

ACT Civil and Administrative Tribunal (Acting Presidential Member) Appointment 2009 (No 1)

Notifiable instrument NI2009-352

made under the

**ACT Civil and Administrative Tribunal Act 2008, s 94 (Appointment of
Presidential Members)**

1 Name of instrument

This instrument is the ACT Civil and Administrative Tribunal (Acting Presidential Member) Appointment 2009 (No 1).

2 Commencement

This instrument commences the day after it is notified.

3 Acting Presidential Member

The Executive appoints Christopher Chenoweth as an acting presidential member of the ACT Civil and Administrative Tribunal for the period of seven years commencing on the day this instrument commences.

Note The length of operation of the appointment may be limited in certain circumstances (see *Legislation Act 2001*, s 221)

4 Conditions

This Acting Appointment is subject to the terms and conditions set out in Annexure A to this Appointment.

Simon Corbell
Minister

Dated
23 July 2009

Katy Gallagher
Minister

Dated
23 July 2009

Annexure A

1. Acting Appointment on conditions

The appointment of the acting presidential member (**the acting president**) will take effect in the following circumstances, subject to the following conditions:

- a) The position of appeal president is vacant or the appeal president can not for any reason exercise the functions of the position; or
- (b) Where:
 - (i) the position of a presidential member is vacant or a presidential member can not for any reason exercise the functions of the position; and
 - (ii) the acting president is allocated to a tribunal for an application by the general president or the appeal president; and
 - (iii) the general president or appeal president provides in writing that the acting president is allocated to that tribunal in his or her capacity as acting president.

Note If the acting president also holds an appointment as a non-presidential member, he or she does not cease to hold that appointment only because of this acting appointment (see *Legislation Act 2001*, s 223)

2. Remuneration, allowances and other entitlements

When performing the duties of a presidential member, the acting president is entitled to remuneration at the rate applicable to a presidential member. The remuneration is paid pro rata calculated daily.

If the acting president also holds an appointment as a non-presidential member the acting president will be entitled to continue to receive remuneration for that position so long as the total remuneration received by the acting president is not more than would be payable to a presidential member for the same period.

Examples

- 1 If the person is acting 'behind' a full-time president and sits for 5 days in that capacity—paid as a full-time president for the whole week.
- 2 If the person is acting 'behind' a part-time president (who works half full-time hours) and sits for the equivalent of 2.5 days in that capacity—paid as a part-time president, i.e. for half a week.

- 3 If the person is acting 'behind' a full-time president and sits in that capacity for 5 days in week 1 and only one day in week 2 and does not sit in any other capacity during week 2—paid as a full-time president for all of week 1 and for 1 day in week 2.
- 4 If the person is acting 'behind' a full-time president and hears a matter in that capacity for three days in week 1 and one day in week 2 and does not sit in any other capacity during those weeks—paid as a full-time president for each sitting day.
- 5 If the person holds a substantive appointment as an ordinary non-presidential member, but is acting 'behind' a full-time president and sits as acting president in a hearing for all of Tuesday and the morning of Wednesday, but as a non-presidential member on the afternoon of Wednesday and all day Thursday—paid as a full-time president for 1 ½ days and as an ordinary member for 1 ½ days.