

ACT Civil and Administrative Tribunal (Acting Presidential Members) Appointment 2015 (No 1)

Notifiable instrument NI2015–656

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 Members) Appointment 2015 (No 1)*.

2 Commencement

This instrument commences on the day after it is notified.

3 Appointment of Acting Presidential Member

The Executive appoints ROBERT ORR PSM QC to be an acting presidential member of the ACT Civil and Administrative Tribunal for the period commencing 1 January 2016 to 31 December 2022.

4 Appointment of Acting Presidential Member

The Executive appoints PETA SPENDER to be an acting presidential member of the ACT Civil and Administrative Tribunal for the period commencing 3 February 2016 to 2 February 2023.

5 Conditions

Acting presidential appointments are subject to the terms and conditions set out in schedule 1.

Simon Corbell MLA
Attorney-General
17 November 2015

Joy Burch MLA
Minister
17 November 2015

Schedule 1

1. Acting Appointment on conditions

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

- a) The position of general president is vacant or the general president cannot 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 cannot 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; and
 - (iii) the general 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 the presidential member they are acting for. 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.