



Chris Steel MLA

Minister for Transport and City Services

Minister for Skills

Special Minister of State

Member for Murrumbidgee

Mr Jeremy Hanson CSC MLA

Chair

Standing Committee on Justice and Community Safety (Legislative Scrutiny Role)

By email: scrutiny@parliament.act.gov.au

Dear Mr Hanson

I refer to the Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) Scrutiny Report 9 of 28 September 2021.

The Committee has requested confirmation that none of the people appointed to the ACT Racing Appeals Tribunal in the *Racing Appeals Tribunal Appointment 2021 (No 1)* [DI2021-186] and the *Racing Appeals Tribunal Appointment 2021 (No 2)* [DI2021-187] are ACT public servants.

I confirm that none of the named appointees, other than Ms Kay Barralet, are public servants for the purposes of the *Legislation Act 2001*, and regret that this information was not included in the explanatory statements for the appointment instruments.

However, Ms Barralet, who was named in the *Racing Appeals Tribunal Appointment 2021 (No 2)*, is a public servant for the purposes of the *Legislation Act 2001*.

In line with sections 227 of the *Legislation Act 2001*, the appointment of Ms Barralet was not required to be the subject of consultation under section 228 and is not a disallowable instrument under section 229. Her appointment needed only to be 'in writing' under section 206.

While it would have been more appropriate to have a separate instrument of appointment for Ms Barralet, I am advised that her inclusion in the in DI2021-187 satisfies the 'in writing' requirement and that her appointment is valid.

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I have requested that my Directorate take care to separate the appointments of ACT public servants and others, in the future.

Thank you for bringing this issue to my attention.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'C Steel', with a long horizontal stroke extending to the right.

Chris Steel MLA
Special Minister of State
3 November 2021