

# Agreed summary of oral submission – De-identified submission 1.

Agreed summary of oral submission to the Victorian Independent Remuneration Tribunal forthcoming Members of Parliament (Victoria) salaries and allowances Determination 2023 and review of the Members of Parliament (Victoria) Guidelines (MP Guidelines)

De-identified oral submission.  
16 March 2023

## General observations

- The changes made to the regulatory framework under the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 (VIRTIPS Act) have been very positive, particularly in providing structure and meaning.
- There is room for improvement in bridging the gap between the role of the Tribunal in making the MP Guidelines and the Department of Parliamentary Services (DPS) in interpreting the Guidelines.
- Improvements to the framework could include:
  - the establishment of a consultative committee consisting of MP representatives and DPS to discuss matters of interpretation
  - DPS being required to make automatic submission to the Tribunal in matters where differences in opinion between an MP and DPS about the interpretation of a Guideline.

## Communicating with the electorate

- Recent changes made by the Tribunal to the MP Guidelines resolved many issues related to joint communication, although there are some remaining issues.
- The first issue relates to authorisation of joint claiming of costs (s 14(1)(2) and (3)) of the Guidelines. DPS have raised concerns where joint communication uses first-person language, and has introduced a ‘content’ provision, for example, that a joint communication should contain an approximately even distribution of photos of MPs.

- The second issue relates to advertising, where s 14(1) states that advertising with another member is allowed within the MPs electorate area. This means that:
  - An upper house MP sharing a geographic region with several lower house MPs is only being permitted to jointly advertise with only one lower house MP, rather than all of the relevant lower house MPs in the region and would only be permitted to advertise with one other upper house MP in the same region.
  - An MP cannot jointly advertise with other MPs in different geographic regions, for example, taking out a joint advertisement in a community newspaper to wish constituents ‘Season’s greetings or ‘Happy national day.’
  - When MP’s advertise in multicultural publications/media for significant occasions, like National Day’s, they are required to specify that the message is directed to electors in their districts/regions, even though the message will be seen more widely by those celebrating the occasion who don’t understand why the MP is not extending the same message to them.
- The third issue relates to advertising in a state-wide publication, for example, the State Emergency Services’ magazine for volunteers. This is currently not permitted, as it is distributed to areas outside an MPs electorate.
- The fourth issue relates to the interpretation of s 15(1) (2) and (3) of the Guidelines, whereby claims have been denied for communicating about services being provided outside the MPs electorate (for example, a hospital; road project), even though constituents are accessing these services.
- A potential improvement would be for DPS to proactively produce and maintain a ‘bank’ of communications materials that would provide examples to MPs of permitted communications. This would save time.

### Petitions

- Section 9(1)(j) of the Guidelines states that the Electorate Office and Communications Budget cannot be used for petitions that are not in an appropriate form for either House of Parliament. In practice, this means that costs of an MP initiating or supporting petitions for other legitimate purposes and for other levels of government (e.g. Councils) are considered to be not consistent with the Guidelines.

### Travel allowance

- During parliamentary sitting weeks, MPs may claim the travel allowance for costs of attending the usual sitting days of Tuesday, Wednesday and Thursday. However, they are only able to claim the travel allowance for the Monday of a sitting week under limited circumstances, which is a day where planning and preparation for the sitting week and other meetings are usually held.

### Airport parking costs

- MPs are unable to claim the costs of parking at the airport when undertaking their public duties. This would be more cost-effective than claiming the allowable costs of taxi fares to and from the airport.

### Post-election expenditure prior to the return of the writs

- Returned MPs are unable to claim for expenditure incurred in accordance with the Guidelines until the return of the writs. This means that for example, MPs are unable to send out Christmas cards to constituents due to mail deadlines. An alternative would be to allow MPs who expect to be re-elected based on provisional results to be reimbursed prior to the return of the writs.

### Authorisation of materials

- Potential issues with the interaction of Victorian Electoral Commission requirements and MP Guidelines regarding authorisation requirements.

### Electorate office costs funded by DPS

- It would be helpful to have a definition of the standard costs of an electorate office that are funded by DPS. For example, cleaning costs are not covered and are the responsibility of the MP.

### EO&C Budget formulas

- The formulas for the EO&C Budget result in an approximate equivalence between the values of the EO&C Budget for each electorate, even though upper house MPs generally have greater numbers of constituents compared to lower house MPs.

### International travel allowance

- While outbreaks of COVID-19 restricted the ability of MPs to undertake international travel, parliamentary committees are now adopting both remote

and in-person work practices. This may have future implications for the value of the international travel allowance.