



Ms Sandra Lambert
Chair, ACT Remuneration Tribunal

Email: remtrib@act.gov.au

Dear Ms Lambert

ACT Remuneration Tribunal Review 2022

Thank you for your letter of 11 March 2022 inviting me to put forward a submission to the ACT Remuneration Tribunal's annual review of remuneration and allowances granted to Full-Time Statutory Office Holders.

The Office of the Work Health and Safety Commissioner (operationally known as WorkSafe ACT) was established on 1 July 2020 as a result of the passage of the *WHS Amendment Act 2019*. WorkSafe ACT is an independent prescribed territory authority headed by me, the WHS Commissioner. I am the Territory's regulator for WHS, workers' compensation and dangerous substances. WorkSafe ACT achieves its objectives through a combination of compliance and enforcement, awareness raising, education, inspection and investigation. Since my appointment I have been responsible for the management and administration of WorkSafe ACT, its efficient and effective financial management and the exercise of the functions of the office of the WHS Commissioner and the regulator's functions.

Since my appointment in April 2020, my role has broadened in scope with the expansion of the office both in terms of size and duties, with me also exercising the additional functions of the Labour Hire Licensing (LHL) Commissioner. The ACT's LHL scheme was not fully established prior to my appointment as WHS Commissioner. This additional function has resulted in me being responsible for the establishment and implementation of a licensing scheme to regulate labour hire operators in the ACT in addition to my other duties.

The LHL scheme was established and commenced under the *Labour Hire Licensing Act 2020* in May 2021. The ongoing funding for managing the LHL scheme was approved in the 2020-21 Budget and its governance is delivered via the LHL Commissioner, with staff from the ACT public service and inspectors to support compliance and enforcement activities.

The scheme is administered by WorkSafe ACT, with the WHS Commissioner also holding the role of LHL Commissioner if a separate LHL Commissioner is not appointed. I am also the Chair of the LHL Advisory Committee.

The purpose of the scheme is to improve responsible practices in the labour hire industry to support better outcomes for Territory workers. It was put in place to support the improvement of workplace conditions for labour hire workers across the Territory and helps ensure Canberrans are, and feel, safe and secure at work and around their families, homes and the community.

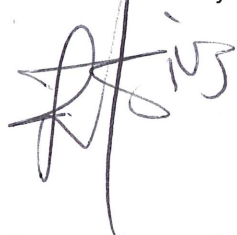
In the planning and early establishment phase of the LHL scheme, an assumption was made that there would be approximately 220 labour hire providers requiring a licence under the new scheme. This was a significant underestimate, with more than 800 applications received to date. As a result, the scheme is almost 4 times larger than estimated and has necessarily required an unexpected increase in the number of compliance audits and inspector activities.

WorkSafe ACT's compliance work includes proactive campaigns and reactive work in response to complaints —ranging across workplace relations and business issues which to date have included taxation matters, potential money laundering and the exploitation of workers. These complaints may result in compliance action or formal investigations and potential legal proceedings. The size of the scheme and the range of compliance issues has markedly increased both the complexity of my work as the LHL Commissioner, but also the volume.

I am currently remunerated at the equivalent of an ACTPS Executive Level 2.3. In recognition of the broader scope of the work of my office and my role through the LHL scheme, I seek your consideration to increase this remuneration to at least the equivalent of an ACTPS Executive Level 2.4.

I would be very happy to elaborate on this matter directly with the Tribunal as necessary.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'J Agius', with a stylized flourish at the end.

Jacqueline Agius
Work Health and Safety Commissioner and
Labour Hire Licensing Commissioner

21 April 2022