

Australian Capital Territory

Legal Aid (Commissioner – ACTCOSS Nominee) Appointment 2008 (No 1)

Disallowable instrument DI2008–118

made under the

Legal Aid Act 1977, s 7 (3) (Constitution of commission)

EXPLANATORY STATEMENT

The Legal Aid Commission is established under Part 2 of the *Legal Aid Act 1977*. Subsection 7(1) of the Act states that the commission shall be constituted by a number of people including a commissioner chosen from a panel of not less than three persons nominated by the executive committee of the Council of Social Service of the ACT (ACTCOSS).

Section 7(3) of the Act states that commissioners, other than the chief executive officer, must be appointed by the minister. The minister appoints Ms Liz O'Brien as a commissioner chosen from a panel of not less than three persons nominated by the executive committee of the Council of Social Service of the Australian Capital Territory, pursuant to paragraph 7(1)(e) of the Act.

Section 48(2) of the Act provides that a commissioner other than the president holds office for a term not longer than three years. This appointment commences on the day after the instrument of appointment is notified, and ends on 30 April 2011.

Under section 7(4) of the Act, the position is held on a part-time basis. Ms O'Brien is not a public servant.

The Standing Committee on Legal Affairs has been consulted as required by the provisions of the *Legislation Act 2001*. The committee did not object to the appointment.