

**Ms Sandra Lambert AM**

Chair ACT Remuneration Tribunal

PO Box 964 Civic Square, ACT 2608

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

11 June 2024

Dear Ms Lambert,

**ACT Remuneration Tribunal-2024 Spring Review into the remuneration and allowances for ACT Civil and Administrative Tribunal members**

Thank you for the opportunity to make a submission in relation to your Tribunal's spring review of the remuneration, allowances and other entitlements to be paid to members of the ACT Civil and Administrative Tribunal (**ACAT**).

I have had the benefit of reading earlier ACAT submissions by President Neate in 2022 and President Daniel in 2023. I note President Neate's submission details the functions of the ACAT and the comparative roles of Presidential, Senior and Sessional Senior and Sessional Ordinary Members.

I was appointed as a Sessional Ordinary Member in early 2020.

At the time of my appointment, I had practised as a lawyer for over 30 years and had been a Partner or Principal for over 20 years in both local and national legal firms.

I initially restricted my ACAT availability due to my other work commitments, but since ceasing private practice in December 2021, I have increased my availability for ACAT.

Most of my earlier allocations were in conferencing matters or case management and then I subsequently commenced hearing matters in residential tenancies and civil disputes; but my hearings now extend to unit title disputes; reviews of ACT government decisions; and discrimination matters. I have also sat with a Presiding Presidential Member or a Senior Member on occupational discipline (lawyers); appeals and other reviews of more complex government decisions such as planning and development matters.

Since early 2022, I have conducted in excess of 50 hearings with a number of oral decisions and reasons and about 14 written and published decisions and reasons. Most of my hearings and decisions (including published decisions) relate to matters that I have heard alone.

The current President ACT Civil and Administrative Tribunal Determination 13 of 2023 provides a per diem for a Sessional Senior Member of \$1,235 and for a Sessional Ordinary Member \$580. Therefore, the per diem for a Sessional Ordinary Member is less than half that of a Sessional Senior Member. By way of comparison, the per diem for a Sessional Acting Presidential Member is \$1,878, so the differential to a Sessional Senior Member is significantly less.

I understand and respect that Sessional Senior Members may be expected to hear more complex cases and preside where there may be a two person panel. Earlier determinations of the Remuneration Tribunal that may have been predicated on a model which involved Sessional Ordinary Members being allocated less complex work, I submit that this no longer the case. When for example, Sessional Senior Members and Sessional Ordinary Members are allocated

to the civil and residential conference list, both perform the same work, but the latter is paid less than half of the former. Similarly, in the allocation of hearings generally, it cannot be argued that the hearings allocated to Senior Sessional Members are more complex or difficult than those allocated to Sessional Ordinary Members.

President Neate submitted that the Remuneration Tribunal should consider aligning the relativity between the remuneration of full-time Presidential Members and full time-time Senior Members. This appears to have occurred. President Daniel more recently invited the Remuneration Tribunal to consider the daily rate of Sessional Ordinary Members relative to Sessional Senior Members. I agree with her submission, that members are allocated to matters on the basis of holding appropriate qualifications and experience and thus Sessional Ordinary Members may be allocated to difficult and complicated matters for which the present daily rate may not be considered appropriate recompense.

I submit that the Remunerations Tribunal should now consider increasing the relativity of the remuneration between Sessional Ordinary Members and that of Sessional Senior Members.

To further assist the ACT Remuneration Tribunal, I have also examined the comparative remuneration of the Victorian and Civil and Administrative Tribunal (**VCAT**) and the Queensland Civil and Administrative Tribunal (**QCAT**).

I appreciate that each of the tribunals have different jurisdictions, however the comparative remuneration is of significant assistance,

For VCAT, a Sessional Senior Member's daily rate is \$1,345, whereas the Sessional Ordinary Member rate is \$1,175.<sup>1</sup> For QCAT, there does not appear to be a role of Sessional Senior Member, but the Sessional Ordinary Member's daily rate is \$800.<sup>2</sup> In both instances the daily sessional rate for Sessional Ordinary Members is significantly greater than the rate presently paid to Sessional Ordinary Members in the ACT.

I welcome the opportunity to discuss the matters raised in this submission and am prepared to provide any additional information that the Remuneration Tribunal might require.

Yours faithfully,



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<sup>1</sup> [Non-judicial VCAT member salary and other entitlements | Department of Justice and Community Safety Victoria](#)

<sup>2</sup> [Guide to Tribunal and registry working relationships \(qcat.qld.gov.au\)](http://qcat.qld.gov.au)