



Legislative Assembly for the
Australian Capital Territory

Standing Committee on the Integrity
Commission and Statutory Office
Holders

Submission Cover Sheet

Inquiry into the effectiveness of transparency arrangements for Members of the Legislative Assembly

Submission number: 013

Submitter: ACT Government

Date authorised for publication: 26 August 2025

ACT Government Submission to the inquiry into the effectiveness of transparency arrangements for Members of the Legislative Assembly

1. Executive Summary

On 9 April 2025, the Legislative Assembly requested that its Standing Committee on the Integrity Commission and Statutory Office Holders inquire into the transparency arrangements for Members, including publication of:

- travel for Members;
- Member's diaries;
- Members staffing expenditure; and
- any other relevant matter.¹

This submission on behalf of the ACT Government addresses these matters as they relate to the Executive branch of Government (i.e. Ministers and their staffing arrangements) and also considers remuneration determinations and conflict of interest registers as mechanisms which promote an accountable and transparent legislature and government.

This submission further considers the points-of-difference between the transparency arrangements for non-executive Members within the ACT Legislative Assembly, and the measures in place in other jurisdictions - being New South Wales and Tasmania – to support transparency in the Executive branches of their state governments.

2. Transparency arrangements for Members of the Legislative Assembly of the Australian Capital Territory

Transparency arrangements and mechanisms for Members of the Legislative Assembly (both Executive and non-Executive) are codified in:

- The *Freedom of Information Act 2016*;
- The *Remuneration Tribunal Act 1995*;
- The *Electoral Act 1992*;
- Standing Orders of the Legislative Assembly; and
- The Ministerial Code of Conduct.

These mechanisms encourage transparency and make available information regarding ministers' conflicts of interest, their diaries, travel expenditure and remuneration entitlements.

¹ [Standing Commission on the Integrity Commission and Statutory Office Holders, Inquiry into the effectiveness of transparency arrangements for Members of the Legislative Assembly, Terms of Reference, 2025.](#)

2.1 Executive Members of the Legislative Assembly

Transparency arrangements for Executive members are primarily codified within legislation, the Ministerial Code of Conduct, the Members Code of Conduct and within Standing Orders.

2.1.1 The Freedom of Information Act 2016 and Open Access Information

The Executive of the ACT Government must adhere to legislative requirements for information sharing provided under the [Freedom of Information Act 2016](#) (FOI Act). Specifically, the FOI Act requires ministers to make the following information publicly available:

- the minister’s disclosure log;
- information about ministerial and ministerial staff travel and hospitality expenses;
- a copy of the minister’s diary that sets out all meetings, events and functions attended by the minister that relate to the minister’s responsibilities;
- information declared by the ombudsman to be open access information; and
- information prescribed by regulation.²

In relation to the Chief Minister, the FOI Act requires the release of the following information about each Cabinet or Cabinet committee decision made:

- a summary of the decision;
- the decision reference number;
- the date when the decision was made; and
- the wellbeing impact assessment for the decision on ACT Government priorities and emerging issues.³

Under section 97(1) of the FOI Act, this information must be published online to increase its accessibility. The prescribed information under the *Freedom of Information Act 2016* is publicly available on the Act Government Open Access Information website under “Ministers’ Information”.⁴

² [Freedom of Information Act 2016. Part 4 – Section 23\(1\)\(a\).](#)

³ [Freedom of Information Act 2016. Part 4 – Section 23\(1\)\(b\).](#)

⁴ [ACT Government, Ministers Open Access Information, 2025.](#)

2.1.2 The Ministerial Code of Conduct

The Ministerial Code of Conduct⁵ outlines the expectations of ministers when exercising powers and the obligations given to them under Territory laws. The Ministerial Code of Conduct is to be read in conjunction with the Standing Orders⁶ and the Code of Conduct for Members of the Legislative Assembly⁷ which are applicable to both the Executive and non-Executive.

In keeping with accepted Westminster conventions, ministers are ultimately answerable to the Assembly for the administration of their portfolio, including the expenditure of public money. Ministers must make their decisions and actions as open to scrutiny as possible, consistent with the conventions of responsible government.⁸

The Ministerial Code of Conduct requires ministers to disclose all interests (including memberships and directorships) to the Chief Minister within 28 days of being appointed as a minister, or when changes occur to the minister's interests. This disclosure extends to the personal and financial interests of ministers' immediate families.

Where a minister's interest does or is likely to give rise to a conflict between personal and public duties, the Ministerial Code of Conduct requires that appropriate action be taken to resolve that conflict transparently and in favour of the public interest.⁹

Ministers must also provide their conflict-of-interest disclosures to the Clerk of the Legislative Assembly.¹⁰

2.1.3 Standing Orders and the Latimer House Principles

Under the Standing Orders, Continuing Resolution 8A endorses the Commonwealth (Latimer) House Principles on the Three Branches of Government. Regarding the Executive, Continuing Resolution 8A states that the Executive is accountable to parliament, and that *"Parliaments and governments should maintain high standards of accountability, transparency and responsibility in the conduct of all public business. Parliamentary procedures should provide adequate mechanisms to enforce the accountability of the executive to parliament."*¹¹

The Latimer House Principles oblige ministers to develop and review their own specific guidelines on ethical conduct to address conflicts of interest (actual and perceived), and enhance transparency, accountability and public confidence in their role.¹²

⁵ [ACT Legislative Assembly, Ministerial code of conduct, 2020.](#)

⁶ [ACT Legislative Assembly, Standing Orders as at February 2025.](#)

⁷ [ACT Legislative Assembly, Code of Conduct, 2025.](#)

⁸ [ACT Legislative Assembly, Ministerial code of conduct, 2020, Part 3\(d\).](#)

⁹ [ACT Legislative Assembly, Ministerial code of conduct, 2020, Part 5\(a\).](#)

¹⁰ [ACT Legislative Assembly, Ministerial code of conduct, 2020, Part 5\(a\).](#)

¹¹ [ACT Legislative Assembly, Continuing Resolution 8A, Standing orders as at February 2025.](#)

¹² [ACT Legislative Assembly, Continuing Resolution 8A, Standing orders as at February 2025. Part 2\(f\).](#)

Members of the Assembly, Judicial Officers and Public Office Holders have similar requirements under this section of the Latimer House Principles.

Finally, the establishment of scrutiny bodies and mechanisms to oversee government enhances public confidence in the integrity and acceptability of government activities. Examples of independent bodies that provide scrutiny and increase transparency include public accounts committees, the Integrity Commission, the Commissioner for Standards and the Auditor-General.¹³

2.2 Transparency arrangements for Executive and non-Executive members of the Legislative Assembly

Transparency measures which are applicable to both Executive and non-Executive Members of the Legislative Assembly are established within the *Electoral Act 1992*, Standing Orders, the Members Code of Conduct, and the *Remuneration Tribunal Act 1995*.

2.2.1 The Electoral Act 1992

Under the *Electoral Act 1992*, candidates, members and ministers are required to submit a return to Elections ACT when a gift, or sum of gifts totalling \$1,000 or more, is received from the same individual or organisation in the disclosure period. Details of the giver of the gift, the amount of the gift and its date of receipt must be submitted within 7 days of it being received.¹⁴

The Act provides that the definition of ‘gifts’ can include gifted money, the provision of a service (other than volunteer labour), the part of an annual subscription paid to a party for membership, a gift-in-kind, and gifts given to MLAs in their capacity as minister.¹⁵

While gifts given to MLAs are covered under some reporting requirements for a party grouping, they also need to submit individual annual returns which are made publicly available on the Elections ACT website.¹⁶

2.2.2 Standing Orders and the Code of Conduct for all Members of the Legislative Assembly for the Australian Capital Territory

Continuing Resolution 5 of the Standing Orders provides a Code of Conduct for Members of the Legislative Assembly. The resolution also calls upon Members to “be transparent in, and accountable for, their decisions and actions, and should submit

¹³ [35th CPA Australia and Pacific Regional Conference, Session IX, Ethical Governance: Accountability, Transparency and Responsibility in Parliament. 2016.](#)

¹⁴ [Electoral Act 1992, Division 14.4, Section 216A.](#)

¹⁵ [Elections ACT, Fact sheet – Regular reporting of gifts, 2025.](#)

¹⁶ [Elections ACT, Funding and disclosure obligations, 2025.](#)

themselves to appropriate scrutiny.”¹⁷ Under the Code of Conduct, all Members must actively seek to avoid or prevent any conflict of interest arising between their duties as a member and their personal affairs and interests. In doing so, Members must take all reasonable steps to resolve any such conflict, and meet the requirements outlined in Continuing Resolution 6.

Under the Standing Orders, Continuing Resolution 6 provides that Members shall, within 28 days of taking their seats, declare their private interests. This resolution also sets out how these interests may be accessed. A declaration must be provided to the Clerk of the Legislative Assembly, and Members must notify the Clerk if there has been an alteration of these interests.¹⁸ A statement of Registrable Interests is placed on the public record for each member and are currently available on the Legislative Assembly for the Australian Capital Territory website.¹⁹

Conflict of interest conventions are wider in scope than the strict requirements outlined under the Standing Orders. Members are required to have regard not only to an actual conflict of interest but also to the perception of, or potential for, a conflict of interest.²⁰

2.2.3 The Remuneration Tribunal

The *Remuneration Tribunal Act 1995* established the ACT Remuneration Tribunal (the Tribunal) which determines the entitlements to be granted to Members of the Legislative Assembly, including the Chief Minister, Deputy Chief Minister, and other ministers and Members of the Legislative Assembly holding particular offices.²¹ Current and past determinations are available on the ACT Remuneration Tribunal Website²² to encourage transparency.

In addition to determining the remuneration and allowances granted to Members of the Legislative Assembly, the Tribunal also determines the entitlements of members travelling on ‘Assembly business’ as well as travel by ministers or the Speaker on ‘official business’ as office holders. Travel sponsored by outside groups is not included in this determination, however it is a relevant consideration under disclosure requirements for gifts established by the *Electoral Act 1992*²³[see section 2.1.1 above].

In late 2009, following consultation with the Standing Committee on Administration and Procedure, the Speaker determined that the Assembly’s website should be updated twice each year to show all travel on Assembly or official business undertaken by non-

¹⁷ [ACT Legislative Assembly, Continuing Resolution 5, Standing Orders as at February 2025. Part B - Section 6.](#)

¹⁸ [ACT Legislative Assembly, Continuing Resolution 6, Standing Orders as at February 2025.](#)

¹⁹ [ACT Legislative Assembly, Members Ethics and Accountability.](#)

²⁰ [ACT legislative Assembly, Companion to the Standing Orders, 2nd Addition, 2022.](#)

²¹ [ACT Remuneration Tribunal, 2025.](#)

²² [ACT Remuneration Tribunal, Determinations, 2025.](#)

²³ [Electoral Act 1992, Division 14.4, Section 216B.](#)

Executive members and their staff during the current Assembly. Ministerial travel reports are available on the ACT Open Access Information website as required under the FOI Act.

2.3 Non-Executive Members of the Legislative Assembly

While there are similar transparency provisions in place for both Executive and non-Executive Members of the Legislative Assembly, differences arise in the obligation to publicly disclose staffing arrangements. This point of difference is primarily due to the governance arrangements between Members' offices and the reporting requirements of the Office of the Legislative Assembly (OLA) under the *Annual Reports (Government Agencies) Act 2004*.²⁴

2.3.1 Annual Reports

Under the *Annual Reports (Government Agencies) Act 2004*, OLA is obligated to report upon employment of staff and the use of contractors by non-Executive Members engaged under the *Legislative Assembly (Members' Staff) Act 1989*. For the 2023-24 financial year, OLA reported upon the use of staff salary allocation by non-Executive members, including pledges made or received between Members.²⁵ Members' staff learning and development expenditure is also reported in this format.

As Executive staffing arrangements are not administered by OLA, they are not presently reported upon within Annual Reports. However, on 9 April 2025, following a motion in the ACT Legislative Assembly, the Chief Minister agreed to publish the staffing arrangements for Executive members in all future Annual Reports.²⁶

3 Transparency arrangements for State and Territory Governments: Cross-Jurisdictional Comparison – New South Wales and Tasmania

The transparency arrangements for the Executive branches of Government of New South Wales (NSW) as the closest jurisdiction to the ACT, and Tasmania as a jurisdiction of similar size, have been examined with an emphasis on the requirements under each jurisdiction's equivalent Freedom of Information Act, Members' Code of Conduct, Ministerial Code of Conduct, and Remuneration Tribunal.

While the ACT is a unicameral jurisdiction, it is notable that the number of Houses in the NSW and Tasmanian Parliament did not have a tangible impact on the transparency arrangements for the Executive branch of Government. Ministers in NSW and Tasmania are still required to meet obligations under the jurisdiction's FOI legislation regardless of the House in which they sit.

²⁴ [Annual Reports \(Government Agencies\) Act 2004. Part 2 – Section 7B.](#)

²⁵ [Office of the Legislative Assembly, Annual Report 2023-24, Pg 49-50 and pg 76. 2024.](#)

²⁶ [ACT Legislative Assembly, Minutes of Proceedings, No. 15, 9 April 2025. Section 16.](#)

3.1 New South Wales

3.1.1 Government Information (Public Access) Act 2009 (NSW)

The *Government Information (Public Access) Act 2009*²⁷ (NSW) (the Act) establishes a system for public access to government information. The Act underpins NSW's commitment to open government and grants the public a legally enforceable right to access government information, including the details of ministerial offices, unless there is an overriding public interest against disclosure.²⁸ This is similar in intent to the ACT's FOI Act and encourages proactive transparency of the decisions made by Government.

In addition to the requirements legislated within the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2018*²⁹ states that ministers are required to make available any media release issued by the minister and travel undertaken by ministers and accompanying people. The Premier's Memorandum M2015-05 further sets out the requirements for ministers to make public details of scheduled meetings and release overseas travel information.³⁰

The NSW Cabinet Office routinely publishes information required by the *Government Information (Public Access) Act 2009*, the *Government Information (Regulation) 2018* and the Premier's memorandum M2015-05 including:

- ministerial diary disclosures;
- Premier and ministers' staffing arrangements and salary bands; and
- ministerial overseas travel information.³¹

3.1.2 The Constitution (Disclosures by Members) Regulation 1983, Standing Orders and the Code of Conduct (NSW)

The *Constitution (Disclosures by Members) Regulation 1983* (the Regulation) requires that Members disclose certain interests, such as real property, interests and positions in corporations, income, debts and gifts.³² The Regulation also requires that each Clerk compile and maintain a Register of Disclosures for their respective Houses. The purpose of the Register of Disclosures is to promote greater transparency, openness, and accountability in the parliamentary process. Executive members of Government are not exempt from the Regulation and must also disclose this information to the Premier as per the requirements of the NSW Ministerial Code of Conduct.³³

²⁷ [Government Information \(Public Access\) Act 2009 \(NSW\)](#).

²⁸ [Government Information \(Public Access\) Act 2009 \(NSW\), Part 2 - Division 1 – Section 5.](#)

²⁹ [Government Information \(Public Access\) Regulation 2018, Part 3 - Section 6\(1\).](#)

³⁰ [M2015-05-Publication of Ministerial Diaries and Release of Overseas Travel Information. NSW. 2015.](#)

³¹ [NSW Government, Access to the Cabinet Office's Information. 2025.](#)

³² [Constitution \(Disclosures by Members\) Regulation 1983 \(NSW\), Part 2.](#)

³³ [Independent Commission Against Corruption Amendment \(Ministerial Code of Conduct\) Regulation 2014. NSW.](#)

To further support the intent of the Regulation, the Standing and Sessional Orders of the NSW Legislative Assembly have established a Code of Conduct for both the Legislative Assembly and the Legislative Council of NSW. The Code of Conduct specifies that all Members must take reasonable steps to avoid, resolve or disclose any conflict between their private interests and the interests of the public.³⁴

3.1.3 The NSW Remuneration Tribunal

The Parliamentary Remuneration Tribunal is constituted under the *Parliamentary Remuneration Act 1989*.³⁵ The purpose of the Tribunal is to determine basic salary, employment benefits and additional entitlements for members and office holders of the NSW Parliament. To increase transparency, determinations made by the Parliamentary Remuneration Tribunal are published in the Gazette as soon as practicable and current determinations are available on the NSW Remuneration Tribunal Website.³⁶

3.2 Tasmania

3.2.1 Right to Information Act 2009 (Tas)

The purpose of the *Right to Information Act 2009 (Tas)* is to give members of the public the right to obtain information held by public authorities and ministers. The Tasmanian Government routinely discloses information to the public under the *Right to Information Act 2009* to enhance transparency and to enable greater consistency across Government. Information is published on the Department of Premier and Cabinet website.³⁷

Ministerial and Parliamentary Support (MPS) routinely discloses information including:

- ministerial diaries;
- ministerial and electorate office staff employee details;
- chief of staff corporate card expenses;
- ministerial fleet cars and taxi expenses;
- ministers' travel and entertainment expenses;
- ministerial and electorate office refurbishment / fit out expenses;
- register of interests of Members of the House of Assembly (and their spouses);
- register of Interests of Members of the Legislative Council (and their spouses);
- register of gifts received by Government Ministers in the course of their official duties; and
- list of discretionary payments made through the Premier's Discretionary Fund.

³⁴ [Parliament of NSW, Code of Conduct for Members, 2020.](#) and [Parliament of NSW, Code of Conduct for Members, 2023.](#)

³⁵ [Parliamentary Remuneration Act 1989 \(NSW\), Part 1, Section 2A.](#)

³⁶ [NSW Government, Remuneration Tribunals, Current PRT Determinations. 2025.](#)

³⁷ [Tasmanian Government, Department of Premier and Cabinet, Right to Information and Routine Disclosures. 2025.](#)

3.2.2 Disclosure of Interests, the members Code of Conduct and the Parliamentary (Disclosure of Interests) Act 1996 (Tas)

The Code of Conduct for Members of the Parliament of Tasmania sets out the ethical standards and principles to assist Members in observing expected standards of conduct.³⁸ This includes expectations towards the transparency arrangements of members. Under the Code of Conduct, Members must take all reasonable steps to avoid, disclose and manage any conflict of interest that arises, or is likely to arise. A conflict may be an actual conflict of interest, or perceived to be one.³⁹

The *Parliamentary (Disclosure of Interests) Act 1996*⁴⁰ prescribes that a register of interests for Members of the House of Assembly, and a register of interests for Members of the Legislative Council, be maintained. The Register of Interests is comprised of the individual disclosures of financial and other interests of each Member and their spouses. The Act further requires the publication of the Register of Interests.

In addition to a Register of Interests, Members must also declare gifts and benefits received as part of the requirements of the Act. The intent of this legislation is similar to the ACT Standing Orders and Continuing Resolution 6, gift disclosure requirements under the *Electoral Act 1992*, and is applicable to both the Executive and non-Executive of the Tasmanian Parliament.

3.2.3 Tasmanian Industrial Commission

Under the *Parliamentary Salaries, Superannuation and Allowances Act 2012*, the Tasmanian Industrial Commission is tasked with inquiring into the amount of salary paid to Parliamentarians, as well as the types and rate of allowances and benefits to be paid to each member of Parliament.⁴¹ The Commission must, after conducting an inquiry, prepare a report which is published on the Commission's website.⁴² The report includes information the Commission thinks fit in respect of its inquiry, the Commission's recommendations and the final determination.

³⁸ [Parliament of Tasmania, Code of Conduct. Accessed 2025.](#)

³⁹ [Parliament of Tasmania, Code of Conduct. Accessed 2025.](#)

⁴⁰ [Parliamentary \(Disclosure of Interests\) Act 1996. Part 4 - Section 15 & 16.](#)

⁴¹ [Parliamentary Salaries, Superannuation and Allowances Act 2012 \(Tas\). Part 3 - Section 3C.](#)

⁴² [Tasmanian Industrial Commission, Report and Determination, May 2025.](#)

4 Summary - Cross-jurisdictional comparison of Member disclosure obligations

Requirement	ACT Government Executive	Members of the Legislative Assembly	NSW Government	Tasmanian Government
<i>Publishing of diaries</i>	Yes, under the <i>Freedom of Information Act 2016</i> .	No.	Yes, under the <i>Government Information (Public Access) Act 2009</i> , the <i>Government Information (Regulation) 2018</i> and Premier's memorandum M2015-05	Yes, under the <i>Right to Information Act 2009</i> .
<i>Publishing of travel</i>	Yes, under the <i>Freedom of Information Act 2016</i> .	Yes, following consultation with the Standing Committee on Administration and Procedure	Yes, under the <i>Government Information (Public Access) Regulation 2018</i> .	Yes, under the <i>Right to Information Act 2009</i> .
<i>Publishing of staffing expenditure</i>	In Progress following a motion in the ACT Legislative Assembly on 9 April 2025	Yes, under the <i>Annual Reports (Government Agencies) Act 2004</i> .	Yes, under the <i>Government Information (Public Access) Act 2009</i> .	Yes, under the <i>Right to Information Act 2009</i> .
<i>Publishing of disclosure logs (including gifts)</i>	Yes, under the <i>Freedom of Information Act 2016</i> , the <i>Electoral Act 1992</i> , the Ministerial Code of Conduct and the Standing Orders for the ACT Legislative Assembly.	Yes, under the Standing Orders for the ACT Legislative Assembly and the <i>Electoral Act 1992</i> .	Yes, under the <i>Constitution (Disclosures by Members) Regulation 1983</i>	Yes, under the <i>Right to Information Act 2009</i> and the <i>Parliamentary (Disclosure of Interests) Act 1996</i> ,
<i>Publishing of remuneration entitlements</i>	Yes, under the <i>Remuneration Tribunal Act 1995</i> .	Yes, under the <i>Remuneration Tribunal Act 1995</i> .	Yes, under the <i>Parliamentary Remuneration Act 1989</i> .	Yes, under the parliamentary Salaries, Superannuation and Allowances Act 2012.

5 Conclusion

The disclosure requirements placed upon the Executive branch of the ACT Government by the *Freedom of Information Act 2016*, the Standing Orders and the Ministers' Code of Conduct promote transparency and make available to the public information that supports good governance. Further, the requirements of the Australian Capital Territory

are similar to those which are legislated or codified for the Executive branches of the comparable jurisdictions of NSW and Tasmania.