

Australian Capital Territory

# Crimes (Sentence Administration) (Sentence Administration Board) Appointment 2023 (No 3)

Disallowable Instrument DI2023–73

made under the

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

## EXPLANATORY STATEMENT

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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 Philip Moss in a judicial position as the Deputy-Chair of the Sentence Administration Board.

Mr Moss is appointed from 14 May 2023 until 13 May 2025.

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 Moss is a current member of the Sentence Administration Board. He is a Legal Consultant in the RAAF Specialist Reserve and is Senior Adviser in the Issue Management Support Team – Special Forces at the Australian Defence Force. Mr Moss has been a consultant and has conducted several reviews and inquiries for both the ACT and Commonwealth Governments. His lengthy public service career included periods as the ACT Community and Health Services Complaints Commissioner and Health Services Commissioner and Co-Head of the ACT Human Rights Commission.