

Sandra Lambert AM  
Chair  
ACT Remuneration  
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Dear Ms Lambert AM

### **ACT Remuneration Tribunal 2025 Spring Review**

Thank you for your letter dated 31 May 2025 inviting a submission in relation to the annual review of the remuneration and allowances to be paid, and other entitlements to be granted, to Members of the ACT Civil and Administrative Tribunal (ACAT).

This submission recommends a CPI increase, request some terminology changes and a review of the Acting Presidential Member remuneration.

#### **Consumer Price Index Increase**

ACAT acknowledges the wider fiscal issues and the need for salary increases to be in line with community expectations. As such, ACAT recommends an increase to all remuneration in line with the Consumer Price Index (CPI) or such other increase as the Remuneration Tribunal determines for other public office holders.

While only requesting an increase in line with CPI this year, it is nonetheless important to make the Tribunal aware of ACAT's expanding jurisdiction and the potential need for more substantive adjustments in future years.

In the 2025-2026 financial year, the jurisdiction of the ACAT will expand as a result of new areas of work. The changes will result in ACAT dealing with applications made to the ACAT for review of decisions about children and young people in care; and applications concerning voluntary assisted dying.

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These new areas are highly sensitive, emotive and carry unique pressures, which introduce additional complexities that may require more detailed consideration by the Tribunal in future reviews.

### **Terminology Adjustment**

The determination outlines in several places that approval of the President is required. In a practical sense, it is unclear whether I can delegate this approval to another person, such as a Presidential Member.

As background, ACAT Presidential Members case-manage specific work areas, and the ability to approve pay claims within their specific areas may assist in improving governance and accountability. It will also allow for the smooth processing of pay claims when the President is unavailable.

ACAT suggests the Tribunal consider minor addition of words '*or their delegate*' to the determination where appropriate. We have provided a highlighted example of this being applied to schedule 2 and 3 at the end of this submission.

### **Acting Presidential Members**

In its 2017 submission, former ACAT President Neate suggested that the per diem rate for Sessional Acting Presidential Members, could be linked to a pro rata rate linked to the ACAT President. I understand the basis for this suggestion was to ensure that Sessional Acting Presidential Members would not be paid less than a Sessional Senior Member.

While acknowledging the circumstances of the request were appropriate at the time, I appreciate there may have been further structural changes to the President's and Presidential Members' remuneration, that may mean the basis for this suggestion is no longer applicable, and linking the per diem rate to the President in all cases may no longer be appropriate.

Additionally, I note that Sessional Acting Presidential Members are not currently entitled to the "Additional Payment" that Senior and Ordinary Members are entitled to for presiding over multi-member panels (Clause 2, Schedule 3).

I invite the Tribunal to review whether this pro-rata formula is still appropriate and whether any changes, should include access to the "Additional Payment".

Finally, as a practical manner, ACAT suggests some minor re-wording of the Sessional Acting Presidential Members determination.

In Schedule 2 of the determination, Clause 1.1 states:

*When Sessional Acting Presidential Members are acting for the President, they are paid at the daily rate of 1/230 of the rate paid to the President.*

Then at Clause 1.2 of the same schedule it states:

*When Sessional Acting Presidential Members are acting for a Presidential Member, they must be paid the percentage of the daily fee set out in column 3 of Table 1.2 below if they undertake the corresponding type of work for the number of hours set out in columns 2 and 1 respectively.*

The calculation rate outlined in Column 4 of Table 1.2 is 1/230. It is unclear whether this rate is meant to be 1/230 of a President or Presidential Member base rate.

Currently, sessional Acting Presidential Members do not act for the President, and cannot due to the wording of the appointment instruments (the situation under previously worded appointments was different). This makes clause 1.1 superfluous. To simplify the determination and clarify this moving forward, I suggest that clause 1.1 be deleted. We have provided a highlighted example of this being applied to schedule 2 at the end of this letter. Alternatively, clause 1.2 could be clarified.

I would welcome an opportunity to discuss my submission with you further at a hearing.

Yours sincerely,



Mary-Therese Daniel  
President

11 July 2025

## Schedule 2

### Sessional Acting Presidential Members

#### 1. Conditions of payment of daily fees

- 1.1. When Sessional Acting Presidential Members are acting for the President, they are paid at the daily rate of 1/230 of the rate paid to the President.
- 1.2. When Sessional Acting Presidential Members are acting for a Presidential Member, they must be paid the percentage of the daily fee set out in column 3 of Table 1.2 below if they undertake the corresponding type of work for the number of hours set out in columns 2 and 1 respectively.

**Table 1.2**

Column 1 Hours worked	Column 2 Type of work	Column 3 Percentage of daily fee	Column 4 Calculation Rate
5 hours or more, comprised of periods each at least 30 minutes long.	<ul style="list-style-type: none"> <li>ACAT business on a day when there is no formal meeting.</li> </ul>	100%	1/230
3 hours or more, in a single day	<ul style="list-style-type: none"> <li>Formal meetings; or</li> <li>Formal meetings and ACAT business</li> </ul>	100%	1/230
Between 2 and 3 hours in a single day	<ul style="list-style-type: none"> <li>Formal meetings; or</li> <li>Formal meetings and ACAT business</li> </ul>	60%	1/230 x 60%
Less than 2 hours, in a single day	<ul style="list-style-type: none"> <li>Formal meetings; or</li> <li>Formal meetings and ACAT business</li> </ul>	40%	1/230 x 40%

- 1.3. The maximum payment that a Sessional Acting Presidential Member can receive for one day is 100% of the daily fee.
- 1.4. The hours to be worked for ACAT business (if any) will be at the President's discretion (or their delegate), having regard to the type of proceedings and their complexity.
- 1.5. For each day a daily fee is paid, the President (or their delegate) must certify the hours worked including reasonable travelling time of the Sessional Acting Presidential Member from the home base. Reasonable travel time on a day away from the home base is capped at 1.5 hours for other than exceptional circumstances. These expenses are not to be paid to the traveller where their home base is within the ACT or surrounding districts and the travel for official purposes is within the ACT or surrounding districts.
- 1.6. In this clause:  
**ACAT business** means any ACAT business conducted by or on behalf of the ACAT (such as approved training) or undertaken by an Acting Presidential Member of ACAT other

than attendance at a formal meeting (such as preparing for a formal meeting and preparing reasons for decision) with approval by the President (or their delegate).

**Formal meeting** means any hearing, conference or mediation conducted by an Acting Presidential Member of ACAT with approval by the President (or their delegate).

## Schedule 3

### Part-Time Non-Presidential Members (Senior Members, Ordinary Members)

#### 1. Conditions of payment of daily fees

- 1.1. A part-time non-Presidential Member must be paid the percentage of the daily fee referred in Table 2.1 of the Determination, as set out in column 3 of Table 1.1 below if the person undertakes the corresponding type of work for the number of hours set out in columns 2 and 1 respectively.

**Table 1.1**

Column 1 <b>Hours worked</b>	Column 2 <b>Type of work</b>	Column 3 <b>Percentage of daily fee</b>
5 hours or more, comprised of periods each at least 30 minutes long	<ul style="list-style-type: none"> <li>• ACAT business on a day when there is no formal meeting</li> </ul>	100%
3 hours or more, in a single day	<ul style="list-style-type: none"> <li>• formal meetings; or</li> <li>• formal meetings and ACAT business</li> </ul>	100%
between 2 and 3 hours, in a single day	<ul style="list-style-type: none"> <li>• formal meetings; or</li> <li>• formal meetings and ACAT business</li> </ul>	60%
less than 2 hours, in a single day	<ul style="list-style-type: none"> <li>• formal meetings; or</li> <li>• formal meetings and ACAT business</li> </ul>	40%

- 1.2. The maximum payment that a part-time non-Presidential Member can receive for one day is 100% of the daily fee.
- 1.3. The hours to be worked for ACAT business (if any) will be at the President's (or their delegate) discretion having regard to the type of proceedings and their complexity.
- 1.4. For each day a daily fee is paid, the President (or their delegate) must certify the hours worked including reasonable travelling time of the part-time, non-Presidential Member from the home base. Reasonable travel time on a day away from the home base is capped at 1.5 hours for other than exceptional circumstances. These expenses are not to be paid to the traveller where their home base is within the ACT or surrounding districts and the travel for official purposes is within the ACT or surrounding districts.
- 1.5. In this clause:

**ACAT business** means any ACAT business conducted by or on behalf of the ACAT (such as approved training) or undertaken by a part-time, non-Presidential Member of ACAT other than attendance at a formal meeting (such as preparing for a formal meeting and preparing reasons for decision) with approval by the President (or their delegate).

**Formal meeting** means any hearing, conference or mediation conducted by a part-time non-Presidential Member of ACAT with approval by the President (or their delegate).

**2. Additional payment – Senior Members and Ordinary Members acting as Presiding Members**

- 2.1. If a tribunal has two or more members, an additional payment of 10% of the daily fee is payable to any member who is the presiding member.
- 2.2. The additional payment applies to all hours worked, including preparation time, the hearing and any post hearing work.