

GUIDELINES

[2019] GMP 02

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. 02/2019

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 guidelines take effect on 23 December 2019 and revoke and supersede the Members of Parliament (Victoria) Guidelines No. 01/2019.

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,
- xiv. the Deputy Leader of the Third Party,
- xv. a Shadow Minister, or
- xvi. a Parliamentary Secretary;

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) communicate with his or her electorate in relation to the performance of his or her public duties.
- 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.

4.18. For the avoidance of doubt, the EO&C Budget cannot be used in respect of a Member's travel costs or transport costs.

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 Member satisfies the relevant Clerk that the shortest practicable route by road between the Member's home base and the Melbourne centre exceeds 80 kilometres; and
- (d) the electorate that the Member 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. For the avoidance of doubt:
- (a) 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 in effect at the time; and
 - (b) the travelling allowance rate for other Members is calculated by reference to the values listed in column 3 of Schedule B of the Commonwealth Remuneration Tribunal (Members of Parliament) Determination in effect at the time.
- 6.2. Subject to paragraph 6.3, 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) if the travel allowance is claimed for parliamentary business:
 - i. the location of the overnight stay is at least 28 kilometres from his or her home base, or
 - ii. the Member satisfies the relevant Clerk that the shortest practicable route by road between the Member's home base and the location of the overnight stay is at least 28 kilometres; and
 - (c) if the travel allowance is claimed for electorate business:
 - i. the location of the overnight stay is at least 80 kilometres from his or her home base, or

- ii. the Member satisfies the relevant Clerk that the shortest practicable route by road between the Member's home base and the location of the overnight stay is at least 80 kilometres;
- 6.3. Notwithstanding paragraph 6.2, a Member may claim the travel allowance for occasions that he or she stays overnight within the metropolitan area, away from his or her home base—
- (a) as a result of there being a break of less than 10 hours between when the Member's House of Parliament adjourns and when it is scheduled to commence sitting the next day; or
 - (b) where the relevant Clerk anticipated that there would be a break of less than 10 hours between when the Member's House of Parliament would adjourn and when it would commence sitting the next day.
- 6.4. 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 paragraph 7.2, 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. 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 Member satisfies the relevant Clerk that the shortest practicable route by road between the Member'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 or electorate 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

The Honourable Jennifer
Acton

Barbara Belcher AM

Chair

Member

Member

Victorian Independent
Remuneration Tribunal

Victorian Independent
Remuneration Tribunal

Victorian Independent
Remuneration Tribunal

Date: 20 December 2019

Schedule 1 — electorates listed for parliamentary accommodation 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	