



**Legislative Assembly for the  
Australian Capital Territory**

Standing Committee on the Integrity  
Commission and Statutory Office Holders

# **Inquiry into the effectiveness of transparency arrangements for Members of the Legislative Assembly – Final Report**

Legislative Assembly for the Australian Capital Territory  
Standing Committee on the Integrity Commission and Statutory Office Holders

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Approved for publication

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Report 7  
11th Assembly  
May 2026



# About the committee

## Establishing resolution

The Assembly established the Standing Committee on the Integrity Commission and Statutory Office Holders on 3 December 2024.

The Committee is responsible for the following areas:

- ACT Auditor-General
- ACT Ombudsman
- Office of the Legislative Assembly
- ACT Electoral Commission
- ACT Integrity Commission
- Electoral policy

You can read the full establishing resolution [on our website](#).

## Committee members

Mr Ed Cocks MLA, Chair

Mr Andrew Braddock MLA, Deputy Chair

Mr Taimus Werner-Gibbings MLA

## Secretariat

James Bunce, Committee Secretary

Ms Kathleen de Kleuver, Committee Secretary (until 17 April 2026)

Ms Kate Mickelson, Assistant Secretary

Mr Adam Walker, Assistant Secretary

Mr Satyen Sharma, Administrative Officer

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## About this inquiry

At its meeting on 9 April 2025 the Assembly passed a resolution requesting the Committee to undertake an inquiry into the issues surrounding transparency arrangements for Members, including publication of travel, diaries and staffing expenditure.<sup>1</sup>

In a statement to the Assembly pursuant to standing order 246A on 24 June 2025<sup>2</sup>, the Committee advised that it had decided to undertake an inquiry with amended terms of reference and would provide an interim report by the last sitting day in September 2025. The amended terms of reference are:

The Committee has resolved to inquire into and report on the effectiveness of transparency measures for Executive and Non-Executive members of the ACT Legislative Assembly.

The Committee published its interim report in September 2025. This is the final report.

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<sup>1</sup> ACT Legislative Assembly, *Minutes of Proceedings No 15*, 9 April 2025, pp 199–202.

<sup>2</sup> ACT Legislative Assembly, *Minutes of Proceedings No 23*, 24 June 2025, p 312.

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# Acronyms & Abbreviations

Acronym or Abbreviation	Long form
ACT	Australian Capital Territory
Latimer House Principles	The Commonwealth (Latimer House) Principles on the Accountability and Relationship between the Three Branches of Government
MLA	Member of the Legislative Assembly
MoPS Act	<i>Members of Parliament (Staff) Act 1984</i> (Cth)
NSW	New South Wales
The Tribunal	ACT Remuneration Tribunal

# Recommendations

## Finding 1

The Committee finds that there is an inherent conflict in Members' (both executive and non-executive) staffing allocations being set by the Executive.

## Recommendation 1

The Committee recommends that the ACT Government, in consultation with the Standing Committee on Administration and Procedure, establish a transparent process for the ACT Remuneration Tribunal to determine staffing allocations for both executive and non-executive Members.

## Recommendation 2

The Committee recommends that ACT Government ensure that the legislative changes, guidance, and processes to enable the ACT Remuneration Tribunal to determine staffing allocations for Members be in place by the commencement of the Twelfth Assembly.

# 1. Introduction

## Conduct of the inquiry

- 1.1. The Committee called for submissions from the public and from stakeholders from 22 May 2025, with a closing date of 6 August 2025. The Committee received 12 submissions, which are listed at **Appendix A**.
- 1.2. The Committee tabled its interim report on 16 September 2025. The interim report made one finding and four recommendations. Responses to these recommendations may be found on the inquiry webpage. The text of the responses is included in **Appendix B**.

## Background

### Assembly resolution of 9 April 2025

That this Assembly:

- (1) notes that:
  - (a) information about non-executive entitlements are published both as disallowable instruments and in the Annual Reports of the Office of the Legislative Assembly, which is appropriate; and
  - (b) information about executive staffing entitlements are not published in the same form or to the same standard, which undermines transparency and accountability;
- (2) further notes that:
  - (c) the Assembly has called for the Integrity Commissioner to undertake an inquiry into lobbying and for the Government to ensure appropriate funding be provided for this work; and
  - (d) the Government has failed to provide the Assembly with any assurance that the funding has been or will be provided in this year's Budget;
- (3) directs the Chief Minister to:
  - (a) publish information on executive staff expenditure, in a format consistent with the Assembly's reporting of non-executive staff expenditure, in all future Annual Reports of the Chief Minister, Treasury and Economic Development Directorate;
  - (b) make a statement in the Assembly immediately after this motion, and if appropriate funding for the lobbying inquiry will be provided in this year's Budget; and

- (c) if no decision has been made, the Chief Minister's statement must include the day (or days) when the decision will be made and, once such a decision has been made, the Chief Minister must provide the Speaker with a statement outlining the decision and the funding to be provided, which the Speaker must make available to Members;
- (4) requests the Standing Committee on the Integrity Commission and Statutory Office Holders to:
  - (a) undertake an inquiry into the issues surrounding transparency arrangements for Members, such as:
    - (i) the publication, each quarter, of information on Members' externally sponsored and Assembly related and funded travel;
    - (ii) the publication, each quarter, of Members' diaries setting out all reportable meetings, events and functions attended that relate to their responsibilities as Members taking into consideration the potential for:
      - (A) retrospective commencement from the start of the 11th Assembly;
      - (B) the preclusion of personal and family matters; electorate or party political matters; media interviews or recordings; any scheduled meeting or event that the Member did not actually attend; or any information which might disclose personal details about an individual, affect a court case, or disclose information about security, public safety, or law enforcement;
      - (C) appropriate protections for whistleblowers, privacy, or sensitive information; and
      - (D) implementing any findings and recommendations arising from any Integrity Commissioner's inquiry into lobbying;
    - (iii) the publication of Members' staffing expenditure; and
    - (iv) any other relevant matters; and
  - (b) provide an interim report by the last sitting day in September 2025; and
- (5) calls on the Speaker to table a breakdown of non-executive staffing expenditure for the current and last four financial years, including staffing expenditure per non-executive office (including his own), staffing expenditure per pledged resourcing arrangement, and any other staffing expenditure within 28 calendar days.<sup>3</sup>

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<sup>3</sup> ACT Legislative Assembly, *Minutes of Proceedings No 15*, 9 April 2025, pp 199–202.

- 1.3. The Committee considered the Assembly's request and agreed to proceed with the inquiry with an amended terms of reference:

The Committee has resolved to inquire into and report on the effectiveness of transparency measures for Executive and Non-Executive members of the ACT Legislative Assembly.

- 1.4. The change to the terms of reference has the main effect of broadening the terms of reference referred to the Committee by the Assembly.

## 2. Staffing arrangements for Members of the Legislative Assembly

### Non-executive Members' staffing

- 2.1. As noted in paragraph (1) of the Assembly resolution of 9 April 2025, information about non-executive Members' staffing is published in a disallowable instrument. The current instrument is DI2025-90, *Legislative Assembly (Members' Staff) Members' Salary Cap Determination 2025 (No 1)*. This instrument is made by the Chief Minister under sections 10 and 20 of the *Legislative Assembly (Members' Staff) Act 1989* and determines the conditions under which a non-executive Member may employ staff, contractors or consultants on behalf of the Territory.<sup>4</sup>
- 2.2. Data on non-executive Members' staffing contracts and expenditure are published in the Office of the Legislative Assembly's Annual Report.<sup>5</sup>

### Executive Members' staffing

- 2.3. Annual Report Directions are published on the ACT Legislation Register in a Notifiable Instrument. The current instrument is NI2026-218 *Annual Reports (Government Agencies) Directions 2026 (No 1)*, effective from 6 May 2026. Ministerial staffing expenditure is mentioned in the current instrument.<sup>6</sup>
- 2.4. In its interim report, the Committee recommended that the ACT Government include instructions in the Annual Report Directions for the Chief Minister, Treasury and Economic Development Directorate to ensure inclusion of ministerial staffing expenditure, in line with staffing expenditure reporting by the Office of the Legislative Assembly in its Annual Reports.<sup>7</sup>
- 2.5. In its response to the interim report, the ACT Government agreed with this recommendation, saying 'Following a motion in the ACT Legislative Assembly on 9 April 2025, the Chief Minister agreed to publish the staffing expenditure for Executive members in all future Annual Reports'.<sup>8</sup>
- 2.6. Correspondence to the Committee from the Chief Minister dated 20 February 2026 confirmed that 'all future Annual Report Directions will include the instruction for the

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<sup>4</sup> DI2025-90 [Legislative Assembly \(Members' Staff\) Members' Salary Cap Determination 2025 \(No 1\) | HTML view](#)

<sup>5</sup> Clerk of the Legislative Assembly of the Australian Capital Territory, *Submission 10*, p 4.

<sup>6</sup> NI2026-218 [Annual Reports \(Government Agencies\) Directions 2026 \(No 1\) | Notifiable instruments](#)

<sup>7</sup> Standing Committee on the Integrity Commission and Statutory Office Holders, *Report 2: Inquiry into the effectiveness of transparency arrangements for Members of the Legislative Assembly – Interim Report*, Recommendation 3, 9 September 2025, p 16.

<sup>8</sup> ACT Government, *Government Response to Standing Committee on the Integrity Commission and Statutory Office Holders – Report No. 2 – Inquiry into the effectiveness of transparency arrangements for Members of the Legislative Assembly – Interim Report*, December 2025, pp 4–5.

inclusion of ministerial staffing expenditure in the Chief Minister, Treasury and Economic Development Directorate Annual Report'.<sup>9</sup>

## Staffing allocation in other jurisdictions

- 2.7. For the Parliament of Australia, authorisation for parliamentarians to employ electorate and personal staff is pursuant to the *Members of Parliament (Staff) Act 1984* (Cth) (MoPS Act), with staffing allocations determined by the Prime Minister<sup>10</sup> and electorate staffing allocations set out in a notifiable instrument. The current instrument is the *Members of Parliament (Staff)(Employment Arrangements) Determination 2025*.<sup>11</sup>
- 2.8. A review of the MoPS Act in 2022 recommended that a proposed Office of Parliamentary Staffing and Culture should undertake a review of the factors affecting workloads, 'to inform an evidence-based consideration of office and staffing resources', and that the review should recommend principles to be considered by the Prime Minister in determining staffing allocations. The review also recommended transparency for staffing allocations, through annual reporting.<sup>12</sup>
- 2.9. *The Independent Review of Resourcing in Parliamentary Offices – Final Report*, published by the Parliamentary Workplace Support Service in 2025, noted that staffing allocations were determined by the Prime Minister. It recommended that parliamentarians with parliamentary roles or shadow ministry responsibilities should be allocated a personal staff member by their party leader, and that additional staff should be allocated to electorate offices for electorates 'with an increase equal to or greater than the average population per electorate staff member'.<sup>13</sup>
- 2.10. A Policy Brief by the Parliamentary Library of Australia in January 2026 noted that other Westminster parliaments mostly used parliamentary processes to determine non-executive staffing allocations:
- Compared with the UK, Canada and New Zealand, Australia is unique in having Prime Ministerial discretion over all parliamentarians' staffing decisions.
  - These other Westminster parliaments predominantly use parliamentary processes to direct non-ministerial staffing allocations, either through committees or the Speaker's office.

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<sup>9</sup> Andrew Barr MLA, Chief Minister, *Letter to the Chair*, 20 February 2026.

<sup>10</sup> *Members of Parliament (Staff) Act 1984* (Cth), [Members of Parliament \(Staff\) Act 1984 - Federal Register of Legislation](#), s 7(4).

<sup>11</sup> [Members of Parliament \(Staff\) \(Employment Arrangements\) Determination 2025 - Federal Register of Legislation](#) (accessed 25 March 2026).

<sup>12</sup> Australian Government, Department of Prime Minister and Cabinet, *Review of the Members of Parliament (Staff) Act 1984* (Cth), 7 October 2022, Recommendation 3—Resourcing of parliamentary offices and Recommendation 4—Transparency of staffing allocations, p 13, pp 42–62.

<sup>13</sup> Parliamentary Workplace Support Service, [The Independent Review of Resourcing in Parliamentary Offices - Final Report](#), December 2025, pp 52, 60.

- Across the range of decision-making mechanisms, the UK's Independent Parliamentary Standards Authority stands alone as being outside both the executive and parliament.<sup>14</sup>

### Committee comment

- 2.11. The Committee notes that the arrangement requiring the Chief Minister to allocate Members' staffing echoes the arrangements at the Parliament of Australia with the Prime Minister determining parliamentarians' staffing allocations.
- 2.12. The Committee further notes that these arrangements are at odds with those of the similar Westminster parliaments in the UK, New Zealand and Canada.

## Latimer House Principles

- 2.13. The Commonwealth (Latimer House) Principles on the Accountability and Relationship between the Three Branches of Government (the Latimer House Principles) highlight the importance of the separation of powers of the legislature, the executive and the judiciary to promote effective democratic governance.
- 2.14. The Latimer House Principles were endorsed by Commonwealth Heads of Government in 2003, and recognised in 2005 as 'an integral part of the Commonwealth fundamental political values'.<sup>15</sup>
- 2.15. The Commonwealth Parliamentary Association has a set of recommended benchmarks for democratic legislatures building on the Latimer House Principles, which include:
- 1.5.2 An independent body or mechanism should determine the remuneration, benefits and other statutory entitlements of legislators.
  - ...
  - 4.4.1 The Legislature shall ensure adequate facilities and allocation of resources for the Opposition, including the leader.<sup>16</sup>

### Committee comment

- 2.16. The Committee is of the opinion that having staffing allocations determined by an Executive, rather than a parliament or an independent body, does not meet the standard set by the Commonwealth Parliamentary Association benchmarks or the intent of the Latimer House Principles.
- 2.17. The Committee notes that provisions for political staff for executive Members are set in the Budget, affording a degree of accountability to the Assembly. However, the Budget is set by the Treasurer and the Executive, and this staffing supports the Executive Members in both their roles as a Minister and as a Member.

<sup>14</sup> Parliamentary Library of Australia, [Allocating parliamentarians' staff: insights from the UK, Canada and New Zealand](#), 21 January 2026, p 1.

<sup>15</sup> Commonwealth Parliamentary Association, [The Commonwealth Latimer House Process: 20 Years of Recognition](#), *The Parliamentarian*, 2023 Volume 104 Issue Four, pp 286–303.

<sup>16</sup> Commonwealth Parliamentary Association, [Recommended Benchmarks for Democratic Legislatures](#), 2018, pp 4, 10.

## Finding 1

The Committee finds that there is an inherent conflict in Members' (both executive and non-executive) staffing allocations being set by the Executive.

## An independent determination for Members' staffing allocations

- 2.18. Before 1984, the Australian Remuneration Tribunal determined staff numbers and staff travel for the Parliament of Australia. A letter to the tribunal in 1984 from the Special Minister of State noted that the Government at the time considered that 'the staff assistance to be provided to Senators and Members should be determined by the Government of the day'.<sup>17</sup>
- 2.19. The Committee consulted the ACT Remuneration Tribunal (the Tribunal) on the scope for the Tribunal to undertake allocation of staffing for Members.
- 2.20. The Tribunal considered that current arrangements were consistent with most other Australian jurisdictions, but that in New South Wales (NSW), Queensland and the Northern Territory, remuneration tribunals had partial responsibility for determining Members' staffing.<sup>18</sup>
- 2.21. The NSW Parliamentary Remuneration Tribunal had been established as a distinct entity to determine solely matters pertaining to the NSW Parliament, and had the ability to determine the number of electorate staff employed by a Member. However, this power did not extend to office holders such as party leaders or ministers. The ACT Remuneration Tribunal was also unsure whether the power extended to parliamentary staff or was limited to staffing for electoral offices.<sup>19</sup>
- 2.22. While the Queensland Independent Remuneration Tribunal had the power to determine additional staffing for crossbench Members, in consultation with the Clerk, the ACT Remuneration Tribunal noted that electorate staffing arrangements were currently determined by the Speaker and parliamentary staffing arrangements by the Clerk.<sup>20</sup>
- 2.23. The Northern Territory Remuneration Tribunal also had the power to determine staffing of Members' offices, but the ACT Remuneration Tribunal understood that this power had not yet been exercised. In practice, it said, staffing arrangements were managed by the Department of the Legislative Assembly on behalf of the Chief Minister.<sup>21</sup>

<sup>17</sup> The Parliament of the Commonwealth of Australia, *Remuneration Tribunal 1984 Review*, Parliamentary Paper No. 191/1984, Appendix D, [ParlInfo - Remuneration Tribunals Act - Remuneration Tribunal - Determinations - 1984/15 - Members of the Parliament](#), presented 22 August 1984, p 225.

<sup>18</sup> ACT Remuneration Tribunal, *Letter to the Committee*, 23 March 2026, p 1.

<sup>19</sup> ACT Remuneration Tribunal, *Letter to the Committee*, 23 March 2026, p 1.

<sup>20</sup> ACT Remuneration Tribunal, *Letter to the Committee*, 23 March 2026, pp 1–2.

<sup>21</sup> ACT Remuneration Tribunal, *Letter to the Committee*, 23 March 2026, p 2.

- 2.24. The ACT Remuneration Tribunal advised that it would need to develop an understanding of the current background and factors considered when determining Members' staffing allocations before it could determine the expertise and resources required for the Tribunal to take on such a function.<sup>22</sup>
- 2.25. The Tribunal was not aware of any other body in the ACT well-placed to take on the function, but noted that the Office of the Legislative Assembly provided operational support to Members and that, in other jurisdictions including Queensland, the Clerk had a role in allocating Members' staffing.<sup>23</sup>
- 2.26. The Tribunal further observed that, in jurisdictions where a remuneration tribunal determined staffing allocations, these powers were established 'with limitations under statute'.<sup>24</sup>

### Committee comment

- 2.27. The Committee considers that it would be best practice for an independent body to determine staffing allocations for executive and non-executive Members of the Legislative Assembly, in line with the Latimer House Principles and Commonwealth Parliamentary Association *Recommended Benchmarks for Democratic Legislatures*.
- 2.28. The Committee is of the opinion that the ACT Remuneration Tribunal is the organisation best placed to take on this role, and recognises that legislative change, guidance and resourcing to the Tribunal will be required.

#### Recommendation 1

The Committee recommends that the ACT Government, in consultation with the Standing Committee on Administration and Procedure, establish a transparent process for the ACT Remuneration Tribunal to determine staffing allocations for both executive and non-executive Members.

#### Recommendation 2

The Committee recommends that ACT Government ensure that the legislative changes, guidance, and processes to enable the ACT Remuneration Tribunal to determine staffing allocations for Members be in place by the commencement of the Twelfth Assembly.

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<sup>22</sup> ACT Remuneration Tribunal, *Letter to the Committee*, 23 March 2026, p 2.

<sup>23</sup> ACT Remuneration Tribunal, *Letter to the Committee*, 23 March 2026, p 2.

<sup>24</sup> ACT Remuneration Tribunal, *Letter to the Committee*, 23 March 2026, p 2.

### **3. Conclusion**

- 3.1. The Committee would like to thank the ACT Remuneration Tribunal and all submitters for contributing their views and expertise to this inquiry.
- 3.2. The Committee makes two recommendations and one finding.

Mr Ed Cocks MLA  
Chair, Standing Committee on the Integrity Commission and Statutory Office Holders  
19 May 2025

## Appendix A: Submissions

No.	Submission by	Received	Published
1	Department of the Senate of Australia	06/06/26	17/06/25
2	Elaine Abery	13/06/25	01/07/25
3	Parliament of Tasmania	30/06/25	15/07/25
4	Clerk of the House of Representatives of New Zealand	22/07/25	12/08/25
5	Clerk of the Parliaments and Legislative Council of New South Wales	22/07/25	12/08/25
6	Clerk of the Parliaments of Victoria	29/07/25	12/08/25
7	Clerk of the House of Representatives of Australia	29/07/25	12/08/25
8	Clerks of the Legislative Assembly and Legislative Council of Western Australia	31/07/25	12/08/25
9	ACT Greens	06/08/25	12/08/25
10	Clerk of the Legislative Assembly of the Australian Capital Territory	06/08/25	12/08/25
11	Hawker Britton	06/08/25	12/08/25
12	Clerk of the Queensland Parliament	11/08/25	12/08/25
13	ACT Government	19/08/25	26/08/25

## Appendix B: Responses to the interim report

Responses to the interim report are available under the 'Responses' tab of the inquiry webpage. The text of the responses is also provided below.

### Speaker's response to recommendations 1 and 4

#### Recommendation 1

The Committee recommends that the Clerk write to all entities on the ACT Register of Lobbyists, reminding them of the ACT Lobbyist Code of Conduct and Regulation Guidelines, and noting that these may differ from the Commonwealth and other state and territory requirements.

#### Response

The Clerk wrote to all entities on the ACT Register of Lobbyists via email on Thursday, 16 October 2025.

#### Recommendation 4

The Committee recommends that the Office of the Legislative Assembly examine whether it would be feasible to publish details of travel on Assembly or official business undertaken by non-executive members and their staff at least quarterly, instead of twice yearly.

#### Response

The Office of the Legislative Assembly has determined that it is feasible to publish details of travel on Assembly or official business undertaken by non-executive members and their staff quarterly, and this arrangement has commenced.

**Mark Parton**

Speaker of the Legislative Assembly

20 October 2025

## ACT Integrity Commissioner's response to recommendation 2

The Commission notes the Committee's Inquiry into the effectiveness of transparency arrangements for Members of the Legislative Assembly – Interim Report, tabled in September 2025.

The Commission also notes recommendation 2, and agrees to examine, as part of its inquiry into lobbying, the feasibility of requiring registered lobbyists to report on their meetings with both executive and non-executive members.

The scope of the Commission's inquiry into lobbying will include an examination of disclosure requirements by lobbyists under the ACT Lobbying Code of Conduct and Registrar of Lobbyists, and whether the disclosure requirements are sufficient to provide an appropriate level of transparency of the interactions between lobbyists and public officials.

The Commission intends to release its discussion paper as part of its inquiry process in the first half of 2026.

**Hon. Michael F Adams, KC**

Commissioner

17 February 2026

## ACT Government's response to recommendation 3

### Recommendation 3

The Committee recommends that the ACT Government include instructions on the inclusion of ministerial staffing expenditure in the Annual Report Directions which align with those produced by the Office of the Legislative Assembly for the Chief Minister, Treasury and Economic Development Directorate.

### Response

**Agreed.** Following a motion in the ACT Legislative Assembly on 9 April 2025, the Chief Minister agreed to publish the staffing expenditure for Executive members in all future Annual Reports.

## Appendix C: Dissenting report by Taimus Werner-Gibbings MLA

1. I disagree in the shocked-est possible terms with both the finding and the recommendations in this report.
2. Transferring responsibility for staffing allocations of both non-executive *and* executive members to the ACT Remuneration Tribunal would be a stunning and unprecedented departure from the accepted practice across Australian jurisdictions – the accepted practice which was identified for this Committee by none other than the ACT Remuneration Tribunal.
3. These recommendations are bizarre, unwarranted, and unnecessary.

### Dissent from the report's Finding

#### A mischaracterisation of “Conflict”

4. I draw the Assembly's attention to the report's singular, *sui generis* finding. It asserts that there is an “inherent conflict” in Members' staffing allocations being set by the Executive. I think this assertion is overstated, insufficiently substantiated and seems to reflect a misunderstanding of how Westminster-derived parliamentary systems operate.
5. In paragraphs 2.20-2.23 of the report, the ACT Remuneration Tribunal noted that the current arrangements are consistent with other Australian jurisdictions, except for New South Wales, Queensland and the Northern Territory.
6. With this finding, the report finds (as it were) that this systemic conflict exists in every Australian parliament. And yet none of those parliaments appear to ever have characterised executive involvement in staffing allocations as inherently improper, let alone proposed or pursued such sweeping structural reforms.
7. The absence of similar precedents in any other Australian parliament for this report's recommendations are not oversights. It reflects their considered judgments that their current arrangements, like the ACTLA's are workable and appropriate.
8. Workable because staffing resources in every Australian Parliament are necessarily determined within the broader framework of executive government budgeting and administrative responsibility.
9. Appropriate because the Executive is accountable for public expenditure. Therefore, it is entirely proper that it retains oversight of staffing allocations, which are funded from the public purse.
10. By portraying this sensible system as an “inherent conflict”, the report ignores the checks and balances already embedded within the system, including parliamentary scrutiny, budget processes, and public accountability.

11. Innovation in governance should be driven by demonstrated need and clear benefit; neither is evident here. The report offers no compelling justification for why the ACT should depart so radically from established practice.

## Dissent from Recommendation 1

### An unprecedented and unwarranted expansion of the Remuneration Tribunal

12. This recommendation proposes that the ACT Remuneration Tribunal take on the entire responsibility for determining staffing allocations for ACTLA non-executive members *and* executive members (ie; Ministers). The first element is unprecedented in Australia. The second is unprecedented anywhere!

### Responsible Government: the ACT Remuneration Tribunal should not determine staffing allocations for executive Members of the ACTLA

13. Executive government in the ACT operates under the principle of responsible government. Responsible government requires that the executive retain meaningful control over its own administrative capacity. The government of the day must have the practical flexibility to respond to shifting priorities, budget pressures, or machinery-of-government changes.
14. Ministerial staffing decisions are fundamentally linked to the operational capacity required to run both the government and each government portfolio – decisions shaped by the complexity of a Minister's responsibilities, the size and number of their directorates, their legislative program, and the demands of cabinet government at any given time.
15. The Tribunal has no institutional expertise in these assessments, nor will it ever be placed to gain it. Should it be given this responsibility there is a real risk that determinations would be technically uniform but operationally inadequate, as it applied a one-size-fits-all framework to ministerial offices with materially different demands.

### No Guarantees: the ACT Remuneration Tribunal should not determine staffing allocations for non-executive Members of the ACTLA

16. This one-size-fits-all risk also exists in the Tribunal's prospective determinations about non-executive members' staffing allocations. Staffing needs can vary widely based on shadow portfolio responsibilities, party membership, constituency demands, legislative workload, and unforeseen events. These factors require responsive, flexible management – qualities at odds with the Tribunal's periodic and deliberative processes.
17. Decisions about members' staffing would become subject to the Tribunal's formal determination processes – processes that are ill-suited to the dynamic nature of parliamentary work. Members may well find themselves constrained by outdated or inflexible allocations, to the detriment of their ability to perform their roles effectively.
18. It is germane to point out that there is no guarantee that the Tribunal's formal and inflexible processes would result in higher staffing allocation determinations.

19. Furthermore, staffing would no longer be allocated per party as it is now. The Tribunal would have to allocate staff and funding per MLA office, which would prevent parties pooling staff between offices.
20. It is also possible that the Tribunal may determine that all non-executive members should receive the *same* staff allocation. It may not, or may not be able to, recognise the difference in non-executive MLAs responsibilities – for instance whether they are the Leader of the Opposition, or an independent without party support – nor be able to flexibly change its determinations once made to reallocate staffing as and when party leaders or party affiliations change within an Assembly term.

## Dissent from Recommendation 2

### Timing and implementation concerns

21. The proposed timeline is unnecessarily ambitious. It fails to account for the significant legal, administrative, and operational issues that would demand resolution – a complicated process for which no template exists in Australia.
22. If the Assembly saw fit to ignore my considered and well-articulated arguments, then implementing such a fundamental change would require careful design, extensive consultation, and rigorous testing. To rush this process would risk creating a system that is not only flawed but potentially unworkable.
23. Given the lack of precedent for this model – anywhere – a cautious and incremental approach would be essential. This recommendation pushes for the opposite!

## A solution in search of a problem

### ACTLA Members do not employ electorate staff

24. To reiterate: **no other** Australian parliament has seen fit to adopt a parliamentary staffing allocation model remotely close to that recommended in this report.
25. As I mentioned above, the ACT Remuneration Tribunal noted in paragraphs 2.20-2.23 of the report that the current arrangements are consistent with other Australian jurisdictions, except for New South Wales, Queensland and the Northern Territory. In those jurisdictions, differing non-executive bodies do have partial responsibility for determining Members' staffing for **electorate staff**.
26. However, notwithstanding the fact that those bodies are apparently not uniformly exercising those responsibilities to the utmost, each of those jurisdictions clearly articulates different arrangements for electorate staff and parliamentary staff.
27. ACTLA members **do not employ electorate staff**, so any bow drawn between the ACT and New South Wales, Queensland and the Northern Territory must necessarily be long and brittle.

28. Remuneration tribunals in other jurisdictions have not been given responsibility for members' staffing levels, and for very good reason. To do so would place them in the untenable position of making decisions with significant budgetary and operational consequences, without the corresponding responsibility for implementation or oversight.
29. If staffing decisions are made by the Tribunal, who is responsible when those decisions prove inadequate or misaligned with operational needs? The Executive would remain accountable for the functioning of government yet deprived of the tools necessary to manage staffing effectively.

## **A radical departure from established practice across Australia**

30. The recommendation that the ACT Remuneration Tribunal should determine staffing allocations for non-executive members is problematic at best. The recommendation that it should also determine staffing allocations for Ministers is wild.
31. Staffing allocations are inherently executive functions, presumably involving considerations around budget constraints, accommodation restraints, entitlements (perceived, expected and/or feasible), organisational structure, service delivery, and administrative efficiency. I submit that this report's recommendations fundamentally blur institutional boundaries and create confusion regarding accountability.
32. They seem to be driven more by theoretical concerns – or perhaps the ubiquitous unhappiness of oppositions about the decision-making responsibilities an electorate gives a Westminster Government – than by demonstrated deficiency in the current system.
33. There is no substantive evidence in this report suggesting that existing staffing arrangements are failing, or that Members are unable to fulfil their duties under the current model. I know I am not.
34. The report's finding and recommendations address a problem it does not persuasively demonstrate. They are a radical, complex departure from established practice across Australia, without adequate justification or consideration of the consequential risks. This is not a sound policy.
35. I do metaphorically take my hat off to my fellow members of the Committee for their preparedness to push their political boat so far out. It is difficult to overstate how unusual – and extravagant – these proposals are.
36. No other Australian jurisdiction has gone anywhere near adopting such an approach and – for at least the reasons I have identified – none will.
37. Nor should we.

Taimus Werner-Gibbings MLA

26 May 2026