

Crimes (Sentence Administration) (Sentence Administration Board) Appointment 2020 (No 9)

Disallowable Instrument DI2020–107

made under the

Crimes (Sentence Administration) Act 2005, s 174 (Appointment of board members)

EXPLANATORY STATEMENT

The *Crimes (Sentence Administration) Act 2005* (the Act) amongst other things, governs the constitution and functions of the Sentence Administration Board of the ACT (the board). The board's functions are detailed under section 172 of the Act, and sections 171 and 173-4 provide for the establishment and membership of the board. Under section 174 of the Act, the Minister is required to appoint a chairperson; at least one deputy chairperson (and not more than two deputy chairpersons) and not more than eight other members to the Board.

In accordance with section 174 of the Act, this instrument appoints Mr Don Malcolmson in a non-judicial position as a Member of the Sentence Administration Board.

Mr Malcolmson is appointed from 14 May 2020 until 13 May 2023.

Section 229 of the *Legislation Act 2001* states that the instrument making an appointment to which division 19.3.3 applies is a disallowable instrument.

Section 227 of the *Legislation Act* provides that division 19.3.3 does not apply to appointees who are public servants. The person appointed by this instrument is not a public servant and as a result the Standing Committee on Justice and Community Safety has been consulted. The Committee had no comment on the appointment.

Mr Malcolmson has practiced as a solicitor throughout his extensive career with several private and public legal offices, including the ACT Legal Aid Commission. Mr Malcolmson has been a Member on several panels including the ACT Government's Public Interest Monitor Panel, the Law Council of Australia Working Party and the First Stop Youth Legal Advice Centre. Mr Malcolmson has been a Deputy Senior Registrar (sessional) of the ACT Magistrates Court and an honorary

Legal Advisor in the Royal Australian Airforce Association. Prior to a career in law Mr Malcolmson held several senior positions in the Australian Public Service.