



# Office of the Speaker

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

6 December 2019

Dear Chair,

Thank you for the opportunity to provide feedback on the Members of Parliament (Victoria) Guidelines 01/2019 (“the Guidelines”) issued by the Victorian Independent Remuneration Tribunal (“the Tribunal”).

I note that the Tribunal has sought feedback more specifically on the area of travel allowances. However, I would like to take this opportunity to raise concerns expressed to me by numerous Members of Parliament regarding the Electorate Office and Communications Budget (“the EO&C Budget”) component of the Guidelines.

The Guidelines issued by the Tribunal state that a Member is provided with an EO&C Budget to (emphasis added):

- (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.***

However, the legislation as enacted relevantly provides that Members are provided with the EO&C Budget to (emphasis added):

- (a) fund the operating costs and maintenance of their electorate office; and*
- (b) **communicate with their electorate in relation to the performance of their public duties.***<sup>1</sup>

As you can see, the second limb, point (b), in the Guidelines is notably at variance with the legislation. This has unfortunately led to some confusion regarding the allowable

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



content in Members' communication materials and, in particular, whether Members can communicate about broader issues of public policy which, by virtue of location, may not specifically impact constituents in a Members electorate.

An example of this might be where a Member wishes to communicate about a change in government policy or a funding initiative impacting hospitals in Victoria. Clearly not every electorate has a hospital in it even though the constituents in that electorate will undoubtedly use hospitals.

Whilst possibly not intended by the Tribunal, it appears that the issue here is the interpretation of the term 'public duties'. 'Public duties' is given the same meaning as it has in section 2(1) of the *Members of Parliament (Standards) Act 1978*,<sup>2</sup> which defines public duties to include committee business, electorate business, ministerial business and parliamentary business. Given this definition is non-exhaustive, it is appropriate to consider the broader context of the roles Members play vis-à-vis their electorates which form their public duties.

It is my firm view that the most fundamental role for Members of Parliament is to represent the interests of the constituents in their electorates and to seek redress of grievances by government. An integral part of this process is the ability of Members to communicate with their electorates on the work the Member is doing or has done to advance the interests of their electorates. This will inevitably and necessarily involve communication on issues of broader public policy which may not have a specific impact within the boundaries of a Members' electorate.

Therefore, I urge the Tribunal to consider amending the Guidelines to clarify this discrepancy between the legislation and the Guidelines, and to ensure that Members are able to communicate with their electorates on the broad range of matters which fall within the scope of Members public duties.

Yours sincerely,



**Colin Brooks MP**  
Speaker of the Legislative Assembly

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<sup>2</sup> *Parliamentary Salaries, Allowances and Superannuation Act 1968* (Vic) s 3.