



AUSTRALIAN  
CAPITAL TERRITORY

## *ACT Racing Appeals Tribunal*

Ms Sandra Lambert AM  
Chair  
ACT Remuneration Tribunal

By email: [remtrib@act.gov.au](mailto:remtrib@act.gov.au)

Dear Ms Lambert

### **ACT REMUNERATION TRIBUNAL 2019 SPRING REVIEW**

I refer to your correspondence of 27 August 2019 inviting submissions to the review of remuneration of statutory office holders for the forthcoming financial year, and provide the following submission on behalf of the ACT Racing Appeals Tribunal (the Tribunal).

The Tribunal is established in accordance with the provisions of Part 5 of the *Racing Act 1999* (the Act). The Tribunal is an independent statutory body responsible for hearing and determining appeals from persons aggrieved by a decision of a controlling body or another organisation conducting a race meeting. The Tribunal hears matters arising under the thoroughbred and harness racing codes and any other race prescribed by the regulations made under the Act. It comprises an important element of the integrity framework.

The Tribunal comprises a President, a Deputy President and 4 other members. During the hearing of an appeal the Tribunal may also use the services of an 'assessor', appointed in accordance with Schedule 2 of the Act, for the purpose of obtaining expert opinion to assist the Tribunal in reaching a decision. The Tribunal relies upon the assessor for specialist advice concerning industry practice and the evidence provided to the Tribunal.

In 2016 I wrote to the ACT Remuneration Tribunal, regarding the level of remuneration of the assessor position, submitting that the assessor rate should be the same as that of an ordinary member of the Tribunal. Those submissions were accepted by the Remuneration Tribunal in its subsequent determination and the remuneration of ordinary members and of the assessor of the Tribunal is now set at \$465 per diem (Determination 5 of 2019).

### Appropriate level of remuneration of ordinary members and assessors

This submission makes the case that the per diem remuneration of the position of an ordinary member of the tribunal should be commensurate with that of an ordinary member of a comparable tribunal in the ACT which also exercises a quasi-judicial role and requires the exercise of technical skill and discretion.

A comparable position would be an ordinary member of the ACT Civil and Administrative Tribunal (ACAT). The remuneration of an ordinary member of the ACAT was determined in November 2018 to be \$510 per diem. I submit that this would be an appropriate level of remuneration for an ordinary member of the Racing Appeals Tribunal. Future increases or other changes should be consistent with those applied to the ACAT.

The remuneration of the assessor should be treated in the same way, given the specific skills and experience required for the role, and the fact that an assessor is usually required to be obtained from interstate given the skills and experience required for the role and their limited availability in a jurisdiction the size of the ACT.

### Economic impact

The economic impact of the proposed increase would be negligible. The difference between the current remuneration (currently \$465 per diem) and that which is proposed (currently \$510 per diem) is relatively small. As a matter of equity, however, it is significant, and without increase will detrimentally affect the Government's ability to attract appropriately qualified people to the roles. Furthermore, the Tribunal has heard an average of only one to two appeals per year over the past five years and so the impact of the proposed increase would be very minor.

Please do not hesitate to contact me should you or the Remuneration Tribunal require any further information in relation to this submission.

Yours sincerely



John Kalokerinos  
President  
ACT Racing Appeals Tribunal

17 September 2019