



**Shane Rattenbury MLA**

Attorney-General

Minister for Consumer Affairs

Minister for Water, Energy and Emissions Reduction

Minister for Gaming

Member for Kurrajong

Our ref: PRO22/3291

Mr Peter Cain MLA

Chair

Standing Committee on Justice and Community Safety

ACT Legislative Assembly

via email: [scrutiny@parliament.act.gov.au](mailto:scrutiny@parliament.act.gov.au)

Dear Mr Cain

I am writing to respond to Scrutiny Report 21 of the Standing Committee on Justice and Community Safety in its Legislative Scrutiny Role (the Committee).

In the Report, the Committee made comments on:

- DI2022-185 Legal Aid (Commissioner – Specialist Assistance) Appointment 2022
- DI2022-187 Legal Aid (Commissioner – Financial Management) Appointment 2022
- DI2022-188 Legal Aid (Commissioner – Bar Association) Appointment 2022

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

Section 16(2) of the *Legal Aid Act 1977* (the Act) requires the Attorney General to appoint members to the Legal Aid Commission Board other than the Chief Executive Officer. The reference to ‘part-time member’ in the above instruments is pursuant to section 16(4) of Act, which specifies that members appointed by the Attorney General are appointed on a part-time basis.

I consider the reference to ‘part-time member’ necessary and appropriate in the above 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. Moreover, the description ‘part-time’ aptly describes the nature and commitment of

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the role of a Legal Aid Board Commissioner. Commissioners meet once every quarter or out-of-session to determine the policies, priorities and strategies of the Legal Aid Commission.

For absolute clarity, in the future, the Justice and Community Safety Directorate will endeavour to ensure that disallowable instruments for Legal Aid Commission Board appointments specifically refer to section 16(4) which specifies that members appointed by the Attorney General are appointed on a part-time basis.

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

Sincerely

Shane Rattenbury MLA  
Attorney-General

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