

Members of Parliament (Victoria) Guidelines

Consultation Draft 2020

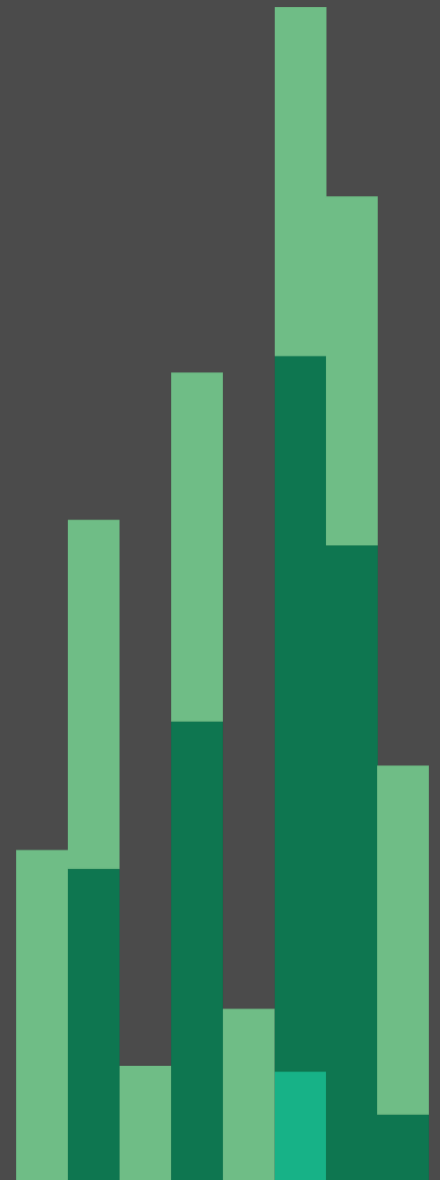


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Part A – Preliminary

1 Introduction

- (1) In accordance with section 36 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:
 - (a) Electorate Office and Communications Budget
 - (b) parliamentary accommodation sitting allowance
 - (c) travel allowance
 - (d) commercial transport allowance
 - (e) international travel allowance.
- (2) These guidelines should be read together with the Determination in effect at the time.

2 Commencement

These guidelines take effect on [TBC] and replace the Members of Parliament (Victoria) Guidelines No. 02/2019.

3 Definitions

- (1) Terms not defined in these guidelines have the same meaning as in the Determination, or the PSAS Act, unless the contrary intention appears.
- (2) In these guidelines:

allowance means a work-related parliamentary allowance as defined in section 3 of the PSAS Act;

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, except for reasonable transport directly to or from a Victorian airport;

committee means:

- (a) a joint house committee of the Parliament established under the *Parliamentary Committees Act 2003 (Vic)*; or
- (b) a sub-committee of a joint house committee of the Parliament established under the *Parliamentary Committees Act 2003 (Vic)*; or
- (c) a joint select committee of the Parliament, 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;

committee business has the meaning given in guideline 7;

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 has the meaning given in guideline 7;

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;

office holder includes an office set out in Schedule 2;

Parliament means the Parliament of Victoria;

parliamentary accommodation 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 their House of Parliament in a calendar year;

parliamentary business has the meaning given in guideline 7;

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

PSAS Regulations means the *Parliamentary Salaries, Allowances and Superannuation Regulations 2019* (Vic);

public duties has the same meaning as it has in section 3 of the PSAS Act, which is further defined in guideline 7 for the purpose of these guidelines;

relevant Officer has the same meaning as it has in section 3 of the PSAS Act;

transport costs means:

- (a) costs required for a person to travel by commercial transport; and
- (b) for the commercial transport allowance only, parking fees at a Victorian airport;

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;

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

Part B – Principles and overarching obligations

4 Principles under the PSAS Act

- (1) These Guidelines are informed by the Statement of Principles set out in Division 1 of Part 2 of the PSAS Act, which a Member must be aware of when using their allowances or EO&C Budget.
- (2) The Statement of Principles set out in the PSAS Act provides for the following:
 - (a) **Fair and reasonable recompense for public duties**
 - (i) A Member should receive fair and reasonable recompense for performing their public duties.
 - (ii) Public resources are provided to a Member to support them in performing their public duties.
 - (b) **Good faith and integrity**

A Member must act ethically, reasonably and in good faith when using, and accounting for the use of, public resources in relation to the performance of their public duties.
 - (c) **Personal responsibility and accountability**
 - (i) A Member must be responsible and accountable for their use of public resources.
 - (ii) A Member must be prepared for their claims to be made publicly available.
 - (iii) A Member must be able to publicly justify their use of public resources.

5 Overarching obligations under the PSAS Act

The PSAS Act imposes overarching obligations with respect to the use of allowances and the EO&C Budget. A Member must be aware of and comply with these overarching obligations as follows:

(1) **Value for money (s 9A, PSAS Act)**

A Member must provide value for money in using their allowances and EO&C Budget by ensuring that the costs incurred are reasonable and proportionate to the costs of performing their public duties.

- (2) **Dominant purpose of performing public duties (s 9B, PSAS Act)**
 - (a) A Member must not claim or use an allowance or their EO&C Budget unless it is claimed for the dominant purpose of performing their public duties.
 - (b) A Member can only claim or use an allowance or their EO&C Budget for the travel expenses of another individual if that individual's travel is essential to support and execute the Member's public duties.
- (3) **Responsible and legitimate purposes (s 9C(1), PSAS Act)**

A Member must claim or use allowances and the EO&C Budget provided to them responsibly and only for legitimate purposes in connection with their public duties.
- (4) **Compliance with these Guidelines and the relevant Officer's terms and conditions (s 9C, PSAS Act)**
 - (a) A Member must be aware of, and comply with, these Guidelines and the terms and conditions that apply to the provision, claim and use of allowances and the EO&C Budget.
 - (b) A Member must not make a claim for, or use, an allowance or the EO&C Budget if that claim or use would be in breach of these Guidelines or a term or condition imposed by the relevant Officer.
 - (c) If any term or condition imposed by a relevant Officer is inconsistent with these Guidelines, the Guidelines prevail to the extent of the inconsistency.

6 Travel-related allowances to be claimed as a reimbursement

- (1) Section 9D of the PSAS Act provides that a Member may only claim a travel allowance by making a claim for the reimbursement of costs incurred in relation to the use of the travel allowance.
- (2) A Member will have incurred a cost in relation to the use of the travel allowance, commercial transport allowance, international travel allowance, or the EO&C Budget, at the time that the Members pays for the cost.

Note: It is not necessary for the Member to have concluded the travel to have incurred the cost. However, the supporting documentation that must be provided with a claim pursuant to the PSAS Regulations may affect when a claim can be submitted.
- (3) For the avoidance of doubt, if a Member makes a claim for a cost incurred and does not undertake the travel, the amount must be repaid.

Part C – Public duties of a Member

7 Meaning of public duties

“Public duties” is defined in section 3 of the PSAS Act to have the same meaning as it has in section 2(1) of the *Members of Parliament (Standards) Act 1978* (Vic).

In that Act, public duties is defined to include committee business, electorate business, Ministerial business and parliamentary business. Those four types of business are not further defined in the Act.

This guideline provides further detail about those four types of business.

- (1) **Committee business** means:
 - (a) attendance at a meeting of a committee of which the person is a member;
 - (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.
- (2) **Electorate business** means, in the Member’s capacity as their constituent’s elected representative:
 - (a) any of the following activities relating to matters of importance or interest to constituents (including matters that do not relate exclusively to constituents, such as matters of state importance):
 - (i) providing advice to constituents;
 - (ii) attending a meeting with constituents;
 - (iii) undertaking research;
 - (b) representing the views and interests of constituents;
 - (c) participation in official and community activities to which the Member is invited;
 - (d) providing constituent assistance and service for the electorate.
- (3) **Ministerial business** means parliamentary business in relation to the Member’s capacity as a Minister of the Crown.
- (4) **Parliamentary business** means:
 - (a) attendances occasioned by sittings of the Member’s House of Parliament (including regional sittings);

- (b) attendances at Parliamentary party meetings on a sitting day;
- (c) attendances at 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 (**official government functions**);
- (d) attendances at a function for which a formal invitation is issued by a Presiding Officer, or jointly by the Presiding Officers of the Parliament (**parliamentary functions**);
- (e) attendances at a function for which a formal invitation is issued by or on behalf of the Governor of Victoria (**Vice-regal functions**);
- (f) if the MP is an office holder, attendances that are occasioned by official business resulting from the office held;
Note: The list of office holders is set out in Schedule 2 below.
- (g) developing or reviewing legislation or proposed legislation;
- (h) undertaking research, attending meetings, or administration connected with the business of the Parliament;
- (i) representing the Parliament, in accordance with an approval of the House of the Parliament, and engaging in associated activities for that purpose.

Part D – Electorate Office and Communications Budget

The EO&C Budget is provided to Members to fund the operating costs and maintenance of their electorate office; and communicate with their electorate in relation to the performance of their public duties. Costs that may be claimed under these two categories are set out in this Part of the Guidelines.

Members are provided with an electorate office fitted out to a standard specified by the relevant Officer. However, each electorate office will vary slightly depending on location and design. It is intended that the maintenance of any standard electorate office equipment be paid for by the Parliament. The EO&C Budget should only be used for the maintenance costs of additional miscellaneous equipment that is not included in the standard fit-out.

It is not intended that the EO&C Budget be used to cover a Member's travel or transport costs as Members are provided with other allowances for these costs.

Use of the EO&C Budget must comply with the overarching obligations in the PSAS Act, as well as the prohibition on party political activity, and prohibition on commercial use and personal use, as set out in this Part of the Guidelines.

8 Provision of the EO&C Budget

- (1) In accordance with section 7F of the PSAS Act, a Member is provided an EO&C Budget to:
 - (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.
- (2) The EO&C Budget cannot be used for a Member's travel costs or transport costs.
- (3) The EO&C Budget cannot be used for the engagement of consultants, on-hire labour, researchers, facilitators, accountants or the provision of related services, except as permitted under guidelines 11 or 12.
- (4) A Member must ensure that the total amount claimed under the EO&C Budget each financial year does not exceed the amount set in the Determination.
- (5) A Member may carry over up to 50 per cent of their 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.

9 Prohibitions on party political activity

- (1) Communication materials in respect of a claim under the EO&C Budget must not:
 - (a) be used to solicit a vote;
 - (b) direct how a person should vote at an election by promoting or opposing—
 - (i) the election of any candidate at an election; or
 - (ii) a registered political party; or
 - (iii) a Member;
 - (c) provide instructions on how to complete a ballot paper;
 - (d) be used for activities associated with pre-selection;
 - (e) include party slogans that are connected to, or replicate, an election campaign slogan, but may include positive and non-election party slogans;
 - (f) survey for voting intention, preferred leader or preferred political party;
 - (g) communicate attacks or make non-factual, derogative or personalised statements against political opponents;
 - (h) be used for activities associated with drafting members to a political party, including by containing or promoting applications for or renewals of membership in a political party;
 - (i) be used for administrative activities to support or grow a political party;
 - (j) request donations for the Member, their political party, or any other person or organisation;
 - (k) be used for petitions that are not in an appropriate form for either House of Parliament;
 - (l) advertise an external link to materials that do not comply with these guidelines and terms and conditions imposed by the relevant Officer.

(2) The EO&C Budget must not be used for the following in relation to an election:

(a) the broadcasting of an advertisement relating to the election;

Note: This includes broadcasting through any medium, including social media advertisements.

(b) the publishing in a journal of an advertisement relating to the election;

(c) the display at a theatre or other place of entertainment, of an advertisement relating to the election;

(d) the production of an advertisement relating to the election, being an advertisement that is broadcast, published or displayed as mentioned in paragraph (a), (b) or (c);

(e) the production of any material in relation to the election (not being material referred to in paragraph (a), (b) or (c)) that is required under section 83 of the *Electoral Act 2002* (Vic) to include the name and address of the author of the material or of the person authorising the material;

(f) the production and distribution of matter that is intended or likely to affect voting in an election which is addressed to particular persons or organisations;

Note: Without limiting the generality of paragraph (f), a matter will be taken to affect voting in an election if it contains an express or implicit reference to, or comment on, the election or an issue submitted to, or otherwise before, the electors in connection with the election.

(g) fees or salaries paid to consultants or advertising agents for:

(i) services provided in relation to the election; or

(ii) material relating to the election; or

(h) the carrying out of an opinion poll, or other research, relating to the election.

Note: This guideline 9(2) replicates the definition of “electoral expenditure” in the *Electoral Act 2002* (Vic) which is expenditure that a Member may receive public funding for under that Act.

(3) A Member must not:

(a) during the period between the issuing of the writs for a general election and the declaration of the poll for the electorate; or

- (b) within an electorate for which a byelection is being held, make a claim under the EO&C Budget to communicate with their electorate in relation to the performance of their public duties, including but not limited to claims for advertising, communication, postage, distribution or printing expenditure.
- (4) A Member must not use their electorate office as an election campaign office.

10 Prohibition on commercial or personal benefits

- (1) The EO&C Budget must not be used:
 - (a) for the dominant purpose of:
 - (i) providing a personal benefit to the Member or another person or body; or
 - (ii) pursuing a commercial purpose of the Member or another person or body;
 - (b) to produce an advertisement pursuing a commercial purpose of the Member or another person or body.
- (2) In this guideline, **commercial purpose** means a purpose relating to the derivation of financial gain or reward.

11 Operating and maintenance costs that may be claimed

Permitted costs

- (1) Provided the overarching obligations and other prohibitions are complied with, the operating and maintenance costs of a Member's electorate office that the EO&C Budget may be used for include:
 - (a) electorate officer expenses, such as:
 - (i) additional electorate officer salary;
 - (ii) reasonable out of pocket expenses for electorate officers as listed in the *Electorate Officers' (Victoria) Single Enterprise Agreement 2017* or its successor including:
 - A. 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

- B. other expenses necessarily incurred in the course of the electorate officer's employment and authorised by the Member as incidental expenses necessarily incurred;
 - (iii) recruitment expenses (for example: job advertisements);
 - (b) computer software and other information technology systems, provided that:
 - (i) any purchase of software or cloud-based services to be used with equipment provided by the Parliament, or to be used on the Parliamentary network, must not be purchased unless they are approved by the Department of Parliamentary Services as being compatible with the relevant equipment and/or systems;
 - (ii) there is no obligation for the Department of Parliamentary Services to provide support to the Member to install, maintain or use the software package or system, and if any support is provided it will be at the discretion of the Department;
 - (iii) in relation to constituent relationship management software, any terms and conditions imposed by the relevant Officer about the type of product or the provider of the software are complied with;
 - (c) purchase and maintenance of additional miscellaneous equipment that is not included as part of the standard electorate office fit out, such as:
 - (i) additional furniture;
 - (ii) additional telecommunication or information technology devices, including mobile devices;
 - (iii) additional keys and re-keying costs for lost keys;
 - (iv) the following flags and installation costs: Australian national flag; Aboriginal flag; Torres Strait Islander flag; or the Victorian state flag;
 - (v) additional signage for the electorate office;
- Note: the "standard electorate office fit out" means the list of equipment specified by the relevant Officer from time to time and paid for by the Parliament.
- (d) cleaning of a motor vehicle supplied by the Parliament;
 - (e) Parliamentary printing not otherwise provided by the Parliament (for example: statutory materials; Hansard; Government Gazette);

- (f) photocopier and computer printer consumables;
- (g) photocopier click charges for the electorate office printer and multi-function devices and the Member's Parliament House office;
- (h) telecommunications and related data charges;
- (i) general stationery, including personalised letterhead, newspapers and magazines of a relevant business-related nature;
- (j) security costs, including monitoring and alarm response call-out costs;
- (k) insurance premiums for contents of the electorate office;
- (l) freedom of information requests lodged by a Member in order to assist or resolve an issue for a constituent in the Member's electorate;
- (m) where the Parliamentary training budget is not otherwise available, training expenses for the Member or electorate officer (excluding accommodation, food and drink purchased while attending the training);
- (n) expenses relating to participation in the Parliamentary Internship Program;
- (o) the reasonable out of pocket expenses of a secondary or tertiary student engaged on work experience, provided the expenses do not exceed \$25 per day.

Prohibited costs

- (2) Operating and maintenance costs that the EO&C Budget cannot be used for are:
 - (a) purchase of food or drink items (other than costs permitted under guideline 11(1)(a) or (o));
 - (b) taxi or cab charges or similar services (other than costs permitted under guideline 11(1)(a));
 - (c) costs for equipment that is located outside the electorate office, except for:
 - (i) mobile technology devices purchased through and with the approval of the Parliament's IT services (for example: laptop computer; mobile telephone; tablet):

- (ii) a maximum of two computer monitors;
- (iii) one chair;

Note: This guideline supports the purpose of the EO&C Budget to fund a physical electorate office, while also balancing the flexible work needs of Members.

- (d) items of a capital nature, other than in accordance with terms and conditions imposed by the relevant Officer.

12 Communication costs that may be claimed

Permitted costs

- (1) Provided the overarching obligations and other prohibitions are complied with, the communication costs that the EO&C Budget may be used for include:

- (a) printed and electronic materials;
- (b) advertisements, such as newspaper, billboard, cinema, radio, television, and social media;

Example: A Member may include an advertisement in a publication owned by another entity (for example, in the local community newsletter) or at a venue owned by another entity (for example, a sign at the local sports club).

- (c) venue hire costs within the Member's electorate;
- (d) Member's official website, provided that:
 - (i) the website is externally hosted;
 - (ii) copyright materials received from the Parliamentary Library under section 48A of the *Copyright Act 1968* (Cth) are not re-published on the website;
- (e) other website domain registration related to the Member's official website (sometimes known as 'ghost domains'), for the purpose of protecting the integrity of the Member's official website, provided that:
 - (i) the other website domains redirect the user to the Member's official website; and
 - (ii) the other website domains do not relate to another Member.
- (f) specialist service providers to assist with the publication and transmission of allowable communications, provided that the service provider is not engaged to assist with:

- (i) content development, except where it relates to the design or visual presentation of the publication that does not involve developing the substance of the message;
- (ii) providing advice on communication strategy or engagement strategy; or

Example: Advice on which communications medium should be used to most effectively target specific audiences is prohibited.

- (iii) marketing services more broadly.

Example: Permitted specialist services would include website design, graphic design or advertisement production.

- (g) promotional items;

Example: promotional items include bags, clothing, calendars or fridge magnets.

Note: Member's must ensure that promotional items comply with the overarching obligations. For example:

- a pen valued, for example, at \$40, and displaying minimal information about the Member, might be seen less about performing public duties than seeking or providing a personal benefit.
- an item worth \$100 that only seeks to convey the MPs contact information may not be achieving value for money.

- (h) telephone directory listings.

Prohibited costs

- (2) The EO&C Budget cannot be used for communication materials that imply Parliamentary support or endorsement of commercial organisations or other bodies.

Note: If a Member refers to an organisation or other body in a communication material, the presumption is that any support or endorsement that might be inferred is from the Member in their individual capacity, not the Parliament as a whole, unless it is clear that the Member seeks to imply the support or endorsement of the Parliament.

Note: If a Member publishes a communication within a publication owned by another entity (for example, in a newsletter published by a community group), or distributes material at a venue owned by another entity, this will not on its own imply Parliamentary support or endorsement for that other entity.

13 Authorship and identification requirements for communication materials

- (1) All communications materials claimed under the EO&C Budget must include:
 - (a) the name of the Member as the author of the material; and
 - (b) at least one form of contact detail for the Member, such as a phone number, electorate office address, email address, official website address or social media account.
- (2) A Member should provide full contact details in communication materials to the extent reasonably practicable.

Example: Printed communication materials may provide enough space for multiple types of contact details, which a Member should aim to include. However, it may only be practicable to include one type of contact detail on smaller promotional items or electronic messages, and a Member may determine which detail should be included (for example: an SMS message might include a telephone number; a social media message might include an email address, website address, or social media handle).

- (3) A Member may include the name or logo of their political party in communication materials in whatever manner the Member wishes to refer to their political party.

Note: Use of the party name or logo must comply with the prohibitions on party political activity in guideline 9.

Example: A Member may refer to their political party using abbreviations or short-hand references, joint party references, or in any other way that the party is described.

- (4) When including the name or logo of their political party in communication materials, a Member must be aware of and comply with guidelines on the use of the parliamentary crest published by the Parliament, and any terms and conditions made by the relevant officers.

14 Joint communication

- (1) A sole Member must be identified as the author of communication materials claimed under the EO&C Budget, except in the following circumstances, where a Member may join with another Member as author of the communication:
 - (a) Members from the lower House and upper House of the Parliament whose electorates share the same geographic location; or
 - (b) two Members from the same House of the Parliament who have neighbouring electorates.

- (2) The costs of communication materials jointly authored must be claimed by the Members:
 - (a) in equal shares; or
 - (b) on a pro-rata basis for the proportion distributed in each Members' electorate.
- (3) For the avoidance of doubt, a communication material claimed under the EO&C Budget cannot be jointly authored with Members from other jurisdictions or with any other individual or body.

Note: This guideline does not prevent a Member from placing a communication or advertisement within a publication owned by another entity (for example, the local community newsletter) or at a venue owned by another entity (for example, the local sports club), provided that the Member is identified as the sole author of the material.

- (4) If the EO&C Budget is used for a digital platform (including a social media platform) or a website, the Member is responsible for any content published on that digital platform or website, including third party content.

Note: This guideline does not prevent a Member from engaging with third parties using a digital platform, but the Member must, to the extent possible, be responsible and accountable for the material that is publicly available.

15 Distribution of communication materials

- (1) Subject to guideline 15(2), a Member may only distribute communication materials claimed under the EO&C Budget within their electorate.

Note: This is in accordance with section 7F(2) of the PSAS Act which provides that the EO&C Budget is available to a Member to communicate "with their electorate".

- (2) Where a Member has a reasonable belief that constituents from their electorate will attend an event held outside of their electorate, the Member may distribute communication materials at that event.

Example: If a Member reasonably believes that their constituents will be attending a regional fair held in another electorate, the Member may distribute communication materials or host a stall at that regional fair.

- (3) For the avoidance of doubt, a Member's electorate is defined by the electoral boundary set by the Electoral Boundaries Commission in effect at the time the Member distributes the communication material.

Note: Communication materials cannot be distributed to prospective constituents before a redivision of electoral boundaries takes effect at the beginning of the next general election in accordance with the commencement provisions in the *Electoral Boundaries Commission Act 1982* (Vic).

16 Supporting the electorate

- (1) Subject to the prohibition on commercial or personal benefits in guideline 10, and provided the overarching obligations are met, a Member may allow community groups or a constituent to use their electorate office (including equipment in the electorate office) for non-commercial purposes.

Example: A Member may allow a community group to make small amounts of photocopying or use a room within the office.

- (2) Use of the electorate office under sub-guideline (1):
 - (a) is at the discretion of the Member; and
 - (b) must be appropriately supervised to ensure the proper use of electorate office resources and to ensure the health and safety of any person using the office.

17 Power for the relevant Officer to automatically deduct costs

- (1) Where costs for the following are paid by the Parliament on behalf of a Member, or are incurred in a central or shared account held by the Parliament on behalf of Members, the relevant Officer has the power to automatically deduct the cost from the Member's EO&C Budget:
 - (a) use or maintenance related to additional miscellaneous equipment under guideline 11(1)(c) that is not included as part of the standard electorate office fit out, including additional telecommunications charges;
 - (b) Australia Post charges;
 - (c) photocopier copy/print charges;
 - (d) printer per page (click) print charges;
 - (e) folding machine charges;
 - (f) fringe benefits tax incurred by the Parliament due to a Member purchasing or leasing parking spaces for electorate office staff;
 - (g) motor vehicle insurance excess.
- (2) It is intended that the maintenance of any equipment included as part of the standard electorate office fit out will be paid by the Parliament rather than using the EO&C Budget.

Note: This will ensure equity among Members, acknowledging that each electorate office is different, despite conforming to a standard fit out.

Part E – Parliamentary accommodation sitting allowance

The parliamentary accommodation sitting allowance supports regional Members who choose to maintain a residence in metropolitan Melbourne (their parliamentary accommodation) to help them carry out their public duties while in Melbourne.

18 Claiming the parliamentary accommodation sitting allowance

- (1) The parliamentary accommodation sitting allowance may be claimed by a Member if:
 - (a) a parliamentary accommodation is maintained by the Member; and
 - (b) the Member has notified the location of their parliamentary accommodation to the relevant Clerk within 30 days of establishing, changing or ceasing to have the parliamentary accommodation, 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 parliamentary accommodation; or
 - (ii) a mortgage agreement showing the Member as mortgagor in relation to a mortgage over the parliamentary accommodation; or
 - (iii) a tenancy agreement showing the Member as a tenant of the parliamentary accommodation; 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.

Part F – Travel allowance

The travel allowance covers the costs of accommodation, meals and incidentals for Members when they are required to stay overnight within Australia, away from their home base, to perform their public duties.

Members receiving the parliamentary accommodation sitting allowance cannot claim the travel allowance for stays in metropolitan Melbourne.

The travel allowance cannot be used to cover commercial transport costs, which may instead be claimed under the commercial transport allowance.

There is no limit on the number of meals that may be claimed in respect of the overnight stay, provided the total amount does not exceed the amount set in the Determination.

The distance thresholds specified in the eligibility criteria are broadly consistent with the arrangements in place before the Tribunal made its Members of Parliament (Victoria) Guidelines No. 01/2019.

The guidelines for this allowance do not preclude the Parliament from making parliamentary budgets available for committee expenses.

19 Claiming the travel allowance

- (1) A Member may claim the travel allowance for travel costs (excluding transport costs) actually incurred to perform their public duties within Australia for each night that the Member is required to stay away from their home base.
- (2) A Member may only make a claim under sub-guideline (1) if:
 - (a) the claim is for parliamentary business, committee business or Ministerial business:
 - (i) the location of the overnight stay is at least 28 kilometres from their 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; or
 - (b) the claim is for electorate business:
 - (i) the location of the overnight stay is at least 80 kilometres from their 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;
or

- (c) the claim is for an overnight stay within the metropolitan area:
 - (i) 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
 - (ii) 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.
- (3) A Member who claims the parliamentary accommodation sitting allowance cannot claim the travel allowance for stays within the metropolitan area.
- (4) A claim under sub-guideline (1) in respect of each overnight stay must not exceed the amount set in the Determination.
- (5) 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.

Part G – Commercial transport allowance

The commercial transport allowance covers transport costs for a Member's travel within Australia to perform their public duties.

There are some restrictions on claims for attending to parliamentary business, committee business or Ministerial business at Parliament, and generally a Member's home base must be outside an 80 kilometre radius from the centre of Melbourne to claim the allowance for this purpose.

This allowance cannot be claimed for travel in Victoria by motor vehicle, except for reasonable transport directly to or from a Victorian airport, or parking fees at a Victorian airport (see the definition of "transport costs" and "commercial transport" in guideline 3 above). Where possible and appropriate, Members should aim to use their motor vehicle, motor vehicle allowance or access to free public transport to meet their transport costs in Victoria.

The guidelines for this allowance do not preclude the Parliament from making parliamentary budgets available for committee expenses.

20 Claiming the commercial transport allowance

- (1) A Member may claim the commercial transport allowance for transport costs actually incurred to perform their public duties within Australia.
- (2) The total amount claimed under sub-guideline (1) for each financial year must not exceed the amount set in the Determination.
- (3) A Member cannot make a claim under sub-guideline (1) to attend to parliamentary business, committee business or Ministerial 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.

Part H – International travel allowance

The international travel allowance covers the costs of transport, accommodation, meals and incidentals for a Member when they travel outside of Australia to perform their public duties.

There are specific guidelines in relation to accommodation expenses that may be claimed under this allowance.

This allowance may be claimed for reasonable transport directly to or from a Victorian airport when a Member needs to travel to perform their public duties outside of Australia. However, parking fees at a Victorian airport cannot be claimed under this allowance. (See the definition of “transport costs” and “commercial transport” in guideline 3 above.)

The guidelines for this allowance do not preclude the Parliament from making parliamentary budgets available for committee expenses.

21 Claiming the international travel allowance

- (1) A Member may claim the international travel allowance for travel costs and transport costs actually incurred to perform their public duties outside of Australia.
- (2) The total amount claimed under sub-guideline (1) for each financial year must not exceed the amount set in the Determination.
- (3) 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 (for example: 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;
 - (f) for the city or town where business is conducted, or for other locations when single night accommodation is necessary due to flight connections.

- (4) 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.

Note: Members can obtain information on these rates from the Parliament.

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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	

Schedule 2 – Office holders

Office holder includes:

- (a) the Premier;
- (b) the Deputy Premier;
- (c) a Minister of the Crown;
- (d) the President;
- (e) the Speaker;
- (f) the Deputy President;
- (g) the Deputy Speaker;
- (h) the Cabinet Secretary;
- (i) the Leader of the Opposition;
- (j) the Deputy Leader of the Opposition;
- (k) the Leader of the Opposition in the Legislative Council;
- (l) the Deputy Leader of the Opposition in the Legislative Council;
- (m) the Leader of the Third Party;
- (n) the Deputy Leader of the Third Party;
- (o) a Shadow Minister; or
- (p) a Parliamentary Secretary.