

Australian Capital Territory

Legal Aid (Commissioner – ACTCOSS Nominee) Appointment 2023

Disallowable instrument DI2023–205

made under the

Legal Aid Act 1977, s 16 (Constitution of board)

EXPLANATORY STATEMENT

The *Legal Aid Act 1977* (ACT) (the **Act**), at section 14, provides for the establishment of the board of the Legal Aid Commission (the **Board**). The functions of the Board are to determine the broad policies, priorities and strategies of the Legal Aid Commission for the provision of legal assistance, and to ensure that the Commission's affairs are managed in accordance with the Act.

Section 16 (5) of the Act provides that the Minister may reappoint a member mentioned in section 16 (1) (c) (iv) without needing to choose from a panel of not less than 3 people if the Australian Capital Territory Social Service Inc. (the **ACTCOSS**) recommended the reappointment, and the Minister consulted the president of the commission about the recommendation.

Section 50 (2) of the Act further provides that a person is not eligible for appointment as a commissioner referred to in section 16 (1) (c) (iv) if the person is a legal practitioner.

This instrument reappoints Cathi Moore as a member and commissioner of the Board for a period of three years commencing on 20 August 2023.

Members of the board appointed by the Minister are appointed on a part-time basis, under section 16 (4) of the Act.

Cathi Moore was recommended for a reappointment by the executive committee of the ACTCOSS. The president of the ACTCOSS was consulted about the recommendation. Cathi Moore is not a legal practitioner and is not a public servant.

Under section 228 of the *Legislation Act 2001* (ACT), this appointment required consultation with the Legislative Standing Committee on Justice and Community Safety (the **Standing Committee**). The Standing Committee had no comment on the appointment.