied by the prescribed documentation. Regulation 15A(3) of the <i>Parliamentary Salaries, Allowances and Superannuation Regulations 2019</i> (Vic) prescribes an international travel report as a document that must be provided by an MP when claiming the international travel allowance.</p> <p>The Tribunal requests further information as to how the proposed clarification can be included in the Guidelines in light of s.9E(2)(a) and reg.15A(3).</p>
EO&C Budget	Clarify that travel expenses cannot be claimed from the EO&C Budget.	The Guidelines do not expressly state that the EO&C Budget cannot be used to claim travel expenses, although the Statement of Reasons within the Tribunal's Determination notes that is the intended outcome.	<p>Add the following paragraph 4.18 to the Guidelines:</p> <p>For the avoidance of doubt, the EO&C Budget cannot be used in respect of a Member's travel costs or transport costs.</p>

Attachment A — overview of MP work-related parliamentary allowances and the EO&C Budget

Category	Intended purpose	Features
Parliamentary accommodation sitting allowance	To cover the cost of regional MPs maintaining a metropolitan residence, to help them carry out their parliamentary duties while in Melbourne.	<ul style="list-style-type: none"> • Available to regional MPs whose home base is at least 80km from the Melbourne centre and who choose to maintain a second residence in metropolitan Melbourne. • Amount of allowance varies depending on office held (if any). • The Tribunal may make Guidelines for this allowance.
Travel allowance	To cover the cost of accommodation, meals and incidentals when MPs are required to stay overnight, within Australia, away from their home base to undertake parliamentary or electorate business.	<ul style="list-style-type: none"> • Available to all MPs. • MPs claiming the parliamentary accommodation sitting allowance cannot claim the travel allowance for stays within the metropolitan area. • MPs may only claim costs actually incurred, subject to nightly limits which vary depending on location. • Different eligibility rules apply under the Guidelines depending on whether the MP is undertaking parliamentary business or electorate business.
Commercial transport allowance	To cover transport costs of MPs travelling within Australia to undertake parliamentary or electorate business, in circumstances where a Victorian motor vehicle cannot reasonably be used (e.g. interstate travel).	<ul style="list-style-type: none"> • Available to all MPs. • MPs may only claim costs actually incurred, subject to annual limits. • Different eligibility rules apply under the Guidelines depending on whether the MP is undertaking parliamentary business or electorate business.
International travel allowance	To cover the cost of transport, accommodation, meals and incidentals for MPs required to travel outside of Australia for parliamentary business.	<ul style="list-style-type: none"> • Available to all MPs. • MPs may only claim costs actually incurred, subject to annual limits. • Under the Guidelines, nightly limits apply to accommodation costs that may be claimed, which vary based on location.

Category	Intended purpose	Features
EO&C Budget	<p>Available to MPs to:¹</p> <ul style="list-style-type: none"> fund the operating costs and maintenance of their electorate office communicate with their electorate in relation to the performance of their public duties. 	<ul style="list-style-type: none"> Available to all MPs. Allocated to MPs each financial year, except for election years where it is determined on a pro rata basis for the periods before and after the election. For Members of the Assembly, size of the EO&C Budget varies depending on the number of voters in the electorate. Tribunal Guidelines specify which goods and services can and cannot be purchased using the EO&C Budget.
Expense allowance	<p>Provided to certain office holders to cover additional costs arising from carrying out their duties.</p>	<ul style="list-style-type: none"> Amount provided varies depending on office held. Paid to MPs fortnightly, treated as income by the Australian Tax Office (ATO) and is subject to the Pay As You Go Withholding (PAYG-W) system. The Tribunal is unable to make Guidelines for this allowance.
Electorate allowance	<p>To cover costs associated with MPs providing services to their constituents.²</p>	<ul style="list-style-type: none"> Provided to all MPs. Amount of allowance varies depending on size of electorate represented (three tiers). Paid to MPs fortnightly, on an 'untaxed' basis. MPs must account for the use of the electorate allowance in their personal income tax returns and pay tax on any amount not spent on a deductible expense in accordance with ATO Tax Ruling 1999/10. The Tribunal is unable to make Guidelines for this allowance.
Motor vehicle allowance	<p>To cover transport costs of MPs travelling by motor vehicle (or similar means) within Victoria in order to carry out their duties.</p>	<ul style="list-style-type: none"> Provided to MPs that elect not to be provided with a private-plated motor vehicle. Amount of allowance varies depending on size of electorate represented (two tiers). The Tribunal is unable to make Guidelines for this allowance.

1. *Parliamentary Salaries, Allowances and Superannuation Act 1968* (Vic) s.7F(2).

2. *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019* (Vic) s.17(3)(e).

GUIDELINES

[2019] GMP 01

Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 (Vic)

s.36—Guidelines for or with respect to the use of work-related parliamentary allowances and the Electorate Office and Communications Budget.

Members of Parliament (Victoria) Guidelines No. 01/2019

1. Introduction

In accordance with section 36(2) of the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 (Vic)*, the Victorian Independent Remuneration Tribunal makes the following guidelines for or with respect to the use of the:

- Electorate Office and Communications Budget
- parliamentary accommodation sitting allowance
- travel allowance
- commercial transport allowance
- international travel allowance.

These guidelines should be read together with the Determination in effect at the time.

2. Commencement

- 2.1. These are the first guidelines made by the Tribunal. In accordance with section 36(3) of the VIRTIPS Act, these guidelines take effect on 16 September 2019.

3. Definitions

3.1. Terms not defined in these guidelines have the same meaning as in the Determination, unless the contrary intention appears.

3.2. In these guidelines, unless the contrary intention appears:

commercial accommodation means accommodation in a commercial establishment (such as a hotel, motel, club, serviced apartment or other serviced property) and any other commercial property offering accommodation services to the public;

commercial transport means transit with an operator that, for remuneration, provides scheduled or non-scheduled transport services to the public for the carriage of passengers, but does not include:

- (a) any transport services provided to the Member by family, public sector employees, electorate officers, ministerial officers or parliamentary advisers, or
- (b) transport by motor vehicle within the State of Victoria;

committee means:

- (a) a joint house committee of the Parliament of Victoria established under the *Parliamentary Committees Act 2003* (Vic), or
- (b) a sub-committee of a joint house committee of the Parliament of Victoria established under the *Parliamentary Committees Act 2003* (Vic), or
- (c) a joint select committee of the Parliament of Victoria, if the resolution of the Legislative Assembly and the Legislative Council establishing the committee expressly provides that an allowance is payable, or
- (d) a standing committee or select committee of either House of the Parliament of Victoria;

committee attendances means:

- (a) attendance at a meeting of a committee of which the person is a Member, or

- (b) attendance at other functions or activities (including to take evidence) which arise as a consequence of the person carrying out responsibilities and duties of a committee of which the person is a Member;

Determination means the Determination made by the Tribunal under Part 3 of the VIRTIPS Act setting the value of salaries and allowances for Members, as in effect at the time;

electorate business means functions or activities, other than parliamentary business, which arise as a consequence of the Member carrying out the Member's parliamentary responsibilities and duties to his or her electorate;

EO&C Budget means the Electorate Office and Communications Budget;

home base means a Member's principal place of residence;

Melbourne centre means the intersection of Elizabeth Street and Bourke Street in Melbourne;

Member means a member of the Parliament of Victoria;

metropolitan area means the area lying within a radius of 28 kilometres from the Melbourne centre;

official government function means a State Reception for which a formal invitation is issued by the branch of the Victorian Department of Premier and Cabinet responsible for managing official government functions;

parliamentary business means:

- (a) attendances that are occasioned by sittings of the Member's House of Parliament (including regional sittings), Parliamentary party meetings on a sitting day, committee attendances, official government functions, parliamentary functions or Vice-regal functions; and
- (b) if the Member is any of the following, attendances that are occasioned by official business resulting from the office held:

- i. the Premier,
- ii. the Deputy Premier,
- iii. any other Minister of the Crown,
- iv. the President,
- v. the Speaker,
- vi. the Deputy President,
- vii. the Deputy Speaker,
- viii. the Cabinet Secretary,
- ix. the Leader of the Opposition,
- x. the Deputy Leader of the Opposition,
- xi. the Leader of the Opposition in the Legislative Council,
- xii. the Deputy Leader of the Opposition in the Legislative Council,
- xiii. the Leader of the Third Party, or
- xiv. the Deputy Leader of the Third Party;

parliamentary function means a function for which a formal invitation is issued by a Presiding Officer, or jointly by the Presiding Officers of the Parliament of Victoria;

PSAS Act means *Parliamentary Salaries, Allowances and Superannuation Act 1968* (Vic);

relevant Officer has the same meaning as in the PSAS Act;

second residence means a dwelling in the metropolitan area wholly maintained by a Member for a period not less than the aggregate number of sitting days of his or her House of Parliament in a calendar year;

transport costs means costs required for a person to travel by commercial transport;

travel costs means costs for the following:

- (a) commercial accommodation,
- (b) meals, and
- (c) incidental expenses—

but does not include the purchase of alcohol;

Tribunal means the Victorian Independent Remuneration Tribunal;

Vice-regal function means a function for which a formal invitation is issued by or on behalf of the Governor of Victoria;

VIRTIPS Act means the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019* (Vic).

4. Electorate Office and Communications Budget

Purpose and certification

- 4.1. A Member is provided with the EO&C Budget to:
 - (a) fund the operating costs and maintenance of his or her electorate office, and
 - (b) facilitate the Member communicating with constituents within his or her electorate about specific issues or services affecting them.
- 4.2. Each Member is individually accountable for the use of his or her EO&C Budget. Members are responsible for ensuring that all expenditure is managed within the allocated budget and in accordance with all relevant legislation and guidelines.
- 4.3. Members must be able to certify that their usage of the EO&C Budget complies with the PSAS Act, these guidelines, and any terms and conditions imposed by the relevant Officer.

Carry over

- 4.4. Each Member may carry over up to 50 per cent of the EO&C Budget allocation for a financial year (excluding any carry over from the previous financial year) to the next financial year, subject to the availability of funds and the approval of the Treasurer of Victoria.

Non-communication expenditure that can be claimed

- 4.5. Items of expenditure, not related to communication with the electorate, that the EO&C Budget may be used for include:

- (a) additional electorate office salary expenses;
- (b) reasonable out of pocket expenses for Electorate Officers as listed in the Electorate Officers' (Victoria) Single Enterprise Agreement 2017 or its successor including:
 - i. travelling, accommodation, meals and other incidental expenses associated with an overnight absence from home or part day duties away from the normal work location, and
 - ii. other expenses necessarily incurred in the course of the electorate officer's employment and authorised by the Member as incidental expenses necessarily incurred;
- (c) cleaning of, and cleaning supplies for, electorate offices and cleaning of Member motor vehicles that have been supplied by Parliament;
- (d) expenses for maintenance of electorate offices, including maintenance of equipment and furniture;
- (e) purchase, replacement and upgrade of non-standard or additional furniture and minor equipment of a non-capital nature complying with conditions imposed by the relevant Officer;
- (f) purchase of the following flags and installation of freestanding flagpole stands for the electorate office:
 - i. Australian national flag,
 - ii. Aboriginal flag,
 - iii. Torres Strait Islander flag, or
 - iv. Victorian state flag;
- (g) security costs, including monitoring and alarm response call-out costs;
- (h) photocopier click charges for the electorate office printer and multi-function devices and the Member's Parliament House office;
- (i) photocopier and computer printer consumables;
- (j) parliamentary printing (including bound statutory rules, reprinted consolidated Act, cumulative Acts tables, reprinted Acts, loose Acts, Bound Acts, Hansard subscriptions, bound Hansard, Government Gazette) not otherwise provided by the Parliament upon written request;

- (k) general stationery of a non-political nature — personalised letterhead, stationery and envelopes, stores and requisites, newspapers and magazines of a relevant business-related nature;
- (l) telephone call costs, including mobile telephones, all smart phone devices including data charges and other communication charges;
- (m) additional telephone costs, e.g. purchase of mobile devices;
- (n) costs associated with training fees (excluding accommodation, food and drink) for the Member and electorate office staff (subject to the requirement that expenses for training cannot be claimed from the EO&C Budget until the Member has fully expended the training budget provided to them by the Parliament of Victoria);
- (o) expenses relating to participation in the Parliament's Internship Program;
- (p) engagement of secondary or tertiary students on work experience, as long as no more than \$25 per day remuneration is provided (to compensate for reasonable out of pocket expenses);
- (q) Freedom of Information requests lodged by a Member in order to assist or resolve an issue for an individual constituent in the Member's electorate;
- (r) additional signage for the electorate office that complies with all relevant terms and conditions imposed by the relevant Officer;
- (s) insurance premiums for contents of the electorate office;
- (t) additional keys above the standard entitlement for the electorate office and re-keying costs for lost keys complying with the terms and conditions imposed by the relevant Officer.

4.6. Items of expenditure that the EO&C Budget may not be used for include:

- (a) purchase of food or drink items;
- (b) use of cab charges;
- (c) supply of equipment or the costs of operating equipment located outside the electorate office, with the exception of the following items purchased through and with the approval of the Parliament's IT services:
 - i. ipads or other tablets,
 - ii. mobile telephones,

- iii. pagers, and
- iv. one laptop and related accessories.

4.7. The EO&C Budget cannot be used for the purchase of items of a capital nature, other than in accordance with terms and conditions imposed by the relevant Officer.

Communication expenditure that can be claimed

4.8. Communications content claimed under the EO&C Budget must identify clearly and legibly the name of the Member as the author and editor, provide the Member's contact details and contain the words 'funded from Parliamentary Budget'. The following communications are exempt from including the funding declaration:

- (a) small paper based advertisements (provided that joint communications issued in accordance with paragraph 4.11 that are over 280 characters in length are not exempt from including the funding declaration);
- (b) small social media messages with a maximum of 280 characters (such as tweets), that contain the Member's name and contact information; and
- (c) items such as compliment slips, business cards, appreciation certificates and small promotional items.

4.9. Items of expenditure related to communication with the electorate that the EO&C Budget may be used for include:

- (a) printed communication such as official stationery, flyers, leaflets, brochures and religious event communications distributed within the Member's electorate;
- (b) newspaper advertisements;
- (c) billboards (stationary and mobile) within the Member's electorate;
- (d) venue hire costs within the Member's electorate, subject to the following rules:
 - i. primary purpose of the forum or event is for the Member to engage with constituents in the Member's electorate,
 - ii. forum or event is open to all constituents, and

- iii. forum or event is not used for party political purposes;
- (e) cinema, radio and television advertising;
- (f) social media advertisements;
- (g) Member's personal website, subject to the following rules:
 - i. content of the website conforms to these guidelines,
 - ii. the website is externally hosted, and
 - iii. copyright materials received from the Parliamentary Library under section 48A of the *Copyright Act 1968* are not re-published on the website;
- (h) expenditure on specialist services to assist with allowable communications, such as website design, graphic design and advertisement production;
- (i) promotional items with a unit price up to \$2 (excluding GST), subject to the following rules:
 - i. unit price includes all costs associated with producing the item including design, artwork, printing, setting and production, including the entire promotional package, but excludes postage and other distribution costs,
 - ii. must not contain party political messages,
 - iii. must only be distributed within Member's electorate, and
 - iv. for the purposes of these guidelines, clothing items such as caps, t-shirts and scarves are considered promotional items;
- (j) individual listings in regional telephone books, the Yellow Pages and other local directories, and the inclusion of additional information in the Parliament of Victoria's White Pages entry.

4.10. Use of the EO&C Budget for party political communication, including party logos, is prohibited. However, Members may include their party name in their title as well as use their official parliamentary office title. Members who do not belong to a 'legislated recognised party' may include a title such as '[party name] Spokesperson for Health' on approved communications.

4.11. A combination of Members from lower and upper Houses may advertise and communicate jointly and share the cost equally or based on the pro-rata distribution breakdown. The EO&C Budget cannot be used:

- (a) for joint advertising with Members from other jurisdictions, commercial organisations or other bodies,
- (b) to imply Parliament support or endorsement of commercial organisations or other bodies, or
- (c) to survey for voting intention, preferred leader or preferred political party.

4.12. Communications content claimed under the EO&C Budget:

- (a) must not communicate any oral or written communication that attacks or makes non-factual, derogative or personalised statements against political opponents;
- (b) may include positive and non-election party slogans that are not connected to, or replicate, an election campaign slogan;
- (c) must not survey for voting intention, preferred leader or preferred political party;
- (d) must not advertise an external link to materials that do not comply with these guidelines and terms and conditions imposed by the relevant Officers;
- (e) must not be used for petitions that are not in an appropriate form for either House of Parliament; and
- (f) must not request donations for the Member, his or her party or other persons or organisations.

4.13. Members are responsible for ensuring that content on—

- (a) social media, if the EO&C Budget is used in respect of that social media, and
- (b) the Member's Parliament funded website—

complies with these guidelines and terms and conditions imposed by the relevant Officer.

4.14. No advertising, communication, postage, distribution or printing expenditure is allowed to be claimed under the EO&C Budget during the

period between the issuing of the writs for a general election and the declaration of the poll for the electorate, or within an electorate for which a byelection is being held.

4.15. The EO&C Budget may not be used for the engagement of consultants, on-hire labour, researchers, facilitators, accountants or the provision of related services.

Costs automatically deducted from EO&C Budget

4.16. Where the following matters are paid by the Parliament of Victoria in relation to a Member, the costs are to be automatically deducted by the Parliament of Victoria from the Member's EO&C Budget:

- (a) telecommunications, including:
 - i. services and equipment costs for additional telephone lines above those ordinarily provided for electorate offices,
 - ii. mobile device purchases, and
 - iii. mobile phone charges;
- (b) Australia Post charges;
- (c) photocopier copy/print charges;
- (d) printer per page (click) print charges;
- (e) security monitoring, patrolling and security alarm maintenance fees;
- (f) air conditioning servicing costs;
- (g) recycling costs;
- (h) boiled and chilled water unit servicing costs;
- (i) folding machine charges; and
- (j) motor vehicle insurance excess.

Terms and conditions imposed by the relevant Officer

4.17. Subject to these guidelines, a Member may also use the EO&C Budget for expenditure that is permitted by the terms and conditions imposed by the relevant Officer.

5. Parliamentary accommodation sitting allowance

5.1. The parliamentary accommodation sitting allowance may be claimed by a Member if:

- (a) a second residence is maintained by the Member; and
- (b) the Member has notified the location of his or her second residence to the relevant Clerk within 30 days of establishing, changing or ceasing to have the second residence, and provided the Clerk with at least one of the following:
 - i. a certificate of title showing the Member as a registered owner of the second residence,
 - ii. a mortgage agreement showing the Member as mortgagor in relation to a mortgage over the second residence, or
 - iii. a tenancy agreement showing the Member as a tenant of the second residence; and
- (c) the Member's home base is:
 - i. outside a radius of 80 kilometres from the Melbourne centre, or
 - ii. outside the metropolitan area and the MP satisfies the relevant Clerk that the shortest route by road between the MP's home base and the Melbourne centre exceeds 80 kilometres; and
- (d) the electorate that the MP represents is listed in Schedule 1.

6. Travel allowance

6.1. A Member may claim the travel allowance for travel costs (excluding transport costs) actually incurred for parliamentary business within Australia or electorate business within Australia, as long as the total amount claimed in respect of each overnight stay does not exceed the amount set in the Determination.

- 6.2. A Member may claim the travel allowance only for occasions that:
- (a) he or she is required to stay overnight away from his or her home base; and
 - (b) the location of the overnight stay is—
 - i. at least 28 kilometres from his or her home base if the travel allowance is claimed for parliamentary business; or
 - ii. at least 80 kilometres from his or her home base if the travel allowance is claimed for electorate business.
- 6.3. A Member who claims the parliamentary accommodation sitting allowance cannot claim the travel allowance for stays within the metropolitan area.

7. Commercial transport allowance

- 7.1. Subject to paragraphs 7.2 and 7.3, a Member may claim the commercial transport allowance for transport costs actually incurred for parliamentary business within Australia or electorate business within Australia, as long as the total amount claimed each financial year does not exceed the amount set in the Determination.
- 7.2. The maximum amount that a Member may claim each financial year under the commercial transport allowance in respect of parliamentary business is \$5,000.
- 7.3. The maximum amount that a Member may claim each financial year under the commercial transport allowance in respect of electorate business is:
- (a) if the Member represents an electorate listed in table 1, 2 or 3 of Schedule B of the Determination, \$0;
 - (b) if the Member represents an electorate listed in table 4 of Schedule B of the Determination, \$5,971; or
 - (c) if the Member represents an electorate listed in table 5 of Schedule B of the Determination, \$12,226.

7.4. A Member may not use the commercial transport allowance to claim transport costs to attend parliamentary business at Parliament (including sittings of the Member's House of Parliament), unless the Member's home base is:

- (a) outside a radius of 80 kilometres from the Melbourne centre, or
- (b) outside the metropolitan area and the MP satisfies the relevant Clerk that the shortest route by road between the MP's home base and the Melbourne centre exceeds 80 kilometres.

8. International travel allowance

8.1. A Member may claim the international travel allowance for travel costs and transport costs actually incurred for parliamentary business outside of Australia, as long as the total amount claimed each financial year does not exceed the amount set in the Determination.

8.2. Accommodation expenses can only be claimed under the international travel allowance:

- (a) for the days on which business is conducted and when single night accommodation is necessary due to flight connections,
- (b) one day prior to the business day,
- (c) one day after the business day in those instances where departure on the last business day is not practical (e.g. the departure flight is in the late evening which may require a late checkout or an extra night of accommodation),
- (d) for days when travel occurs between places of business,
- (e) on weekends where business occurs on the Friday and Monday either side of that weekend, or
- (f) for the city or town where business is conducted, or for other locations when single night accommodation is necessary due to flight connections.

8.3. Accommodation expenses claimed under the international travel allowance cannot exceed the prices for a four star hotel as prescribed by the ECA International Accommodation Report for the relevant city.

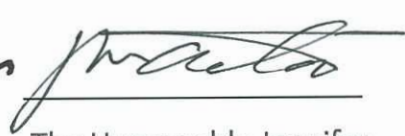
Members can obtain information on these rates from the Parliament of Victoria.



Warren McCann

Chair

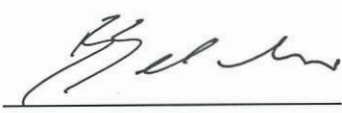
Victorian Independent
Remuneration Tribunal



The Honourable Jennifer
Acton

Member

Victorian Independent
Remuneration Tribunal



Barbara Belcher AM

Member

Victorian Independent
Remuneration Tribunal

Date: *16 September 2019*

Schedule 1 — electorates listed for parliamentary accomodation sitting allowance

Electoral districts for the Legislative Assembly	
Bass	Macedon
Bellarine	Mildura
Benambra	Morwell
Bendigo East	Murray Plains
Bendigo West	Narracan
Buninyong	Nepean
Eildon	Ovens Valley
Euroa	Polwarth
Geelong	Ripon
Gippsland East	Shepparton
Gippsland South	South Barwon
Hastings	South West Coast
Lara	Wendouree
Lowan	
Electoral regions for the Legislative Council	
Eastern Victoria	Western Victoria
Northern Victoria	



Gavin Jennings MLC

Special Minister of State
Minister for Aboriginal Affairs
Minister for Priority Precincts

1 Treasury Place
Melbourne, VIC 3002
Telephone: +613 8392 5708

Warren McCann
Chair
Victorian Independent Remuneration Tribunal
Suite 1, Ground Floor
1 Treasury Place
EAST MELBOURNE VIC 3002

28 OCT 2019

D19/293819

Dear *Warren*

I congratulate the Victorian Independent Remuneration Tribunal on undertaking its first comprehensive review of parliamentary salaries and allowances, and on issuing the *Members of Parliament (Victoria) Determination No. 01/2019* (Determination) and the *Members of Parliament (Victoria) Guidelines No. 01/2019* (Guidelines).

The new parliamentary salaries and allowances framework under which the Determination and the Guidelines were made constitute a substantial change from Victoria's previous regime. It is intended that the Determination and Guidelines promote greater independence and transparency about parliamentary salaries and allowances, and provide the community with confidence that public money is being used and administered in a transparent and accountable manner.

Since the Tribunal issued the Determination and the Guidelines, a number of my colleagues have approached me seeking clarification of matters for implementation, as set out in the attached table. Refinements are to be expected in transitioning to a new regime, and I am grateful for the Tribunal's ongoing interest in how the Guidelines are applied and how they can be continually improved. I would be grateful for your consideration of the issues presented here, and any action as the Tribunal sees fit.

If you require any further information, please contact Vicky Hudson, Executive Director, Governance Branch, in the Department of Premier and Cabinet on 9651 2234.

Yours sincerely

Gavin Jennings MLC
Special Minister of State

Operational matters for Remuneration Tribunal consideration

Issue	Description	Request
Definition of “parliamentary business”	<p>Most allowances are provided to support an MP in conducting “parliamentary business”. The definition of “parliamentary business” includes ‘official business resulting from an office held’. The list of office-holders in the definition is not comprehensive, and offices such as Shadow Ministers, Parliamentary Secretaries are not listed.</p> <p>This exclusion restricts certain office-holders from being able to claim allowances for official business connected to their office. For example, in the case of Shadow Ministers, this exclusion may reduce the effectiveness of the Opposition, with a corresponding detriment on keeping the Government of the day to account.</p>	The Tribunal may consider if the Guidelines should be amended to list additional office-holders in the definition of “parliamentary business”.
Claiming travel expenses under the Budget	<p>The Determination and Statement of Reasons infer that the Budget can no longer be used for travel.</p> <p>As the Guidelines <u>do not</u> expressly prohibit MPs from claiming travel expenses under the Budget, there may be uncertainty for MPs about whether these expenses can be claimed, or for the Secretary of DPS and Compliance Officers in determining whether claims under the Budget are compliant.</p>	The Tribunal may consider clarifying the Guidelines in relation to whether travel expenses can be claimed under the Budget, and if so, in what circumstances.
International travel allowance	<p>The Guidelines restrict claims for the international travel allowance to parliamentary business only. Assuming that the Budget cannot be used for overseas travel, some MPs, especially MPs that do not hold a parliamentary office, may no longer have a mechanism to claim expenses for travel outside of Australia.</p> <p>This may have the impact of limiting the ability of MPs to undertake legitimate electorate related work overseas, such as furthering sister city relationships, investigating policy, program or service initiatives that are relevant for their</p>	The Tribunal may consider amending the Guidelines so that the international travel allowance can be used for electorate business.

Issue	Description	Request
	<p>electorate, or participating in parliamentary associations forums.</p>	
<p>International travel report</p>	<p>Currently, the regulations prescribe what MPs must include in an international travel report, when making a claim for the international travel allowance.</p> <p>While the regulations prescribe the content of the report, they do not address procedural matters such as when in the international travel process an MP can make a claim.</p> <p>This situation creates a reliance on the Clerks making terms and conditions to address how and when the international travel allowance can be paid.</p>	<p>The Tribunal may consider providing greater guidance in the Guidelines in relation to the international travel report and procedural requirements around when a report should be provided when making a claim for the international travel allowance.</p>
<p>Commercial transport allowance</p>	<p>Assuming the Budget cannot be used for commercial transport, MPs that represent electorates in tables 1, 2 or 3 of Schedule B of the Determination can no longer claim for transportation costs relating to electorate business.</p> <p>This may have the impact of limiting the ability of MPs to undertake legitimate electorate related work. In particular, it may prevent MPs from being able to investigate first hand policy, program or service initiatives taking place in other jurisdictions that are relevant for their electorate.</p>	<p>The Tribunal may consider amending the Guidelines so that the commercial transport allowance can be used for electorate business.</p>
<p>Reference to the Commonwealth Remuneration Tribunal's determination for the value of the travel allowance</p>	<p>The Determination sets the value of the travel allowance as 'the amount determined to be payable for an overnight stay in commercial accommodation in the relevant location as determined by the Commonwealth Remuneration Tribunal' (see the definition of "travelling allowance rate" on page 3 of the Determination).</p> <p>However, this may create an operational concern for the Clerks who administer the travel allowance, as the Commonwealth determination for MPs does not explicitly specify amounts payable for "overnight stays</p>	<p>The Tribunal may consider clarifying the value and name of the travel allowance in the Guidelines.</p>

Issue	Description	Request
	<p>in commercial accommodation”.</p> <p>Rather, a table at Schedule 2 of the Commonwealth determination sets out “travel allowance rates” for their travel allowance. The Schedule also specifies different rates depending on whether you hold a certain office.</p> <p>The reference in the Determination does not make it explicitly clear if the ‘Schedule 2 table’ of the Commonwealth’s determination is what should be used for the purposes of the Victorian travel allowance, and which column in Schedule 2 of the Commonwealth’s determination should be used.</p>	



Mr Warren McCann
Chair
Victorian Independent Remuneration Tribunal
Suite 1, Ground Floor, 1 Treasury Place
Melbourne, VIC 3000

31 October 2019

Dear Mr McCann

Members of Parliament (Victoria) Determination 01/2019 and Guidelines

Thank you for meeting with us to discuss some issues we have encountered in the implementation of the Members of Parliament (Victoria) Determination 01/2019 and Guidelines. Below is a summary of the matters we would like to bring to the attention of the Tribunal for further consideration.

Definition of parliamentary business

The definition of parliamentary business in the Guidelines enables certain office holders to claim work-related travel allowances for attendances that are occasioned by official business relating from the office held. The list of office holders does not include parliamentary secretaries and shadow ministers.

As detailed in the Determination, shadow ministers undertake a wide range of duties, but do not have the same access to resources as ministers. Similarly, parliamentary secretaries often represent ministers at official functions and events. Members with these responsibilities are often required to travel within Victoria, and sometimes within Australia. Members holding these offices were not previously able to claim travel allowances, but we believe the new Determination and Guidelines provide an opportunity for this to be reconsidered.

We therefore suggest the Tribunal consider whether it is appropriate to amend Guideline 3.2 and add parliamentary secretaries and shadow ministers to the list of office holders in the definition of parliamentary business.

Travel allowance

Under Guideline 6.2, members can claim the travel allowance for overnight stays occasioned by parliamentary business when the location of the overnight stay is 28 km from their home base and for electorate business when the location of the overnight stay is 80 km from their home base. This allowance replaced the previous Melbourne allowance and an allowance which members could claim when they stayed overnight within their electorate more than 80 km from their home base.

The different qualifying distances for parliamentary business and electorate business has resulted in some inconsistency in access to the travel allowance for members' different duties. For example, a member whose home base is 75 km from Melbourne can claim for an overnight stay in Melbourne for sitting days and committee hearings (parliamentary business), but cannot claim for an overnight stay in Melbourne to attend a multiple day training course or conference (electorate business).

The Tribunal may wish to consider whether it is appropriate to amend the guidelines to change the distance requirement for claiming the travel allowance for electorate business. Possibly the Tribunal may wish to consider making the qualifying distance 28 km for both parliamentary and electorate business.

Commercial transport allowance

The Determination provides each member with access to an allowance up to a certain amount per year for commercial transport. Guidelines 7.2 and 7.3 then specify how much of that allowance can be claimed for parliamentary business, and how much can be claimed for electorate business.

The limit for all members for parliamentary business is \$5,000 per year. As parliamentary sittings fall under parliamentary business, members who need to fly to Melbourne for sitting weeks can only claim up to \$5,000 for this purpose. As return flights to Melbourne from regional areas can be over \$500 per return, and there are usually 17 sitting weeks a year, and committee meetings at other times, this is insufficient for regional members to claim flights to Melbourne for all parliamentary business.

The Guidelines also provide that the maximum amount most metropolitan members (electorates listed in table 1, 2 or 3 of Schedule B) can claim for commercial transport for electorate business is \$0. Previously some members used their Electorate Office and Communication Budget to cover the cost of travel within Victoria or Australia for electorate business, such as to learn more about an issue affecting their electorate by visiting another jurisdiction. They are now able to claim their accommodation and incidentals under the travel allowance, but cannot claim transport costs.

To address both these issues, we suggest the Tribunal consider whether it is appropriate to delete sections 7.2 and 7.3 of the Guidelines and the cross reference in Guideline 7.1 so members have the option to use the amount specified in the determination for either parliamentary business or electorate business. This would provide greater flexibility for members without increasing the overall entitlement, and given the higher amount available to regional members, this would enable regional members to fly to Melbourne for all sitting weeks.

International travel allowance

The Determination provides each member with access to an allowance up to \$10,000 per year for international travel. However, section 8.1 of the Guidelines states that members can only claim the international travel allowance for parliamentary business, not electorate business.

Members have previously travelled internationally for a number of reasons, including study tours related to electorate issues, activities of parliamentary friendship groups, and as part of a shadow ministerial role. Members were able to claim these costs against the Electorate Office and Communication Budget.

However, as the international travel allowance cannot be claimed for electorate business, claims for these activities are no longer possible.

We suggest the Tribunal consider whether it is appropriate to amend section 8.1 of the Guidelines to make the international travel allowance available for both parliamentary business and electorate business.

Travel expenses

On page 153 of the Determination, the Tribunal infers that members can no longer claim travel from the Electorate Office and Communication Budget, but instead can claim travel-related allowances. Given some queries we have received from members, and for the avoidance of doubt, we suggest the Tribunal considers amending Guideline 4.6 and add a specific statement that the EO&C Budget cannot be used for travel undertaken by a member.

We thank you for the opportunity to provide our input on the Determination and the Guidelines. Please let us know if you would like any further information and we would be happy to meet with you and the Tribunal members if you need any clarification.



Andrew Young
Clerk of the Legislative Council



Bridget Noonan
Clerk of the Legislative Assembly