



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

1 July 2020

Dear Mr McCann,

Review of the Tribunal's Members of Parliament Guidelines

Thank you for the opportunity to provide a submission to the Tribunal's review of the Members of Parliament (Victoria) Guidelines No. 2/2019 ("the Guidelines").

This is a submission on behalf of the Parliament's House Committee. The House Committee is a cross-party committee established under the *Parliamentary Committees Act 2003*. Prior to the introduction of the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019*, the House Committee had a role in the development and adoption of guidelines (then known as the Members Guide) for the expenditure of Members' electorate office and communications budgets.

Following discussions of the House Committee, we submit the following issues, and the positions adopted by the committee on each issue, for your consideration. To be clear from the outset, this submission does not seek to increase Members' budgets but rather suggests ways that existing resources can be used more effectively.

Definition of 'public duties'

You will recall that in a submission to the Tribunal dated 6 December 2019, the Speaker raised the matter of ensuring consistency between the Guidelines and the legislation, specifically as it related to the purpose of the Guidelines being to allow Members to communicate with their electorate in relation to the performance of their public duties.

Whilst the Tribunal changed the Guidelines, feedback from Members and the Department of Parliamentary Services (in carrying out the duties of the Relevant Officer) is that the extent of the term 'public duties' should be clarified in the Guidelines. There remains some level of confusion as to what matters Members can communicate about with their electorates using the EO&C Budget.

An example of where the extent of ‘public duties’ has been construed narrowly is where a Member has sought to communicate with their electorate about a forestry policy initiative in an electorate where the forest or national park has been outside their electorate. A narrow construction of ‘public duties’ may be that it only applies to matters within the boundaries of a Member’s electorate. However, constituents in that Member’s electorate may have an expectation that the Member act to address their concerns on such a policy initiative.

The reality is that the constituents who vote for Members have an expectation that their elected Members will undertake a vast array of public duties in representing them. This may range from advocacy on broad areas of public importance to seeking redress of an individual’s grievances by government. Ultimately, Members are accountable to their electorates and must make individual judgements about the public duties they will undertake in representing the interests of their electorates.

Recommendation 1

The House Committee submits that the Guidelines should reflect the broad set of public duties Members are expected to communicate with their electorates on, including any matters of legislation, policy or any other public part of their role, even where such matters may not directly affect their electorates.

The House Committee also notes that the guidelines applying to Federal Members of Parliament appear to provide a greater scope for communication with their constituents.

Threshold for implying Parliamentary support or endorsement

Under section 4.11(b) of the current Guidelines, the EO&C Budget cannot be used to “*imply Parliament support or endorsement of commercial organisations or other bodies*”.

This section has caused some confusion as to where the threshold lies for implying the Parliament’s support as opposed to implying an individual Member’s support. A common example of this issue is where a Member seeks to advertise at a local sporting club or organisation. Part of the advertisement may state the Member ‘proudly supports’ a particular club.

Recommendation 2

The House Committee submits that a Member using a form of words to indicate support or endorsement (of a particular body), should on its face be considered personal support or endorsement and does not imply support or endorsement by the Parliament.

Photocopying for community groups

Members are often approached by local community groups to assist with small scale print runs (printing of things such as meeting minutes, agendas, newsletters etc.). As these groups are often run by volunteers, have little or no financial capacity and contribute in a positive way to local communities, feedback from Members has been overwhelmingly a desire to help these groups.

Recommendation 3

The House Committee submits that the EO&C Budget may be used to support non-commercial, non-political community groups with small runs of photocopying/printing.

To ensure that such printing is not excessive, the Guidelines could place a limit on the amount of printing which could be undertaken for this purpose and could include a requirement for a declaration on the printed material that it has been funded by the Parliament through the Member's EO&C Budget.

Unit cost limit for promotional items

Members are currently able to purchase promotional items using their EO&C Budget. There is currently a cap of \$2 per item (excluding GST) including set-up costs. Before its inclusion in the Guidelines, this limit existed in the Members Guide and had not been adjusted for many years. Moreover, no indexation was applied to the limit.

The House Committee is of the view that having a lower limit may incentivise Members to order larger quantities of promotional items in order to reduce the unit price of each item to fit within the limit.

The House Committee does not intend to suggest a specific figure to which this limit might be raised.

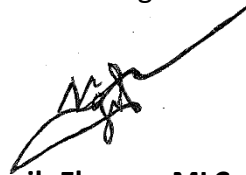
Recommendation 4

The House Committee submits that, given it has not been reviewed in some time, the Tribunal review the limit on promotional items so that it is based on reasonable costs to produce a range of promotional items, and that the figure be indexed by an appropriate amount each year.

On behalf of the House Committee, we thank you for considering this submission.



Colin Brooks MP
Speaker of the Legislative Assembly



Nazih Elasmr MLC
President of the Legislative Council

Members of the Parliament of Victoria's House Committee

Legislative Assembly	Legislative Council
Hon Colin Brooks MP (Speaker)	Hon Nazih Elasmr MLC (President)
Maree Edwards MP (Deputy Speaker)	Hon Wendy Lovell MLC (Deputy President)
Hon Tim Bull MP	Hon David Davis MLC
Jordan Crugnale MP	Hon Shaun Leane MLC
Matt Fregon MP	Ingrid Stitt MLC
Ellen Sandell MP	Jeff Bourman MLC
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