

1 July 2020

Victorian Independent  
Remuneration Tribunal  
Email: [enquiries@remunerationtribunal.vic.gov.au](mailto:enquiries@remunerationtribunal.vic.gov.au)

**CONFIDENTIAL**

Dear Tribunal

**Submission from Victorian Greens MPs on Review of the Tribunal's Members of Parliament Guidelines**

Thank you for the opportunity to make a submission on the issue of the Members of Parliament Guidelines. Our submission will focus on the Guidelines as they relate to the Electorate Office and Communications Budget.

**Too ambiguous**

The ambiguity in the existing guidelines is unacceptable. There are essentially four sources of advice or power when it comes to the guidelines - there is the Tribunal who makes them; the President, Speaker and the Department of Parliamentary Services who provide the administration services to MPs to implement them; the Parliamentary Integrity Advisor to provide advice to MPs on interpreting the guidelines; and then the Compliance Officer to enforce them. There is no guarantee for MPs or their staff that any of those four bodies have the same interpretation of the Guidelines.

It has been particularly disconcerting that the Tribunal largely adopted the former guidelines yet the long standing interpretations of those guidelines by the Department changed without any notice. For example, we had always used the EO&C budget to campaign on issues of concern to Victorians and yet by accident received advice we could only campaign on issues if we could prove a specific connection to our relative electorates. In this case we had sought advice about a 'sign up page' on a proposed website about drug law reform and whether the 'sign up page' was allowable under the guidelines only to be told the whole website was in breach because it did not specifically relate to one lower-house electorate, but was instead an issue that affected the whole of Victoria.

This is just one example of the problem of interpreting ambiguous guidelines.

The fact that the guidelines are now legally enforceable requires them to be as clear and unambiguous as possible.

The easiest way to make them clearer is to make them simpler and remove unnecessary complications. MPs should be able to use the budget to communicate to Victorians about their public duties which includes any issues raised in their electorate and any issues connected with their parliamentary work, with as few exceptions as possible.

## Too Restrictive

The most obvious example of ambiguity is the various restrictions in the guidelines on forms of party political communication. The current guidelines prohibit using the budget for party political communication including using a party logo. However, the definition of a 'party political communication' or 'party political message' or slogan remains unclear. The most cautious reading of guidelines suggest it is any mention of the political party the member belongs to except using the name in their title.

This is unworkable and unrealistic. Our approach to parliamentary debates and political issues are framed by the values and policies of the political party which we represent. Voters in our electorate voted for us because of those values and policies. We have received numerous complaints from constituents in our electorates that we are 'hiding' our affiliation with our political parties, because our communications do not mention our political parties or feature our logo. To constituents, this seems disingenuous.

The reality of our political system is that the vast majority of members of parliament are elected as members of a political party. In fact, there are only two current members in the Victorian Parliament that have not been supported by a political party at some stage in their political careers. When it comes to the Legislative Council the voting system makes it virtually impossible to be elected unless you are a member of a political party at the time of the election.

The guidelines are also too restrictive in relation to referring to other political parties. Our advice has been we cannot criticise another political party at all or even mention another political party in communications paid for by the EO&C budget, including the party of government. This silencing of opposition is in direct contrast to our public duties as MPs to represent our constituents and hold the government of the day to account. While we agree non-factual and derogatory statements should not be permitted, legitimate criticism, or at least mention of government policies and actions, must be allowed in order for opposition parties to do the job we have been elected to do.

We are of the view that MPs should be able to use their party logo and reflect the fact we are representatives of a political party in communications paid from the budget, in order to be honest with our constituents and to align with the rules that federal MPs must abide by. To keep the current restrictions is to continue to deny the reality of the parliamentary political system we have in Victoria.

We do, however, strongly agree that the EO&C Budget should not be used for any internal party matters or electioneering. For example, fundraising, party membership activities, any other internal party administration or explicitly seeking a vote.

The relevant federal system provides a useful example of how exceptions could be developed that are simple and clear. Federally the equivalent budget cannot be used to produce, communicate to distribute material that:

a. solicits:

- a vote for a person other than yourself;
- a subscription or other financial or non-financial support (other than volunteering) for yourself, a political party or a candidate;
- an application for or renewal of membership in a political party; or

b. provides instructions on how to complete a ballot paper.

We believe the Victorian guidelines could align with these guidelines. They are clear and provide an appropriate distinction between electioneering and the regular representation and constituent work that is required of an MP in their office.

### **Other matters**

We also strongly support the EO&C budget being allowed to be used for printing and photocopying for community groups. We see this is an essential way of supporting our constituents. There should be limited restrictions on supporting community groups through photocopying or printing. Trying to draw a line between 'political' and 'non-political' communication is virtually impossible. A local school wanting help photocopying flyers for a fete to raise money for repairs is a political action and yet is also exactly how a local MP can support their constituents.

In our previous submission to the Tribunal we also noted that we believe the budget should be explicitly allowed to be used to "pay the rent". Paying the rent is a tangible way of acknowledging the harms caused to First Nations people by colonisation and dispossession. All electorates in Victoria have First Nations peoples as constituents who could be acknowledged and supported through paying the rent.

If you have any queries about the above submission, please contact my Chief of Staff at [clare.ozich@parliament.vic.gov.au](mailto:clare.ozich@parliament.vic.gov.au).

Yours sincerely

A handwritten signature in black ink that reads "E Sandell". The signature is written in a cursive, flowing style.

**Ellen Sandell**  
**Acting Leader of the Victorian Greens**  
**On behalf of the Victorian Greens MPs**