



Legislative Assembly for the
Australian Capital Territory

Standing Committee on the Integrity
Commission and Statutory Office
Holders

Submission Cover Sheet

Inquiry into the operation of the 2024 ACT Election and Electoral Act 1992

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Committee on the Integrity Commission & Statutory Office Holders

by email only to LACommitteeIntegrity@parliament.act.gov.au

Dear Committee members

INQUIRY INTO THE OPERATION OF THE 2024 ACT ELECTION AND ELECTORAL ACT 1992

In the wake of last year's election, we wrote an opinion for the Canberra Times on how the new governing arrangements for the Legislative Assembly would create unmanageable workloads for MLAs and limit good governance in the ACT.

The subsequent year and the challenges faced by Ministers and Committees alike have borne this out.

Democratic representation in the ACT is facing a minor crisis. The size of the Assembly has simply not kept pace with Canberra's growing population, resulting in under-representation and under-servicing of constituents. Nor has it kept up with the growing complexity of governing the territory.

While the small size of the Assembly has long been a problem for representation of Canberrans, The Greens' decision after the 2024 election to move out of government and onto the crossbench places extra pressures on Labor MLAs, both in cabinet and on the backbench. This creates risks for the quality of governance for the Territory.

Although it might be unpopular, the only meaningful solution to these problems is a significant increase in the size of the ACT Assembly.

It's time for even more politicians in Canberra.

We compared the ACT with other Australian jurisdictions using three different metrics:

1. **talent-seeking for a functional and effective executive** — measured in part by the ratio of cabinet positions (specifically, ministers scheduled in each jurisdiction's administrative arrangement orders) to cabinet appointees and the relative number of cabinet positions to the size of the Assembly
2. **the oversight and deliberative capacity of the Assembly** — measured in part by the ideal number of committee positions relative to the number of government backbenchers, and
3. **the capacity for MLAs to represent and service residents in their district** — measured in part by number of residents to size of the Assembly, proportion of the Assembly not serving in a Ministerial, party or committee position, and relative representation rates inclusive of federal and local elected positions.

The ACT is currently poorly served under all these metrics.

A comparison between each of Australia's state and territory Parliaments is presented in the data table in the appendix. Merely looking at the number of voters per state/territory politician is insufficient. Representation rates need to include local and federal elected representatives and take into account Parliamentary as well as constituency workloads.

While there are challenges in comparing these between jurisdictions — for example, committees in some jurisdictions are more consistently busy, have self-referral powers or otherwise stronger than others, or Cabinet portfolios might be more or less consolidated or have more or fewer legislative responsibilities — these numbers indicate that broadly the ACT's comparatively small assembly is not adequately serving the needs of Canberrans.

The current cabinet of just eight Labor MLAs is a reduction from the nine over the past four years. This is an improvement from the disastrously small 4 or 5 minister cabinets that were common for the first two decades of self-government — but it is still the smallest cabinet in Australia.

Some cabinet ministers like Chris Steele have unmanageably large ministerial loads, holding multiple portfolios that in any other jurisdiction would be a full-time job by themselves. This not only limits the time that ministers can devote to their portfolio areas, but also takes them away from other parliamentary and electorate work. This makes the government more reactive and less innovative.

Just as troubling, there are now only two Labor backbench MLAs. The Canberra Times reported last year that the Chief Minister promised that parliamentary committees will take on more policy development work. It is difficult to see how this can happen when the two Labor MLAs need to work across all eight parliamentary committees. How can committees do the kind of cross-party policy development work that Canberra needs if Labor is not able to properly participate?

These issues of attention to policy detail, both by ministers and committees, are exacerbated by our lack of local government in the ACT. Dedicated, elected local governments in other jurisdictions take on a significant portion of the portfolio, constituent-servicing and even some inquisitive work currently conducted by the Assembly. In effect, our Assembly has a double workload, responsible for state government and local government matters.

This is a question of attention not just to schools and hospitals but rates and rubbish.

Our small Assembly also means that the electorate level work of representing local communities and individuals becomes difficult. All Labor MLAs, within cabinet or on the backbench, are likely to be too overstretched to do this work. With such a small assembly, the party of government has to cede that important constituent support and listening role to the opposition and crossbench.

None of these problems are surprises.

When the Assembly was increased in size from 17 to 25 in 2014, this was only meant to be an interim measure. The Assembly was always intended to grow again to 35 members in either 2020 or 2024.

Expansion is urgently needed to give Canberrans an executive and parliament that have the capacity to do the work that their constituents require. In expanding the Assembly, precedence should be given to ensuring that a party which can win government has enough MLAs to do the work of government, in cabinet, on committees, and in the community.

This means, **if the Assembly is to grow to 35 members, the best model in our view would be to have seven districts each represented by five MLAs**. Based on the 2024 election, this would likely translate to roughly thirteen government MLAs — still too small in our view, but an improvement from ten in terms of sharing workload.

It would also likely increase the proportionality of the parliament, although not quite so much as a move to increase the number of MLAs elected in the current five divisions to seven each.

Even 35 MLAs may not be enough.

The next smallest cabinet is Tasmania's with 15 MLAs. Most jurisdictions have between 17 and 37 positions between Cabinet and the outer ministry, not to mention a comparably sized Shadow Ministry who should, in theory, have enough time and resources to be an effective opposition plus 2 to 3 Parliamentary officeholders.

A modern cabinet comparable to other states demands an even bigger Assembly to ensure the governing party has both a functional cabinet and backbench.

Tasmania has a 35-seat Assembly and a 15-seat upper house from which to draw a cabinet, while over 300 councillors also represent Tasmanians on local councils across the state.

Canberrans should not have to make do with decision-making by over-stretched and time-poor representatives, when the experience in the small states is that a larger cabinet and backbench is needed.

This is why expanding the Assembly by itself may not be enough to make up for this democratic deficit. Our Assembly's capacity for localised representation and engagement is also strained. More electorates, not just more MLAs in each electorate, would provide more localised representation. This is especially important since, without that tight community connection, political lobbying is dominated by wealthier interests in the ACT rather than the grassroots.

A time-poor executive and stretched Labor backbench also means that Liberal — and now Greens and independent — MLAs can spend most of their time in their communities, talking to constituents and helping them with local issues, while Labor MLAs are stuck in the Assembly doing the grunt work of governing. It's bad for our democracy and it's bad for government.

That's why any expansion of the Assembly should be accompanied by changes that will get MLAs back into their local communities. Instead of just having offices in the Assembly itself, MLAs could have a local electorate office like every other state and federal politician has. This would have the additional benefit of addressing the accommodation problem at the Assembly itself. If backbench MLAs' staff primarily worked from the local electorate office, that means enough space for Parliamentary services to expand and to open more of the Assembly up to the public.

For an everyday Canberran, **having a meeting at the Assembly can be a challenging endeavour**. A shared office in each electorate and an additional two local advisers for each MLA would make sure they remain accessible and connected to community.

Sufficiently large shared electorate offices — like the local business centres that colocate ward offices with libraries and council service centres in Brisbane — create scalable opportunities for community use. Adding some public meeting rooms and a small events space or theatrette would allow these offices to replicate some of the community cohesion functions that libraries serve. With Canberra's libraries relatively few and quite distant from each other, underserved communities would appreciate some readily available community space.

Local offices with local meeting rooms creates another opportunity to reduce workload and improve local representation: reimagining community councils. At the moment, our community councils report poor and worsening turnout to meetings, challenges in recruiting and retaining members and rarely are truly representative of their communities. Previously policies to make them more sustainable have come up against the risk of giving outsized influence to organisations that may not be representative and lack democratic legitimacy.

An alternative is to explore models adopted in other cities globally. Major world cities with a single, strong municipal government and full-time civic assemblies — like London, New York and Auckland — also elect part-time local assemblies of varying levels of power and influence. We can take inspiration from some of these models to explore how to make them both more representative and more sustainable.

Consider a future where the five MLAs elected to a district are elected at the same time as fifteen community board members, reflecting the demographic and political diversity of their district. These board members are paid a per diem to attend meetings but are otherwise volunteers. These boards cannot exercise any legislative or revenue power nor have an independent budget beyond whatever discretionary allocation given to them by the Assembly. They don't have staff beyond local MLAs' advisers and public service secretariat support. They aren't intended to devolve any responsibilities from the Assembly — only to aid them in outreach and community connection.

Compared to expanding the Assembly, this is a low priority. The 2014 reforms which expanded the Assembly to 25 members were always intended to be an interim measure.

With The Greens moving to the crossbench, this unfinished business takes on a new urgency. **Canberrans deserve appropriate political representation and a connection with their local politicians they're denied right now.**

We're calling on the Assembly to take this democratic deficit seriously and add two new electorates by 2028. The good governance of the territory depends on it.

RECOMMENDATIONS

1. **Expand the ACT Assembly to 35 MLAs** through the creation of two more electoral districts before the 2028 ACT Assembly election.
2. Establish local hubs in each electorate to serve as **joint electorate offices** for each MLA with large enough meeting rooms to convene public meetings.
3. Consider reconstituting community councils as **elected local boards** to support the work of local MLAs and ensure their advocacy is representative and democratically legitimate.

We are available to discuss this and other matters with the Committee.

Your sincerely

Travis Jordan and **Dr Francis Markham**

Appendix: Table of data comparing Australian subnational parliaments

	ACT		New South Wales	Victoria	Queensland	Western Australia	South Australia	Tasmania	Northern Territory
Voters	315,841		5,565,927	4,440,688	3,611,600	1,815,825	1,274,599	405,162	153,223
Residents	463,375		8,238,801	6,704,281	5,378,277	2,825,178	1,834,275	571,596	252,576
Total assembly size	25	35	135	128	93	95	69	50	25
Lower house size	25	35	93	88	93	59	47	35	25
Upper house size	0	0	42	40	0	36	22	15	0
State representation ratio	18,535	13,239	61,028	52,377	57,831	29,739	26,584	11,432	10,103
Federal representatives	5	5	59	51	42	27	22	17	4
Local representatives	0	0	1,255	654	578	1,232	689	309	173
Total politicians including federal and local representation	30	40	1,449	833	713	1,354	780	376	202
Total representation ratio	15,446	11,584	5,686	8,048	7,543	2,087	2,352	1,520	1,250
Cabinet positions	33	33	63	58	37	68	35	32	44
Cabinet members	8	8	23	22	19	17	15	11	9
Outer ministry positions	0	0	27	23	11	56	2	0	0
Outer ministry members	0	0	14	15	10	14	2	0	0
Government backbenchers	2	5	23	31	22	30	19	6	7
Total MPs not in a Ministry or Shadow Ministry	9	19	61	54	35	33	35	28	7
Standing and sessional committees	10	10	36	16	10	16	18	21	9
Standing and sessional committee positions	36	36	283	131	63	85	99	112	45
Committee positions per backbencher	4	2	5	2	2	3	3	4	6