



Tara Cheyne MLA

Manager of Government Business

Attorney-General

Minister for Human Rights

Minister for City and Government Services

Minister for the Night-Time Economy

Member for Ginninderra

Mr Peter Cain MLA

Our ref: PRO25/398

Chair, Standing Committee on Legal Affairs (Legislative Scrutiny Role)

Legislative Assembly of the Australian Capital Territory

GPO Box 1020

CANBERRA ACT 2601

3 February 2025

Dear Mr Cain

Peter

I am writing in response to the Standing Committee on Legal Affairs' comments and request for a response on the two disallowable instruments: *Legal Aid (Commission President) Appointment 2024* [DI2024-277] and *Legal Aid (Commissioner - Financial Management) Appointment 2024* [DI2024-278] in its Scrutiny Report No 1.

I thank the Committee for its comments in relation to these instruments and provide the following response.

Section 16 (2) of the *Legal Aid Act 1977* (the Act) empowers the responsible Minister, in this case the Attorney-General, to appoint members to the Legal Aid Commission Board other than the Chief Executive Officer. The reference to 'part-time member' and 'part-time President' in the above instruments are pursuant to section 16 (4) of Act, which specifies that members are appointed by me to the Board on a part-time basis. I consider the reference to 'part-time' member necessary and appropriate in the instruments to distinguish the member appointments from the appointment of the Chief Executive Officer, who is not appointed to, and does not operate in, that role on a part-time basis.

To address the Committee's comments, the explanatory statements for these appointments have been revised to specifically refer to section 16 (4).

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I have requested that the Justice and Community Safety Directorate put in place systems to ensure that the Committee's comments on appointments made to the Legal Aid Commission Board are addressed in future explanatory statements for appointment instruments.

I trust the above addresses the matters raised in the Report.

Sincerely

A handwritten signature in blue ink, appearing to read 'Tara Cheyne', with a stylized, cursive script.

Tara Cheyne MLA
Attorney-General