

DRAFT SECOND READING SPEECH

HON. MATTHEW GROOM MP

Legal Aid Commission Amendment Bill 2016

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Madam Speaker, the principal purpose of this Bill is to reduce the membership of the Board of the Legal Aid Commission from 10 to 5 members. This implements one of the recommendations made by Hon Peter Evans following his review of the Legal Aid Commission of the Tasmania.

At present, the *Legal Aid Commission Act 1990* provides that the Board of the Legal Aid Commission is made up by 10 members nominated by a number of parties who have an interest in the provision of legal aid in Tasmania.

Following a considered review of the Legal Aid Commission it was Mr Evans' recommendation that the Legal Aid Board be reduced to smaller, skills-based body. His Honour was of the view that the focus should be on the skills of individual members, not what party has the power to nominate them.

Mr Evans' noted in its current form the Legal Aid Board more closely represents the committee of a not-for-profit organisation rather than a board of management of a corporation, which in the end is what the Legal Aid Commission is.

In making his recommendation Mr Evans noted that he wasn't saying that the Legal Aid Board's current or past members were lacking in skills, but rather that advantages flow from having a smaller board made up of members with specific skills relevant to the management of an organisation such as the Legal Aid Commission.

The Government agrees with Mr Evans' recommendation. However I also echo His Honour's sentiments. These amendments are not a reflection on the dedication and skills of current and past members of the Legal Aid Board.

Rather the Legal Aid Commission will benefit from having a board composed of members with skills relevant to the efficient management of such an organisation. It is noted that this amendment is in line with a move by legal aid bodies nationally to move towards smaller boards with a focus on the specific skills of their members.

The Bill provides for transitional arrangements for the membership of the Board. These arrangements will ensure a smooth transition to the new board composition, providing for a continuity of knowledge and expertise. Upon the commencement of this Bill the current Chair and the Director will continue on the Legal Aid Board, as will two current members who possess the qualifications prescribed by this Bill, together with the more recent of the two Law Society nominees. The terms of all of these members will continue as before, with their appointments staggered to expire over coming years.

The Law Society of Tasmania, the Community Legal Centres, the Commonwealth Attorney-General, the Director and Chair of the Legal Aid Commission as well as the members of the Legal Aid Board themselves have all been advised of the changes proposed by this Bill and have had the opportunity to comment. That is on top of the extensive consultation undertaken by Mr Evans prior to him making the recommendation that this Bill seeks to implement. That and all of Mr Evans' other recommendations were made publically available, with the Law Society, the Chair and Director of the Commission as well as the Board itself all providing the Department of Justice with a detailed response to those recommendations.

Madam Speaker, this Bill also makes a minor amendment to the *Legal Aid Commission Act 1990* by removing the need for applications for legal aid to be in writing. This provision is inconsistent with the efficient delivery of several of the services offered by the Legal Aid Commission.

In the context of the Act 'legal aid' is an overarching term that encompasses the delivery of not just financial grants of aid to lawyers, but also all manner of legal assistance and legal services provided by the Commission.

For example, the Legal Aid Commission operates a well-recognised free telephone advice line. For the cost of a local call members of the community can speak directly to a lawyer and receive advice on a range of legal topics. It is unreasonable to expect that before placing such a call a person first complete a written application. This does not occur in practice and if enforced would only impose an unnecessary administrative burden on both the caller and the Legal Aid Commission.

Madam Speaker, the Legal Aid Commission of Tasmania plays a valuable role in providing legal assistance to many Tasmanians. These amendments will provide it with a board that will allow it to best carry out its important functions, as well as providing certainty to how a number of services it provides operate.

I commend the Bill to the House.