

Australian Capital Territory

Crimes (Sentence Administration) (Sentence Administration Board) Appointment 2023 (No 8)

Disallowable Instrument DI2023–78

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 Professor Dennis Foley in a non-judicial position as a Member of the Sentence Administration Board.

Professor Foley is appointed from 14 May 2023 until 13 May 2026.

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.

Professor Foley has had 30 years of experience in research and analysis as a Social Scientist and University Research Professor in areas including Indigenous health and entrepreneurship. Professor Foley has held several previous and current academic appointments since 1992 to date, and has experience with the legal system, defence of Indigenous students in misconduct hearings and a personal concern at the high rate of Indigenous incarceration.