



Attorney-General  
Minister for the Arts, Creative Industries and  
Cultural Events  
Minister for Building Quality Improvement  
Minister for Business and Regulatory Services  
Minister for Seniors and Veterans  
Member for Ginninderra

Mrs Giulia Jones MLA  
Chair  
Standing Committee on Justice and Community Safety (Legislative Scrutiny Role)  
ACT Legislative Assembly  
GPO Box 1020  
CANBERRA ACT 2601

Dear Mrs Jones

I thank the Committee for its queries relating to:

- Disallowable Instrument DI2020-98 being the Crimes (Sentence Administration) (Sentence Administration Board) Appointment 2020 (No 1);
- Disallowable Instrument DI2020-99 being the Crimes (Sentence Administration) (Sentence Administration Board) Appointment 2020 (No 2);
- Disallowable Instrument DI2020-100 being the Crimes (Sentence Administration) (Sentence Administration Board) Appointment 2020 (No 3); and
- Disallowable Instrument DI2020-108 being the Crimes (Sentence Administration) (Sentence Administration Board) Appointment 2020 (No 10).

In relation to DI2020-98, DI2020-99 and DI2020-100, I assure the Committee that the persons appointed as chair and deputy chairs of the Sentence Administration Board by these instruments are judicially qualified, as required by section 174 (2) and section 174 (8) of the *Crimes (Sentence Administration) Act 2005*.

I acknowledge that the satisfaction of this requirement is not explicitly stated in the Explanatory Statements and will ensure that a line to this effect is included for future appointments.

In relation to DI2020-108, I note that under section 227 (2) (a) of the *Legislation Act 2001* (the Legislation Act) the requirements of division 19.3.3 do not apply to the appointment of a public servant to a statutory position. I further note the preference of the Committee that instruments of appointment state when the appointee is not a public servant.

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### ACT Legislative Assembly

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Gordon Ramsay MLA



The person appointed by DI2020-108 currently holds a temporary role in the public service (through to October 2020). The selection process for the appointment of members of the Sentence Administration Board was undertaken prior to the person commencing that public service role and accordingly the role was not a factor in the decision to appoint the person. The person declared the temporary role prior to the appointment and as a result the Explanatory Statement did not include a statement to the effect that the appointee is not a public servant.

However as the person was not appointed as a public servant it was considered appropriate for the appointment to be made by disallowable instrument in accordance with section 229 Legislation Act. I am confident that the appointment was validly made despite the unusual circumstances.

I thank the Committee for its queries and trust that this clarification is of assistance.

Yours sincerely

Gordon Ramsay MLA  
Attorney-General