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

Dear Remuneration Tribunal Panel Members

With due respect, I do not believe the Tribunal had a full appreciation of the role of a Member of Parliament in issuing its determination on salaries, entitlements and work-related expenses.

I, therefore, welcome the willingness of the Tribunal to give further consideration to certain matters, and I am pleased to provide some comments to assist in your deliberations. I would advise that I was the President of the Legislative Council from December 2010 until December 2018 and co-chair with various Speakers in that period of the House Committee that provided advice and feedback on Member support services and entitlements. I would further advise that I have been a Member of the Legislative Council for more than 27 years, having been elected on the first occasion in 1992.

I would indicate that, before the legislation establishing the Remuneration Tribunal, many of the decisions on travel, acceptable and appropriate electorate office expenses, staffing matters were the responsibility of the presiding officers of the Parliament.

The decisions were informed by policies set out in a members guide and by advice from the professional officers of the Parliament, including the clerks of the Legislative Council and Legislative Assembly.

Overview

It is important to understand the role of a Member of Parliament in the context of both salaries and allowances.

Unlike directors, management and employees of government departments or agencies or those working in the private sector who have a focus on and expertise in a relatively few activity areas, Members of Parliament must develop an understanding of a very wide range of services, projects, programs, legal frameworks, cultural, social and political structures and issues.

Members of Parliament each have very different qualifications, experience. Knowledge and skills and, to be effective in their roles, need to expand and build upon their education, career or community experience.

Further, Member of Parliament represent electorates with diverse needs, aspirations and challenges that will require research and an investigation of issues and new developments beyond the borders of the constituency they represent.

The Parliament is not the Government, and the Government is not the Parliament, and I believe the Tribunal's initial determination did not fully appreciate the distinction. I point out regularly that citizens do not necessarily have a voice in the government, but they always have the prospect of a voice in the parliament, particularly through non-government Members of Parliament.

In arriving at its determination, the Tribunal has defined the role and working practices of a Member of Parliament too sharply in the context of their electorate boundaries.

This position fails to recognise the work, for instance of Shadow Ministers, who must engage with stakeholders, including government, industry, educational and community agencies based outside their electorate and sometimes not even in Victoria.

Shadow Ministers and independents or minor party Members of Parliament with defined portfolio interests and responsibilities also must engage with media and citizens or groups of citizens from outside their own electorates.

This engagement is crucial to the public debate on issues, policies and both legislative and administrative actions and to the function of the Parliament itself.

Further, it is crucial to the interrogation and evaluation of ideas and proposals that are advanced not just by government or other political parties but also of stakeholder groups, lobbyists and vested interests seeking to influence legislation and public policy.

I would venture to say that so-called backbenchers in government ranks and other Members of Parliament who do not hold shadow portfolio responsibilities are engaged with and work with organisations, groups or individuals outside their own electoral boundaries to the benefit of good public policy and community participation in and understanding of the Parliament and Government.

Engagement with multicultural communities, disability services, environment or sporting groups, senior citizens or youth would be key examples of the 'beyond borders' but vital work of Members of Parliament outside their own constituency.

Interestingly, the salary increase decision of the Tribunal created a major distortion for Members of Parliament.

Ministers who are supported in their duties by government departments and agencies and significant staffing allocations, as well as travel and other allowances not available to other Members of Parliament, have been handsomely recompensed by the Tribunal.

The more modest increase to Members of Parliament who do not hold office fails to recognise that they have limited staff resources and have to undertake their own research, write their own speeches, draft their own letters and media releases and, in the case of shadow ministers, formulate and promote their policies.

There is also an imbalance between government backbenchers who are provided with speech notes, briefing materials and other resources generated by Ministerial staffers and government departments that are not available to non-government Members.

I cannot stress enough the importance of Members and particularly those in non-government parties having an opportunity to attend conferences and undertake meetings and visits outside their immediate electorate and in other jurisdictions to support public policy development, scrutiny of Government and informed public debate.

May I also note at this point that Members of Parliament serving on committees constituted by the Parliament used to be paid a meeting allowance for their attendance at hearings and meetings outside Parliament sitting days.

That allowance was discontinued, and Members do not receive any additional remuneration for what can be very extensive inquiries and investigations, albeit committee chairs are paid an additional salary increment recognising their office.

Travel

In respect of Tribunal's determination limiting travel entitlements for Members, I would make the following comments:

1. The allowable travel expenditure for a Member was capped at a maximum of \$10,000 per annum in the last Parliament and the ability to roll over that amount to the following year to create a \$20,000 allocation was terminated along with an allowance to spend part of the annual travel budget allocation for travel by a spouse or partner.
2. With the approval of the presiding officers, it was permissible to expend part of the travel budget allocation on travel by a staff member who was obliged to travel in support of a Member.
3. In the Parliament convened between 2010 and 2014, budget pressures for the Parliament prompted the presiding officers to require Members to fund air travel and transport for committee trips from their electorate office travel budget allocation.
4. All travel by committees was subject to approval by the presiding officers in relation to destinations, appropriate and cost-effective travel options, the planned itinerary of meetings and visits and the relevance of the proposed travel to the inquiry being undertaken.
5. Except in exceptional circumstances, only one committee trip was permitted in each Parliament.
6. Members were required to provide a diary before undertaking any travel outside Australasia and to provide a report to the presiding officers on their return from any overseas trip. The report was publicly available from the Parliamentary Library.
7. Members were entitled to travel interstate and to New Zealand without an obligation to provide a report, but the travel had to be work-related, for example, meetings at other Parliaments and with other Members of Parliament, meetings with national organisations headquartered outside Victoria and conferences.

8. This type of travel would not seem to be allowable under the Tribunal determination as they are for purposes outside a Member's electorate and not necessarily connected to a committee inquiry.

9. However, conferences and meetings of this nature can be important to the understanding a Member has of an issue, of policy options, of project and program initiatives undertaken in other jurisdictions. I would note that Members were not allowed to use their travel budget allocation to attend conferences, events or other party political activities, including for example to be a speaker at any political party forum or campaign activity.

10. With appropriate requirements such as the submission of a diary and the completion of a report, the use of the travel budget allocation for independent travel (ie not involving a committee investigation) by a Member should also be allowed for attendance at international conferences, research involving projects and programs with potential application to Victoria, as well as meetings with international organisations and corporations.

11. The rationale for this independent travel is again justified in my experience, to the understanding a Member has of an issue, of policy options, of project and program initiatives undertaken in other jurisdictions.

12. Victoria is in the top 40 economies in the world measured by GDP and is a globally outward-looking state with a network of 23 business offices in strategic overseas locations and four sister-state relationships. Our economic future is heavily dependent on our international connections, both in terms of trade and investment.

13. Delegations of Members of Parliament have played an important role in developing those international connections and creating new opportunities and also have had a valid role in goodwill delegations that provide a broader understanding of further opportunities for trade, investment, information and cultural exchange.

14. Whether a travel budget allocation is allowable from the Electorate Office and Communications Budget or from a separately designated provision which could be created by a comparable reduction in the EO&C budget, I would contend that the ability for a Member of Parliament to draw on a travel budget allocation for electorate business as a clarification of the definition or interpretation of parliamentary business should be confirmed.

Other Travel Matters

1. I note that the clerks of Parliament wrote to the Tribunal on October 31st in respect of travel and overnight allowances for Members of Parliament who live more than 28km from the Parliament or 80km from home in the instance of an electorate commitment, an issue important to country Members.

2. I also note the clerks in that letter commented on the commercial transport allowance.

3. I would point out that, as a presiding officer, I was cognisant of the importance of these allowances in terms of occupational health and safety given the risks associated with fatigue for Members of Parliament that can work 60 to 80-hour weeks and undertake significant travel.

4. I, therefore, support the comments of the clerks of the Parliament from their submission of October 31st.

Electorate Office Budget Expenditures

1. I have always maintained the importance of accountability for expenditures from the Electorate Office Budget and the requirement that all communications, including advertising and printed materials, should be for constituent information and not party political purposes.

2. There is, however, an inconsistency in current interpretations by the Department of Parliamentary Services on certain expenditures. For example, Members are allowed to purchase small gift items such as shopping bags, pens etc. To promote themselves and contact details but are not permitted to charge congratulatory certificates to the electorate office budget.

3. Members of Parliament are community leaders, and part of their role is the recognition, encouragement, commendation and motivation of community groups and individuals, including students, constituents celebrating birthday or anniversary milestones, citizens who have won awards or contributed to community advancement such as recipients of Order of Australia awards.

4. I have attached a copy the certificate I send out to recognise achievements or personal milestones which is not political or targeted for any political purpose. I contend that this expenditure is valid in terms of my role as a community leader and arguably more appropriate than promotional gift items.

5. I also note an interpretation that any communication materials for which expenditure is claimed by a Member of Parliament should only be distributed in that Member's electorate.

6. I again note that the work of Members of Parliament is not confined to their own constituency and, while I would not support distribution of leaflets into another electorate which inevitably would constitute a political initiative, the sending of Christmas cards, for example, to organisations or individuals with whom the Member has a working relationship should be allowable.

7. Similarly, a Shadow Minister or Member of Parliament should not be prevented from forwarding information and seeking feedback from organisations or individuals in a particular policy area, for example, to industry associations on small business or NDIS agencies.

Yours sincerely



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Member of the Legislative Council of Victoria
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