

AUSTRALIAN CAPITAL TERRITORY

Legal Aid Act 1977

APPOINTMENT

INSTRUMENT NO. 20 OF 1998

EXPLANATORY STATEMENT

Section 6 of the *Legal Aid Act 1977* established the Legal Aid Commission (A.C.T.) which consists of a President and Commissioners appointed by the Attorney-General, all of whom are part-time.

Section 7 provides for the following persons to be appointed to the Commission:

- a President;
- a Commissioner to represent the Minister;
- a Commissioner nominated by the Attorney-General for the Commonwealth to represent him or her;
- a Commissioner nominated by the Council of the Bar Association;
- a Commissioner nominated by the Council of the Law Society;
- a Commissioner nominated by the Executive Committee of the Council of Social Service of the Australian Capital Territory; and
- a Commissioner who, in the opinion of the Minister, is a person who, by reason of qualifications, training or experience, will be able to afford specialist assistance to the Commission in the performance of its function.

The Chief Executive Officer of the Legal Aid Office is, *ex officio*, a Commissioner.

The function of the Commission is to provide legal assistance in accordance with the Legal Aid Act. Legal assistance may be provided by the Commission by arranging for the services of private legal practitioners to be made available at the expense of the Commission or by making available the services of officers of the Commission.

Until the expiration of her appointment on 31 December 1996, Ms Joan Jardine was the Commonwealth Attorney-General's nominee to the Commissioner as required by paragraph 7(1)(b) of the Legal Aid Act. She is the Director of the Data Collection and Analysis Section of the Legal Aid and Family Services Branch of the Commonwealth Attorney-General's Department.

The position was allowed to lapse during the period of the renegotiation of the Legal Aid agreement between the Territory and the Commonwealth. Now that this agreement has been signed, it is appropriate that Ms Jardine should be re-appointed to this position. The Commonwealth Attorney-General has nominated Ms Jardine as his nominee.

Accordingly, the attached instrument appoints Ms Joan Cynthia Jardine as a Commissioner of the Legal Aid Commission (A.C.T.). The appointment will be for a period of three years commencing on 1 January 1998.

The appointment has been referred to the Legislative Assembly's Standing Committee on Legal Affairs in accordance with the Statutory Appointments Act 1994. The Committee has agreed to the appointment.

Circulated by the authority of Mr Gary Humphries MLA, Attorney-General