

Dr Colin Adrian
 Chair
 Australian Capital Territory Remuneration Tribunal
 PO Box 964
 CIVIC SQUARE ACT 2608

Dear Dr Adrian

Thank you for your letter of 5 March 2019 in which you invited me to provide a submission to the Remuneration Tribunal as part of its 2019 Spring Review. You asked that I consider the Tribunal's report into the *Major Review: ACT Public Service Senior Executive Service Remuneration, Allowances and Other Entitlements* and associated Determination 2 of 2019, regarding any impacts on the remuneration, allowances and other entitlements of the ACT Electoral Commissioner.

Having considered the Tribunal's report I submit that an inequity has arisen in the salary of the Electoral Commissioner with effect from 1 July 2019, as a result of the increase in comparative salary of the ACT Public Service Executive Level 2.2 as provided in Determination 2 of 2019. This comparison is relevant and valid in that the two executive salaries had previously been set at the same amount from 1 July 2014 until Determination 2 of 2019 came into effect on 1 July 2019.

The table below illustrates this inequity.

Date	ACT Electoral Commissioner salary	ACTPS Executive Level salary (comparative level)	Relevant Determinations
1 July 2014	\$191 308	\$191 308 (Level 2.4)	2 and 3 of 2014
1 July 2015	\$196 091	\$196 091 (Level 2.4)	3 and 4 of 2015
1 July 2016	\$200 993	\$200 993 (Level 2.4)	3 and 4 of 2016
1 July 2017	\$205 013	\$205 013 (Level 2.4)	3 and 13 of 2017
1 July 2018	\$210 138	\$210 138 (Level 2.2)	3 and 4 of 2018. Level 2.4 changed to 2.2 with Determination 9 of 2018 and restructure of executive levels.
1 July 2019	\$215 391	\$227 160 (Level 2.2)	2 and 3 of 2019. Major Review March 2019.

The table above illustrates the de-linking of the two long standing comparative salary levels with the implementation of Determination 2 of 2019 from 1 July 2019. This is not to challenge the reasons or logic for the increase in salary of the ACT Public Service Executive Level 2.2 as provided in that Determination, or the considerations within the

Major Review, but rather to highlight the presumably unintended consequence of inequity in the salary of the Electoral Commissioner from 1 July 2019 arising from the divergence of previously aligned salaries.

I submit that the logic for determination of the Electoral Commissioner's salary as being aligned to that of Executive Level 2.4 (and later Level 2.2) as evidently accepted by the Tribunal since July 2014 remains valid, and that in the absence of other relevant factors not considered or apparent in the Major Review and Determinations 2 and 3 of 2019, the two salaries should remain aligned.

I note that Major Review related solely to the remuneration, allowances and other entitlements of the ACTPS SES, and did not pertain to full time Statutory Officer Holders including the Electoral Commissioner. Unfortunately, no opportunity or apparent need existed for a submission by the Electoral Commissioner in any possible considerations by the Tribunal of continuation of the alignment of the two comparative salaries during the Major Review and 2019 Autumn review, leading to Determination 2 of 2019. The need to make such a submission on this matter was simply not open or apparent to me, with the March 2019 Major Review report, Determinations 2 and 3 of 2019, and your letter of 5 March 2019 being promulgated at the same time. Indeed, your letter of 5 March 2019 marked the first occasion I have seen the outcomes of the Major Review or been invited to make a submission in this context.

I acknowledge and welcome Determination 3 of 2019 and the Accompanying Statement in which the remuneration of the Electoral Commissioner was increased by 2.5% from 1 July 2019. I also note the FBT payment increased to \$7500 for the period 1 April 2019 to 31 March 2020, along with that paid to members of the executive covered under Determination 2 of 2019. However, I submit that Determination 3 of 2019 aligned the salary of the Electoral Commissioner more closely to that of Executive Level 2.1 rather than Level 2.2 as determined and established in practice over the last five years.

I therefore submit that the salary of the ACT Electoral Commissioner be determined to be equivalent to that of the ACT Public Service Executive Level 2.2 with effect from 1 July 2019, being commencement of Determination 2 of 2019. I also submit that alignment of the two comparative salaries be continued as per past practice, notwithstanding future submissions to the Tribunal and subsequent determinations.

Lastly, I offer the following information on the current salaries of other electoral commissioners with like responsibilities and similar sized jurisdictions for reference.

ACT	SA	WA	NT	Tasmania
\$215 391	\$235 013	\$252 020	\$259 018 to \$284 592	\$195 000

Thank you for the opportunity to provide this submission. I am very happy to elaborate on this matter directly with the Tribunal if so requested.

Yours sincerely



Damian Cantwell AM
Electoral Commissioner

18 September 2019