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Ms Sandra Lambert AM

Chair

ACT Remuneration Tribunal

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Dear Ms Lambert

Sandra

Thank you for your letter of 7 September 2021 regarding the provision of a submission to the ACT Remuneration Tribunal's 2021 Spring Sitting of remuneration, allowances and entitlements for judicial related roles, the Integrity Commissioner, and Part-time Public Office Holders.

The ACT Government's submission to the 2021 Spring Sitting is attached. On behalf of the Government, I would like to acknowledge the important contribution that these position holders provide to the ACT community.

I welcome the opportunity to discuss the Government's submission further with the Tribunal at the upcoming Spring Sitting.

Yours sincerely

Andrew Barr MLA

Chief Minister

4 October 2021





Submission to the ACT Remuneration Tribunal 2021 Spring Sitting

October 2021

Background

The ACT Government acknowledges the Ngunnawal people as the Traditional Custodians of the land on which the Government operates.

The ACT Remuneration Tribunal (the Tribunal) advertised the 2021 Spring Sitting in September 2021. This review is looking into the remuneration and allowances to be paid and other entitlements to be granted to:

- ACT Magistrates Court Judicial members;
- ACT Supreme Court Judicial members;
- ACT Civil and Administrative Tribunal members;
- the Integrity Commissioner;
- the Chief Executive Officer Integrity Commission;
- the Principal Registrar, Courts and Tribunal;
- the Director of Public Prosecutions;
- part-time Holders of Public Office on boards, tribunals and committees.

This is the ACT Government Submission to the Tribunal's 2021 Spring Review, and it is made without prejudice.

Context

The Government notes the outcomes of the:

- 2020 Spring Sitting, held in August and September 2020, at which the Tribunal determined that no adjustments be made to remuneration, allowances or other entitlements for any office holders in its jurisdiction, largely due to the downturn of the Territory's economic circumstances as a result of the COVID-19 pandemic; and
- 2021 Autumn Sitting for Members of the Legislative Assembly (MLAs), ACT Public Service Executives and Full-time Statutory Office Holders, at which the Tribunal provided a general increase of 1.8 per cent.

Matters for the Tribunal to consider

In 2021 the COVID-19 pandemic continued to cause many Canberrans economic hardship. Many businesses were forced to close or lost a significant portion of their revenue.

The ACT Government has continued to provide economic support to the ACT community throughout the public health emergency. The Government effort to protect as many jobs as possible, support Canberra households and help our most vulnerable is ongoing.

The Government acknowledges the significant extra demands placed on officials during the COVID-19 pandemic, and the manner in which they have responded to the challenge of the pandemic. The Government has been clear that we must work together as a community to share the burden of the economic damage that has occurred as a result of the pandemic. In this context, the Government would like to emphasise the need for restraint with regard to pay increases for position holders in the Tribunal's jurisdiction.

The Government will deliver the ACT Budget on Wednesday 6 October 2021. Treasury Officials will provide briefings on the ACT Budget and economic forecast to the ACT Remuneration Tribunal at its Spring Sitting. This will provide further context for the Tribunal's consideration of this submission.

Further examination of the remuneration, allowances and other entitlements for judicial and related offices

It is understood that the Tribunal has commenced work on this further examination. It is possible the outcomes of this work may result in increased costs impacting on the ACT Budget. In addition, new appointments and the creation of additional offices (such as a dedicated Coroner) may have an effect of the distribution of work amongst the judiciary. The Tribunal is urged to be cognisant of the effect of these changes.

Enterprise Agreements

The Government notes that pay increases to ACTPS employees are relevant to the Tribunal's considerations on remuneration for office holders. The Government notes that agreement covered employees generally earn significantly less than public office holders and submit this difference should be taken into account.

The ACTPS employment framework includes 18 Enterprise Agreements made under *the Fair Work Act 2009* (Cwlth). The Common Core Agreement, for which the pay increase component applies to all but three, provided pay increases at regular intervals over the four-year period from 2017 to 2021, totalling 10.85%. The last pay increase of 1.35% was effective on the first full pay period after 1 June 2021.

The majority of agreements expire on 31 October 2021. Negotiations commenced earlier in the year but have been severely impacted by the second COVID-19 outbreak in 2021 which has placed increased demand on both the unions and the public service. To ensure the process is conducted comprehensively and to ensure pay rises are not unduly delayed, the Government has proposed to finalise and ballot the agreements as soon as possible with no substantial changes. While not yet finalised, the proposed replacement agreements would expire on 31 October 2022 and include two pay rises based on the previous pattern:

- 1.35% payable from the first pay on or after 1 December 2021; and
- 1.35% payable from the first pay on or after 1 June 2022.

As negotiations are still active, the Government's position may change. Further information will be provided to the ACT Remuneration Tribunal when available.

Conclusion

In undertaking the 2021 Spring Sitting, the Government encourages the Tribunal to consider community expectations and the Territory's fiscal position when assessing the remuneration, allowances and other entitlements of position holders within its jurisdiction.

The wider ACT economy is continuing to experience repercussions from the COVID-19 pandemic. It is the Government's opinion that any increase to remuneration, allowances or enhancement of other entitlements for position holders in the Tribunal's jurisdiction, needs to be minimal to meet community expectations.

The Government wishes to acknowledge the important contribution that the judiciary, judicial related roles, Integrity Commissioner and Chief Executive Officer and Part-time Public Office Holders provide to the ACT community provide to the ACT community.

Thank you for the opportunity to provide a submission for the 2021 Spring Sitting.