



Phone: 13 22 81

Sandra Lambert AM
Chair
ACT Remuneration Tribunal
PO Box 964
Civic Square ACT 2608

Dear Ms Lambert

Thank you for your letter to public office holders of 1 September regarding the annual review of remuneration and allowances.

Please find attached a submission from the ACT Heritage Council.

Yours sincerely

A handwritten signature in blue ink, which appears to read "Duncan Marshall". The signature is fluid and cursive, with a long horizontal stroke at the end.

Duncan Marshall AM
Chair
ACT Heritage Council

Submission to the ACT Remuneration Tribunal

Background

The ACT Remuneration Tribunal is seeking submissions for the review of payments associated with Determination 13, which covers payments for Councillors of the ACT Heritage Council. This submission reflects the view of the ACT Heritage Council.

Current Status

Payment

Determination 13, in summary, states that the Heritage Council Chair is entitled to a daily fee of \$750. Councillors are allowed a \$560 daily fee. Payments for approved Council work of less than 3 hours (but more than one hour) will be based on a set percentage of the daily rate.

Payment is approved through time sheets.

This day rate model allows for flexibility in time contributed, which is fair given the range of ways in which Council members may choose to engage. However, it gives incoming Council members little idea of the time commitment required, or of projected remuneration - something that a more fixed annual salary could do.

It is also paid on a quarterly basis. This model makes it a role for those who can afford to be paid infrequently and uncertainly for their time, which has an impact on the diversity of the Council in terms of economic status, age, and cultural background. This is an issue of our Council, which has failed to attract any Nggunawal members, and may be an issue in successfully implementing the recommendations of the major Review which is currently under way (see below).

Responsibilities

The ACT Heritage Council is a decision-making body, potentially impacting values and use of land and property across the ACT. It is important that this Council makes sound decisions that are legally defensible and maintain the confidence of the Government, Indigenous people, businesses, property developers and homeowners across the Territory.

The Council makes statutory decisions which would otherwise be undertaken by the Minister and senior officers in Government.

Qualifications and experience

The ACT Government has long been successful in attracting applicants for Council positions who have national or international recognition and experience in relevant fields. These people, by applying for these positions, are obviously interested, and committed to contributing to the ongoing identification, protection, and celebration of the ACT's natural and cultural heritage.

However, the market value of the advice and expertise of these professionals working as consultants in their own fields would be on average 400% higher than the current daily rate. Further, working for the Heritage Council takes these professionals away from their paid work (for some periods) and from time to time they may incur a loss of income to avoid conflicts of interest relating to Council matters.

The chronic under-valuing of the role and expertise of Council members and the over-reliance on their goodwill to support statutory and other heritage functions within the ACT Government must be remedied.

Submission to the ACT Remuneration Tribunal

Use of Public Money

Councillors agree that public money must be used in a way that provides value to the people of the ACT. These funds must be allocated transparently and accounted for appropriately.

However, the timesheet requirement and assessment of the number of hours allocated to work is time consuming and tedious. It does not include the cumulative time spent (periods of less than one hour) that do not count for payment. This time accumulates through emails, research, media inquiries, telephone calls and general administration. This investment may be significant but remains unremunerated.

The Chair is likely to do at least one day a week of Council work in addition to the standard Council and Taskforce meetings. Many hours of Councillors' time would be currently unremunerated.

Future proofing remuneration options

Determination 13 applies to the Heritage Council under its current form. This year the Government commissioned a review into the role and structure of the Heritage Council. The review report is now under consideration and has recommended reforms to ensure ACT heritage is valued, conserved, celebrated, and adaptively re-used as appropriate in a way that co-exists with and supports the evolution of a growing city and its surrounds.

One change that is likely to proceed from this review is ensuring that Aboriginal people are the decision makers on their cultural heritage.

This is an appropriate time for the Remuneration Tribunal to consult on the appropriate level of remuneration to Aboriginal people advising on Government panels and committees. The current nominal amounts under Determination 13 are unlikely to provide fair compensation for the time and input expected of Aboriginal people, now, or for the future function of the Heritage Council.

Other review recommendations focus on strengthening the governance and administration of the ACT heritage arrangements. While no structural deficiencies were recognised, the report calls for investment and review of procedures, policies and supporting infrastructure to allow the business of the Council to be more effective, efficient, and timely. Continuing to attract high caliber candidates with professional experience and judgement for Council positions will be key to successfully implementing these recommendations.

Options

The Heritage Council proposes three options, each which are aimed to:

- adequately reflect the monetary value of Councillors' contribution to meeting the Council's responsibilities,
- meet due diligence around financial payments, and
- reduce financial (amount and timing) barriers to participation in the Council.

Hourly fee

An hourly fee, like that recently introduced by the Victorian Government, would reflect the work done by individuals, and as government employees (as we are currently) Councillors could be paid on submission of timesheets. This will reduce any financial burden on Councillors who might rely on more regular payments than quarterly. Suggestion rates are Chair \$300/hour and Members \$250/hour.

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Annual fee

The 'day rate' model reflects the outdated idea that the main work of Council takes place in the form of meetings and preparation for these meetings and ignores the significant time Councillors spend on Council business via email or telephone, or through other activities.

An annual payment of say \$50,000 for the Chair and \$30,000 per Councilor (paid quarterly) would reduce the amount of paperwork determining amounts payable, and reflect the professional contribution invested in delivering on the Heritage Council's responsibilities.

This approach would require the Chair to ensure that each Councilor contributed to the outcomes achieved. But noting the performance and commitment of the current Council, this is already achieved.

Combination rates:

Councillors could be paid a combination of an annual rate and hourly rate. This approach would address many concerns:

- an annual base rate, paid quarterly, would reflect Councillors' professional contribution, while simplifying paperwork and compliance – say \$12,000 for the Chair and \$8,000 for Councillors. This would be a base retainer.
- plus, an hourly rate that would apply for the actual hours worked – at Council and Taskforce meetings and the miscellaneous calls on Councillors for additional work outside formal meetings eg .consulting with other parties, media, inter-jurisdictional work. This approach would ensure governance of payments and fairness based on the efforts and additional contributions of individual Councillors. Suggested rates are: Chair – \$200/hour, Members – \$150/hour.

Comparative Remuneration

Australian Heritage Council: Annual fees – Chair \$82,960, Member \$37,340,

Heritage Council of NSW: Annual fees – Chair \$30,000, Member \$7,717

NSW Independent Planning Commission Hourly Fees – Members \$285 up to a maximum of \$2,000/day

Victorian Planning Panels: Hourly fees – Chair \$125/hour and Members \$113/hour

Current Council

The current Heritage Council, while appropriately appointed under legislation, was appointed with the expectation of limited tenure subject to the outcomes of the Heritage Review. As such, the outcome of any remuneration review will not benefit the current members of the Heritage Council.

This submission is based on consideration of our experience of time and effort that this required to adequately meet our obligations, and our understanding of the barriers that might hinder other qualified and appropriate people from applying for these positions in the future.