



Australian Capital Territory

City Renewal Authority and Suburban Land Agency Act 2017

A2017-12

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About this republication

The republished law

This is a republication of the *City Renewal Authority and Suburban Land Agency Act 2017* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 11 June 2020. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 11 June 2020.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$160 for an individual and \$810 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

City Renewal Authority and Suburban Land Agency Act 2017

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Australian Capital Territory

City Renewal Authority and Suburban Land Agency Act 2017

An Act to establish the city renewal authority and the suburban land agency, and
for other purposes

R8
11/06/20

City Renewal Authority and Suburban Land Agency
Act 2017

page 1

Effective: 11/06/20-02/03/21

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Part 1 Preliminary

1 Name of Act

This Act is the *City Renewal Authority and Suburban Land Agency Act 2017*.

3 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines certain terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere in this Act.

For example, the signpost definition ‘*utility service*—see the *Utilities Act 2000*, dictionary.’ means that the term ‘utility service’ is defined in that dictionary and the definition applies to this Act.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

4 Notes

A note included in this Act is explanatory and is not part of this Act.

Note See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

5 Objects of Act

The objects of this Act are to—

- (a) establish the city renewal authority; and
- (b) establish the suburban land agency; and
- (c) promote and facilitate the orderly and efficient delivery of residential, commercial and industrial development in the public interest, including urban renewal; and

- (d) promote development that is environmentally sustainable and applies innovative environmental building and public domain design; and
- (e) support, encourage and facilitate public and private sector investment and participation in the development of the Territory.

Part 2 City renewal authority

Division 2.1 Definitions—pt 2

6 Definitions—pt 2

In this part:

statement of expectations—see section 17 (1).

statement of operational intent—see section 18 (1).

urban renewal precinct means an area of land declared under section 35.

Division 2.2 Establishment, objects and functions of city renewal authority

7 Establishment of city renewal authority

The City Renewal Authority is established.

Note The authority is a corporation if the authority is prescribed by the financial management guidelines for the *Financial Management Act 1996*, pt 8 (see *Financial Management Act 1996*, s 54, s 72, def *relevant territory authority* and s 73).

8 Objects of authority

The objects of the authority are—

- (a) to encourage and promote a vibrant city through the delivery of design-led, people-focussed urban renewal, including by creating opportunities—
 - (i) to include the community and relevant entities in the design and delivery of urban renewal; and
 - (ii) to grow and diversify the Territory's economy; and
 - (iii) for private sector investment in urban renewal; and

- (b) to encourage and promote social and environmental sustainability through—
 - (i) planning and delivery of urban renewal; and
 - (ii) improved urban infrastructure; and
 - (iii) responsiveness to demographic change in the ACT; and
- (c) to operate effectively, in a way that delivers value for money, in accordance with sound risk management practices.

9 Functions of authority

- (1) The functions of the authority are, in relation to an urban renewal precinct, to—
 - (a) carry out urban renewal; and
 - (b) buy and sell leases of land on behalf of the Territory; and
 - (c) make arrangements for the public service or another entity to carry out development or works; and
 - (d) support public and private sector investment and participation in urban renewal, including by supporting development that is attractive to potential investors and participants; and
 - (e) manage orderly urban renewal, including holding, managing and selling land and other property; and
 - (f) support cooperation between the authority, the community, and relevant entities (for example, industry groups); and
 - (g) support high quality design, planning and delivery of sustainable urban renewal; and
 - (h) meet housing targets determined under section 65 (Affordable, community and public housing targets); and
 - (i) support statutory greenhouse gas emissions targets and deliver environmentally sustainable development; and

- (j) follow and support whole-of-government strategies; and
- (k) any other function given to the authority under this Act or another territory law.

Note 1 A territory authority must not do any act, or approve the doing of an act, that is inconsistent with the [territory plan](#) (see [Planning and Development Act 2007](#), s 50).

Note 2 A provision of a law that gives an entity (including a person) a function also gives the entity powers necessary and convenient to exercise the function (see [Legislation Act](#), s 196 and dict, pt 1, def *entity*).

- (2) The authority must exercise the authority's functions in a way that is consistent with the statement of operational intent.
- (3) With the approval of the Minister and the Treasurer, the authority may exercise its functions—
 - (a) through subsidiaries, joint ventures or trusts; or
 - (b) by holding shares in, or other securities of, corporations.

- (4) In this section:

support an outcome, includes promote, encourage, facilitate and deliver the outcome.

10 Authority's role in cohesive urban renewal

- (1) The authority must work with any entity that has an interest in land in an urban renewal precinct to encourage cohesive urban renewal.

Examples—entities that may have an interest

- a person who owns property on the land
- a person developing land
- the head of service
- a person licensed to provide a utility service

- (2) The authority may—
- (a) require the entity to do any of the following in relation to the land:
 - (i) consult, including in a particular way, with the public or another entity that has an interest in the land;
 - (ii) make arrangements for working co-operatively with another entity that has an interest in the land; and
 - (b) refuse to exercise a function in relation to the land until a requirement under paragraph (a) has been fulfilled.

11 Ministerial directions to authority

- (1) The Minister may, at any time, give directions to the authority—
- (a) about the exercise of the authority’s functions; or
 - (b) requiring the authority to exercise a function in relation to the financial arrangements of the authority.
- (2) Before giving a direction, the Minister must—
- (a) tell the authority about the proposed direction; and
 - (b) give the authority a reasonable opportunity to comment on the proposed direction; and
 - (c) consider any comments made by the authority.
- (3) A direction is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

12 Territory to compensate authority for cost of complying with directions

- (1) The Territory must pay to the authority the reasonable net cost of complying with a direction under section 11.

- (2) The amount payable under subsection (1) is the amount agreed between the authority and the Minister or, failing agreement, the amount decided by the Chief Minister.

14 Annual report of authority

- (1) The authority must prepare an annual report under the *Annual Reports (Government Agencies) Act 2004*.
- (2) The report must—
- (a) include any statement of expectations and statement of operational intent in effect during the reporting year; and
 - (b) report on the extent to which the statement of operational intent in effect during the reporting year was met during the reporting year; and
 - (c) if the statement of operational intent was not met in whole or in part during the reporting year—give reasons why the statement of operational intent was not met.

14A Delegation by authority

- (1) The authority may delegate the authority's functions to the authority CEO.

Note For the making of delegations and the exercise of delegated functions, see the *Legislation Act*, pt 19.4.

- (2) The authority CEO may subdelegate to an authorised person a function delegated under subsection (1) if the subdelegation is authorised, in writing, by the authority.
- (3) In this section:

authorised person means—

- (a) a public employee; or
- (b) a person prescribed by regulation.

Division 2.3 Authority board

15 Establishment of governing board for authority

The governing board of the authority is established.

Note An appointment of a governing board member is an appointment under this section (see *Financial Management Act 1996*, s 78 (7) (b)).

16 Functions of authority board

The functions of the authority board are—

- (a) to oversee the operations of, and exercise of functions by, the authority; and
- (b) to promote the statement of expectations; and
- (c) to implement the statement of operational intent; and
- (d) to make arrangements about the conduct and operation of the authority board; and
- (e) any other function given to the authority board under this Act or another territory law.

Note 1 A provision of a law that gives an entity (including a person) a function also gives the entity powers necessary and convenient to exercise the function (see *Legislation Act*, s 196 and dict, pt 1, def *entity*).

Note 2 The authority board has the following functions under the *Financial Management Act 1996*, s 77:

- setting the authority's policies and strategies
- governing the authority consistently with the authority's establishing Act and other relevant legislation
- ensuring, as far as practicable, that the authority operates in a proper, effective and efficient way
- ensuring, as far as practicable, that the authority complies with applicable governmental policies (if any).

Note 3 For authority board meeting arrangements see the *Financial Management Act 1996*, div 9.4.

17 Ministerial statement of expectations

- (1) The Minister must, at least once every 12 months—
 - (a) make a statement setting out the government’s requirements and priorities in relation to urban renewal in an urban renewal precinct (a *statement of expectations*); and
 - (b) give the statement of expectations to the authority board.

Examples—par (a)

- particular project to be undertaken by the authority
 - dividend or other financial return to be made to the Territory by the authority
 - affordable housing, community housing or public housing targets
 - environmental performance
 - whole-of-government strategy or plan
- (2) The statement of expectations may include any information the Minister believes will assist the authority board to implement the statement of expectations.
 - (3) A statement of expectations is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

18 Statement of operational intent

- (1) Within 60 days after the day the Minister gives the statement of expectations to the authority board, the authority board must give the Minister a draft statement of response setting out how the authority board will give effect to the statement of expectations (a *statement of operational intent*).
- (2) The draft statement of operational intent may refer to a matter covered in the statement of intent for the authority prepared under the [Financial Management Act 1996](#), section 61.

- (3) The Minister must, within 60 days after the day the Minister receives a draft statement of operational intent—
 - (a) approve the draft statement; or
 - (b) reject the draft statement; or
 - (c) approve the draft statement with conditions.
- (4) An approved statement of operational intent is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

19 Delegation by authority board

- (1) The authority board may delegate the authority board's functions to the authority CEO.

Note For the making of delegations and the exercise of delegated functions, see the [Legislation Act](#), pt 19.4.

- (2) The authority CEO may subdelegate to an authorised person a function delegated under subsection (1) if the subdelegation is authorised, in writing, by the authority board.

- (3) In this section:

authorised person means—

- (a) a public employee; or
- (b) a person prescribed by regulation.

Division 2.4 Authority board members

20 Authority board members duty of good conduct

An authority board member has a duty to the Minister when acting as a board member—

- (a) to act in good faith; and

- (b) not to pursue personal interests at the expense of the authority's interests; and
- (c) not to use board membership to gain personal advantage; and
- (d) not to cause detriment to the authority or undermine the reputation of the authority.

Note The duty set out in this section supplements the requirements under the *Financial Management Act 1996*, pt 8 (Financial provisions for territory authorities) and pt 9 (Governance of territory authorities) and the requirements under the *Public Sector Management Act 1994*, div 2.1 (Public sector standards).

21 Authority board member appointments

- (1) The authority board has the following part-time members:

- (a) a chair;
- (b) a deputy chair;
- (c) at least 3, but not more than 5, expert members.

Note The chair, deputy chair and other members of the authority board are appointed by the Minister (see *Financial Management Act 1996*, s 78 and s 79).

- (2) A member must have knowledge of and experience in at least 1 of the following disciplines and areas of expertise:

- (a) urban renewal;
- (b) architecture;
- (c) urban design;
- (d) civil engineering;
- (e) environmentally sustainable development;
- (f) social inclusion and community building;
- (g) law, public administration and governance;

- (h) financing major development projects;
- (i) affordable housing, community housing and public housing.
- (3) The Minister must, as far as practicable, ensure that each discipline and area of expertise mentioned in subsection (2) is represented among the appointed members.
- (4) A member must not be a public servant.
- (5) A regulation may prescribe other criteria for the appointment of a person as an expert member.

Division 2.5 Authority committees

22 Establishment of authority committees

- (1) The authority board must establish an audit and risk committee.
- (2) The authority board may establish other committees to help the authority to exercise its functions.
- (3) Without limiting subsection (2), committees may be established in relation to the following:
 - (a) corporate governance;
 - (b) design review;
 - (c) community engagement.
- (4) The authority board must establish any committee prescribed by regulation.
- (5) A regulation may prescribe—
 - (a) matters on which a committee can provide advice; and
 - (b) functions of the authority that may only be exercised after considering the advice of a committee.

23 Exercise of committee functions

- (1) The authority board may decide—
 - (a) how a committee is to exercise its functions; and
 - (b) the procedure to be followed for meetings of a committee, including—
 - (i) calling meetings; and
 - (ii) the number of committee members to be present at meetings (including requirements that particular members be present); and
 - (iii) the committee member who is to preside at meetings; and
 - (iv) how questions arising at a meeting are to be decided; and
 - (v) keeping minutes of meetings.
- (2) Subject to any decision of the authority board under subsection (1), a committee may decide its own procedures.

24 Membership of committees

- (1) A committee consists of the people appointed by the authority board.

Note For the making of appointments (including acting appointments), see the [Legislation Act](#), div 19.3.
- (2) A committee may consist entirely or partly of authority board members.

Division 2.6 Authority financial matters

Note The authority must not give a guarantee without the Treasurer's written approval (see *Financial Management Act 1996*, s 60).

25 Proceeds of lease sales by authority

Consideration received by the authority for the sale of a lease of land is income of the authority.

26 Authority payment of funds to Territory

- (1) The Treasurer may direct the authority to pay to the Territory—
 - (a) the amount stated in the direction; or
 - (b) an amount calculated in the way stated in the direction.
- (2) The Treasurer may also direct the authority—
 - (a) how to make the payment; and
 - (b) when to make the payment; and
 - (c) about the conditions relating to payment.
- (3) In giving a direction under subsection (1), the Treasurer must have regard to—
 - (a) the authority's assets and liabilities; and
 - (b) the authority's income and expenditure; and
 - (c) the authority's ability to exercise its functions; and
 - (d) the requirement that the Territory obtain a reasonable return from the development and disposal of land.

- (4) A direction under this section is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

27 Authority liability for territory taxes

This Act does not exempt the authority from liability for a tax under any other territory law.

Division 2.7 Authority CEO, staff and consultants

28 Appointment of authority CEO

- (1) The *Financial Management Act 1996*, section 80 does not apply to the authority.
- (2) The chief executive officer of the authority is appointed by the chair of the authority board.

Note 1 For the making of appointments (including acting appointments), see the *Legislation Act*, pt 19.3.

Note 2 In particular, an appointment may be made by naming a person or nominating the occupant of a position (see *Legislation Act*, s 207).

- (3) The authority CEO must be a public servant.
- (4) The chair of the authority board is a public sector employer in relation to the authority CEO for the *Public Sector Management Act 1994*, section 152 (Certain office-holders have management powers).
- (5) The authority CEO is not an authority board member.

29 Functions of authority CEO

- (1) The functions of the authority CEO are—
 - (a) to manage the day-to-day operations of the authority including the following:
 - (i) monitoring and reporting to the authority board on the authority's performance against the statement of operational intent; and

- (ii) ensuring the authority complies with the authority board's decisions; and
 - (iii) managing the finances of the authority; and
 - (iv) developing, for approval by the authority board—
 - (A) corporate strategies, including strategies for engaging with and managing corporate risks; and
 - (B) operational strategies, including strategies for engaging with and managing operational risks; and
 - (v) reporting to the authority board on the implementation of a strategy approved under subparagraph (iv); and
 - (vi) providing information and advice to the authority board on matters relating to the authority; and
- (b) giving administrative support to the authority board in the exercise of its functions; and
 - (c) any function given to the authority CEO—
 - (i) by the authority board; or
 - (ii) under this Act or another territory law.
- (2) The *Financial Management Act 1996*, section 84 (CEO's functions) applies to the authority CEO, despite the authority CEO not being a member of the authority board.
 - (3) The authority board may, at any time, give written directions to the authority CEO about the exercise of the authority CEO's functions.

30 Authority CEO duty of good conduct

- (1) In exercising the functions of the authority CEO, the authority CEO must exercise the degree of honesty, care and diligence required to be exercised by a director of a corporation in relation to the affairs of the corporation.

- (2) The authority CEO also has a duty to the authority board—
- (a) to act in good faith; and
 - (b) not to pursue personal interests at the expense of the authority's interests; and
 - (c) not to use the office to gain personal advantage; and
 - (d) not to cause detriment to the authority or undermine the reputation of the authority.

Note As a public servant, conduct requirements under the *Public Sector Management Act 1994* apply to the authority CEO.

31 Delegation by authority CEO

- (1) The authority CEO may delegate the authority CEO's functions to an authorised person.

Note For the making of delegations and the exercise of delegated functions, see the *Legislation Act*, pt 19.4.

- (2) A delegate may subdelegate to an authorised person a function delegated under subsection (1) if the subdelegation is authorised, in writing, by the authority CEO.

- (3) In this section:

authorised person means—

- (a) a public employee; or
- (b) a person prescribed by regulation.

32 Authority's staff

- (1) The authority CEO may employ staff on behalf of the Territory.
- (2) The authority's staff must be employed under the *Public Sector Management Act 1994*.

Note The *Public Sector Management Act 1994*, div 8.2 applies to the authority in relation to the employment of staff (see *Public Sector Management Act 1994*, s 152).

33 Authority arrangements for staff and facilities

The authority CEO may arrange with the head of service to use the services of a public servant or Territory facilities.

Note The head of service may delegate powers in relation to the management of public servants to a public servant or another person (see *Public Sector Management Act 1994*, s 18).

34 Authority contractors and consultants

- (1) The authority CEO may engage consultants and contractors.
- (2) However, the authority CEO must not enter into a contract of employment under this section.

Division 2.8 Urban renewal precincts

35 Urban renewal precinct may be declared

- (1) The Minister may declare an area of land to be an urban renewal precinct for this Act.

Note The power to make an instrument includes the power to amend or repeal the instrument.

- (2) For each urban renewal precinct, the Minister must—
- (a) name the urban renewal precinct; and
 - (b) describe the urban renewal precinct by reference to land; and
 - (c) set out a map of the urban renewal precinct; and
 - (d) set out, in general terms, the urban renewal priorities for the urban renewal precinct.
- (3) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

36 Criteria for land being included in urban renewal precinct

Land may be included in an urban renewal precinct only if the Minister—

- (a) is satisfied including the land promotes urban renewal and will facilitate 1 or more of the following:
 - (i) integrated commercial and residential development;
 - (ii) the integration of development with public transport;
 - (iii) benefits to the community, the environment and the territory economy; and
- (b) is satisfied including the land is consistent with—
 - (i) the national capital plan; and
 - (ii) the [territory plan](#); and
 - (iii) the statement of planning intent; and
 - (iv) any other strategic planning strategy developed by government to guide land planning and development for the Territory; and

- (c) has considered the advice of the following in relation to including the land in the precinct:
- (i) the authority;
 - (ii) the Minister responsible for the *Planning and Development Act 2007*.

Part 3 Suburban land agency

Division 3.1 Establishment, objects and functions of suburban land agency

37 Establishment of suburban land agency

- (1) The Suburban Land Agency is established.
- (2) The agency is a territory authority.

Note The agency is a corporation if the agency is prescribed by the financial management guidelines for the *Financial Management Act 1996*, pt 8 (see *Financial Management Act 1996*, s 54, s 72, def *relevant territory authority* and s 73).

38 Objects of agency

The objects of the agency are to—

- (a) encourage and promote—
 - (i) inclusive communities through the delivery of people-focussed neighbourhoods; and
 - (ii) suburban development that supports the following:
 - (A) affordable living;
 - (B) a safe and healthy population;
 - (C) social inclusion;
 - (D) housing choice;
 - (E) environmental sustainability; and
 - (iii) urban renewal, other than in an urban renewal precinct; and
 - (iv) growth and diversification of the Territory's economy; and
 - (v) social and environmental sustainability; and

- (b) operate effectively, in a way that delivers value for money, in accordance with sound risk management practices.

39 Functions of agency

- (1) The functions of the agency are—
 - (a) to buy and sell leases of land on behalf of the Territory; and
 - (b) to ensure a mixture of public and private housing in new suburbs; and
 - (c) to increase the supply of affordable and community housing; and
 - (d) to meet housing targets determined under section 65 (Affordable, community and public housing targets); and
 - (e) to carry out the development of land in a manner that is environmentally sustainable; and
 - (f) to exercise functions in a way that supports statutory greenhouse gas emissions targets and delivers environmentally sustainable development; and
 - (g) to follow and support whole-of-government strategies; and
 - (h) any other function given to the agency under this Act or another territory law.

Note 1 A territory authority must not do any act, or approve the doing of an act, that is inconsistent with the [territory plan](#) (see [Planning and Development Act 2007](#), s 50).

Note 2 A provision of a law that gives an entity (including a person) a function also gives the entity powers necessary and convenient to exercise the function (see [Legislation Act](#), s 196 and dict, pt 1, def *entity*).

- (2) The agency may exercise a function mentioned in subsection (1) (a), (b), (c) or (e) only—
 - (a) in a way that is consistent with the statement of intent for the agency prepared under the *Financial Management Act 1996*, section 61; and
 - (b) with the Minister’s approval.
- (3) With the approval of the Minister and the Treasurer, the agency may exercise its functions—
 - (a) through subsidiaries, joint ventures or trusts; or
 - (b) by holding shares in, or other securities of, corporations.

40 Agency’s role in cohesive suburban development

The agency must work with any entity that has an interest in land that the agency intends to buy, sell, improve or develop to encourage cohesive suburban development.

Examples—entities that may have an interest in the development of suburban land

- the head of service
- a person licensed to provide a utility service
- a person developing land

41 Ministerial directions to agency

- (1) The Minister may, at any time, give directions to the agency—
 - (a) about the exercise of the agency’s functions; or
 - (b) requiring the agency to exercise a function in relation to the financial arrangements of the agency.
- (2) Before giving a direction, the Minister must—
 - (a) tell the agency about the proposed direction; and

- (b) give the agency a reasonable opportunity to comment on the proposed direction; and
 - (c) consider any comments made by the agency.
- (3) A direction is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

42 Territory to compensate agency for cost of complying with directions

- (1) The Territory must pay to the agency the reasonable net cost of complying with a direction under section 41.
- (2) The amount payable under subsection (1) is the amount agreed between the agency and the Minister or, failing agreement, the amount decided by the Chief Minister.

44 Annual report of agency

The agency must prepare an annual report under the [Annual Reports \(Government Agencies\) Act 2004](#).

44A Delegation by agency

- (1) The agency may delegate the agency's functions to the agency CEO.

Note For the making of delegations and the exercise of delegated functions, see the [Legislation Act](#), pt 19.4.

- (2) The agency CEO may subdelegate to an authorised person a function delegated under subsection (1) if the subdelegation is authorised, in writing, by the agency.
- (3) In this section:

authorised person means—

- (a) a public employee; or
- (b) a person prescribed by regulation.

Division 3.2 Agency board

45 Establishment of governing board for agency

The governing board of the agency is established.

Note 1 An appointment of a governing board member is an appointment under this section (see *Financial Management Act 1996*, s 78 (7) (b)).

Note 2 For agency board meeting arrangements see the *Financial Management Act 1996*, div 9.4.

46 Functions of agency board

The functions of the agency board are—

- (a) to oversee the operations of, and exercise of functions by, the agency; and
- (b) any other function given to the agency board under this Act or another territory law.

Note The agency board has the following functions under the *Financial Management Act 1996*, s 77:

- setting the agency's policies and strategies
- governing the agency consistently with the agency's establishing Act and other relevant legislation
- ensuring, as far as practicable, that the agency operates in a proper, effective and efficient way
- ensuring, as far as practicable, that the agency complies with applicable governmental policies (if any).

47 Agency board members duty of good conduct

An agency board member has a duty to the Minister when acting as a board member—

- (a) to act in good faith; and
- (b) not to pursue personal interests at the expense of the agency's interests; and

- (c) not to use board membership to gain personal advantage; and
- (d) not to cause detriment to the agency or undermine the reputation of the agency.

Note The duty set out in this section supplements the requirements under the *Financial Management Act 1996*, pt 8 (Financial provisions for territory authorities) and pt 9 (Governance of territory authorities) and the requirements under the *Public Sector Management Act 1994*, div 2.1 (Public sector standards).

48 Agency board member appointments

- (1) The agency board has the following part-time members:
 - (a) a chair;
 - (b) a deputy chair;
 - (c) at least 3, but not more than 5, expert members.

Note The chair and other members of the agency board are appointed by the Minister (see the *Financial Management Act 1996*, s 78 and s 79).

- (2) An expert member must have knowledge of or experience in at least 1 of the following disciplines and areas of expertise:
 - (a) urban design and planning;
 - (b) social inclusion and community building;
 - (c) civil engineering and civil works;
 - (d) real estate sales;
 - (e) property development;
 - (f) law, public administration and governance;
 - (g) affordable housing, community housing and public housing;
 - (h) environmentally sustainable development.

- (3) The Minister must, as far as practicable, ensure that each discipline and area of expertise mentioned in subsection (2) is represented among the appointed members.
- (4) A member must not be a public servant.

49 Delegation by agency board

- (1) The agency board may delegate the agency board's functions to the agency CEO.

Note For the making of delegations and the exercise of delegated functions, see the [Legislation Act](#), pt 19.4.

- (2) The agency CEO may subdelegate to an authorised person a function delegated under subsection (1) if the subdelegation is authorised, in writing, by the agency board.
- (3) In this section:

authorised person means—

- (a) a public employee; or
- (b) a person prescribed by regulation.

Division 3.3 Agency committees

50 Establishment of agency committees

- (1) The agency board must establish an audit and risk committee.
- (2) The agency board may establish other committees to help the agency to exercise its functions.
- (3) Without limiting subsection (2), committees may be established in relation to the following:
 - (a) corporate governance;
 - (b) design review;

- (c) community engagement.
- (4) The agency board must establish any committee prescribed by regulation.
- (5) A regulation may prescribe—
 - (a) matters on which a committee can provide advice; and
 - (b) functions of the agency that may only be exercised after considering the advice of a committee.

51 Exercise of committee functions

- (1) The agency board may decide—
 - (a) how a committee is to exercise its functions; and
 - (b) the procedure to be followed for meetings of a committee, including—
 - (i) calling meetings; and
 - (ii) the number of committee members to be present at meetings (including requirements that particular members be present); and
 - (iii) the committee member who is to preside at meetings; and
 - (iv) how questions arising at a meeting are to be decided; and
 - (v) keeping minutes of meetings.
- (2) Subject to any decision of the agency board under subsection (1), a committee may decide its own procedures.

52 Membership of committees

- (1) A committee consists of the people appointed by the agency board.

Note For the making of appointments (including acting appointments), see the [Legislation Act](#), div 19.3.

- (2) A committee may consist entirely or partly of agency board members.

Division 3.4 Agency financial matters

Note The agency must not give a guarantee without the Treasurer's written approval (see [Financial Management Act 1996](#), s 60).

53 Proceeds of lease sales by agency

Consideration received by the agency for the sale of a lease of land is income of the agency.

54 Agency payment of funds to Territory

- (1) The Treasurer may direct the agency to pay to the Territory—
- (a) the amount stated in the direction; or
 - (b) an amount calculated in the way stated in the direction.
- (2) The Treasurer may also direct the agency—
- (a) how to make the payment; and
 - (b) when to make the payment; and
 - (c) about the conditions relating to payment.
- (3) In giving a direction under subsection (1), the Treasurer must have regard to—
- (a) the agency's assets and liabilities; and
 - (b) the agency's income and expenditure; and
 - (c) the agency's ability to exercise its functions; and

- (d) the requirement that the Territory obtain a reasonable return from the development and disposal of land.
- (4) A direction under this section is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

55 Agency liability for territory taxes

This Act does not exempt the agency from liability for a tax under any other territory law.

Division 3.5 Agency CEO, staff and consultants

56 Appointment of agency CEO

- (1) The *Financial Management Act 1996*, section 80 does not apply to the agency.
- (2) The agency CEO is appointed by the chair of the agency board.
- Note 1* For the making of appointments (including acting appointments), see the [Legislation Act](#), pt 19.3.
- Note 2* In particular, an appointment may be made by naming a person or nominating the occupant of a position (see [Legislation Act](#), s 207).
- (3) The agency CEO must be a public servant.
- (4) The chair of the agency board is a public sector employer in relation to the agency CEO for the *Public Sector Management Act 1994*, section 152 (Certain office-holders have management powers).
- (5) The agency CEO is not an agency board member.

57 Functions of agency CEO

- (1) The functions of the agency CEO are—
 - (a) to manage the day-to-day operations of the agency including the following:
 - (i) ensuring the agency complies with the agency board's decisions;
 - (ii) managing the finances of the agency;
 - (iii) developing, for approval by the agency board—
 - (A) corporate strategies, including strategies for engaging with and managing corporate risks; and
 - (B) operational strategies, including strategies for engaging with and managing operational risks;
 - (iv) reporting to the agency board on the implementation of a strategy approved under subparagraph (iii);
 - (v) providing information and advice to the agency board on matters relating to the agency; and
 - (b) any function given to the agency CEO—
 - (i) by the agency board; or
 - (ii) under this Act or another territory law.
- (2) The *Financial Management Act 1996*, section 84 (CEO's functions) applies to the agency CEO, despite the agency CEO not being a member of the agency board.
- (3) The agency board may, at any time, give written directions to the agency CEO about the exercise of the agency CEO's functions.

58 Agency CEO duty of good conduct

- (1) In exercising the functions of the agency CEO, the agency CEO must exercise the degree of honesty, care and diligence required to be exercised by a director of a corporation in relation to the affairs of the corporation.
- (2) The agency CEO also has a duty to the agency board—
 - (a) to act in good faith; and
 - (b) not to pursue personal interests at the expense of the agency's interests; and
 - (c) not to use the office to gain personal advantage; and
 - (d) not to cause detriment to the agency or undermine the reputation of the agency.

Note As a public servant, conduct requirements under the [Public Sector Management Act 1994](#) apply to the agency CEO.

59 Delegation by agency CEO

- (1) The agency CEO may delegate the agency CEO's functions to an authorised person.

Note For the making of delegations and the exercise of delegated functions, see the [Legislation Act](#), pt 19.4.

- (2) A delegate may subdelegate to an authorised person a function delegated under subsection (1) if the subdelegation is authorised in writing by the agency CEO.
- (3) In this section:
authorised person means—
 - (a) a public employee; or
 - (b) a person prescribed by regulation.

60 Agency's staff

- (1) The agency CEO may employ staff on behalf of the Territory.
- (2) The agency's staff must be employed under the *Public Sector Management Act 1994*.

Note The *Public Sector Management Act 1994*, div 8.2 applies to the agency in relation to the employment of staff (see *Public Sector Management Act 1994*, s 152).

61 Agency arrangements for staff and facilities

The agency CEO may arrange with the head of service to use the services of a public servant or Territory facilities.

Note The head of service may delegate powers in relation to the management of public servants to a public servant or another person (see *Public Sector Management Act 1994*, s 18).

62 Agency contractors and consultants

- (1) The agency CEO may engage consultants and contractors.
- (2) However, the agency CEO must not enter into a contract of employment under this section.

Part 4 Miscellaneous

63 Treasurer must make directions for land acquisition

- (1) The Treasurer must make directions relating to the acquisition of land by the authority or agency.
- (2) Without limiting subsection (1), a direction may be made in relation to the following:
 - (a) approval needed by the authority or agency to acquire land;
 - (b) requirements for acquiring land of a particular value.
- (3) A direction is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

64 Sharing of protected information

- (1) This section applies despite any other territory law.
- (2) The following people may, in writing, ask an information holder for protected information:
 - (a) if the protected information is required by another information holder for the exercise of a function under this Act or another territory law—the other information holder;
 - (b) the Minister.
- (3) An information holder who receives a request for protected information—
 - (a) must give the protected information to the person who requests it; and
 - (b) if the information is requested by another information holder—may impose conditions on how the other information holder uses or stores the information.

(4) In this section:

information means information, whether true or not, in any form and includes an opinion and advice.

information holder means—

- (a) the chair of the authority board; or
- (b) the authority CEO; or
- (c) the chair of the agency board; or
- (d) the agency CEO; or
- (e) the chief planning executive; or
- (f) the head of service; or
- (g) a director-general.

protected information means information that is disclosed to, or obtained by, an information holder because of the exercise of a function under this Act by the information holder or someone else.

65 Affordable, community and public housing targets

(1) This section applies to the following kinds of developments:

- (a) the building of dwellings on land leased by the Territory, or unleased territory land, in an urban renewal precinct;
- (b) the building of dwellings on land leased by the Territory, or unleased territory land, in connection with urban renewal other than in an urban renewal precinct;
- (c) the building of dwellings in a new suburb.

- (2) The Minister must determine housing targets (a *housing target determination*) for a development for the minimum number of dwellings in the development for each of the following kinds of housing:
- (a) affordable housing;
 - (b) community housing;
 - (c) public housing.
- (3) The housing target determination for a development must state the maximum number of dwellings anticipated to be built in the development.
- (4) A housing target for a development—
- (a) applies when the target is first determined; and
 - (b) if a lease is granted to a person over land leased by the Territory, or unleased territory land, that is part of a development mentioned in subsection (1) (a) or (b) after the target in relation to the land is determined—applies when the lease is granted; and
 - (c) continues to apply until the completion of all dwellings in the development that meet the housing target.
- Example—par (b)**
- The Minister determines a housing target for a development involving the building of dwellings on unleased territory land in an urban renewal precinct. If a lease over the land is granted to someone after the determination is made, the housing target for the development applies when the lease is granted.
- (5) A housing target determination may refer to a development mentioned in subsection (1)—
- (a) by referring to the development’s block and section number; or
 - (b) by referring to a name by which the development is known; or
 - (c) in any other way the Minister considers appropriate.

- (6) Before determining a housing target, the Minister must seek the views of the housing commissioner in relation to the proposed housing target.
- (7) A housing target determination is a notifiable instrument.
- Note* A notifiable instrument must be notified under the [Legislation Act](#).
- (8) In this section:
- dwelling*—see the [Planning and Development Regulation 2008](#), section 5.

66 Regulation-making power

- (1) The Executive may make regulations for this Act.
- Note* A regulation must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).
- (2) A regulation may create offences and fix maximum penalties of not more than 20 penalty units for the offences.
- Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

Dictionary

(see s 3)

Note 1 The [Legislation Act](#) contains definitions and other provisions relevant to this Act.

Note 2 For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- entity
- housing commissioner
- Minister (see s 162)
- national capital authority
- national capital plan
- notifiable instrument (see s 10)
- public employee
- public sector member
- public service
- territory authority
- territory land
- territory plan
- the Territory.

agency means the Suburban Land Agency established under section 37.

agency board means the suburban land agency governing board established under section 45.

agency CEO means the chief executive officer of the agency appointed under section 56.

authority means the City Renewal Authority established under section 7.

authority board means the city renewal authority governing board established under section 15.

authority CEO means the chief executive officer of the authority appointed under section 28.

development, in relation to land—see the *Planning and Development Act 2007*, section 7.

land improvements—

- (a) means activities carried out in relation to territory land to improve the quality, amenity or value of the land; and
- (b) includes the following:
 - (i) remediation of land;
 - (ii) carrying out works on land;
 - (iii) preparing land for development;
 - (iv) maintaining land.

statement of expectations, for part 2 (City renewal authority)—see section 17 (1).

statement of operational intent, for part 2 (City renewal authority)—see section 18 (1).

statement of planning intent—see *Planning and Development Act 2007*, s 16.

statutory greenhouse gas emissions targets means—

- (a) the ACT greenhouse gas emissions target under the *Climate Change and Greenhouse Gas Reduction Act 2010*, section 6; and
- (b) the interim greenhouse gas emissions target under the *Climate Change and Greenhouse Gas Reduction Act 2010*, section 7.

urban renewal—

- (a) means supporting, promoting, encouraging, facilitating or delivering the following:
 - (i) development for residential purposes;
 - (ii) development for commercial purposes;

- (iii) development of industrial infrastructure;
 - (iv) development of capital works;
 - (v) development of public infrastructure;
 - (vi) land improvements; and
- (b) includes—
- (i) carrying out work on public land; and
 - (ii) reviewing and giving advice about work and development proposed to be carried out on private land; and
- (c) does not include carrying out work on private land.

urban renewal precinct, for part 2 (City renewal authority)—see section 35.

utility service—see the [Utilities Act 2000](#), dictionary.

whole-of-government strategy—see the [Public Sector Management Act 1994](#), dictionary.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

City Renewal Authority and Suburban Land Agency Act 2017 A2017-12

notified LR 18 May 2017
s 1, s 2 commenced 18 May 2017 (LA s 75 (1))
s 202 commenced 30 June 2017 (LA s 75AA)
sch 1 pt 1.2 commenced 30 June 2017 (s 2 and [CN2017-3](#))
remainder commenced 1 July 2017 (s 2 and [CN2017-3](#))

as modified by

[City Renewal Authority and Suburban Land Agency \(Transitional Provisions\) Regulation 2017 SL2017-18 s 3](#)

notified LR 29 June 2017
s 1, s 2 commenced 29 June 2017 (LA s 75 (1))
s 3 commenced 1 July 2017 (s 2 and see A2017-12, s 2 and [CN2017-3](#))

as amended by

[Statute Law Amendment Act 2017 \(No 2\) A2017-28 sch 1 pt 1.2, sch 3 pt 3.3](#)

notified LR 27 September 2017
s 1, s 2 commenced 27 September 2017 (LA s 75 (1))
sch 1 pt 1.2, sch 3 pt 3.3 commenced 11 October 2017 (s 2)

[Planning, Building and Environment Legislation Amendment Act 2018 A2018-18 pt 2](#)

notified LR 16 May 2018
s 1, s 2 commenced 16 May 2018 (LA s 75 (1))
pt 2 commenced 17 May 2018 (s 2)

[Government Agencies \(Land Acquisition Reporting\) Act 2018 A2018-44 pt 6](#)

notified LR 12 November 2018
s 1, s 2 commenced 12 November 2018 (LA s 75 (1))
pt 6 commenced 1 January 2019 (s 2 (1))

Endnotes

3 Legislation history

City Renewal Authority and Suburban Land Agency Amendment Act 2018 A2018-51

notified LR 6 December 2018

s 1, s 2 commenced 6 December 2018 (LA s 75 (1))

remainder commenced 7 December 2018 (s 2)

Planning and Environment Legislation Amendment Act 2020 A2020-22 pt 3

notified LR 10 June 2020

s 1, s 2 commenced 10 June 2020 (LA s 75 (1))

pt 3 commenced 11 June 2020 (s 2)

4 Amendment history

Commencement

s 2 om LA s 89 (4)

Land acquisition report of authority

s 13 om [A2018-44](#) s 15

Delegation by authority

s 14A ins [A2018-18](#) s 4

Establishment of governing board for authority

s 15 am [A2018-18](#) s 5

Establishment of authority committees

s 22 am [A2017-28](#) amdts 3.6-3.8

Authority payment of funds to Territory

s 26 am [A2017-28](#) amdt 3.9

Appointment of authority CEO

s 28 am [A2020-22](#) s 6; ss renum R8 LA

Land acquisition report of agency

s 43 om [A2018-44](#) s 15

Delegation by agency

s 44A ins [A2018-18](#) s 6

Establishment of governing board for agency

s 45 am [A2018-18](#) s 7

Establishment of agency committees

s 50 am [A2017-28](#) amdt 3.10

Agency payment of funds to Territory

s 54 am [A2017-28](#) amdt 3.11

Appointment of agency CEO

s 56 am [A2020-22](#) s 7; ss renum R8 LA

Treasurer must make directions for land acquisition

s 63 hdg am [A2017-28](#) amdt 1.2

s 63 am [A2017-28](#) amdt 1.2

reloc to pt 4 [A2017-28](#) amdt 1.3

Affordable, community and public housing targets

s 65 sub [A2018-18](#) s 8

Transitional

pt 10 hdg exp 1 July 2018 (s 201)

Endnotes

4 Amendment history

Transitional regulation

s 200 exp 1 July 2018 (s 201)

Modification—Planning and Development Act 2007

s 200A ins as mod [SL2017-18](#) s 3
exp 1 July 2018 (s 200A (2))

Expiry—pt 10

s 201 exp 1 July 2018 (s 201)

Consequential amendments

pt 11 hdg om LA s 89 (3)

Legislation amended—sch 1

s 202 om LA s 89 (3)

Transitional—City Renewal Authority and Suburban Land Agency Amendment Act 2018

pt 12 hdg ins [A2018-51](#) s 4
exp 7 December 2018 (s 217)

Definitions—pt 12

s 210 ins [A2018-51](#) s 4
exp 7 December 2018 (s 217)
def **city renewal precinct** ins [A2018-51](#) s 4
exp 7 December 2018 (s 217)
def **connected to the city precinct** ins [A2018-51](#) s 4
exp 7 December 2018 (s 217)
def **land development agency** ins [A2018-51](#) s 4
exp 7 December 2018 (s 217)

Transfer of assets—authority

s 211 ins [A2018-51](#) s 4
exp 7 December 2018 (s 217)

Transfer of contractual rights and liabilities—authority

s 212 ins [A2018-51](#) s 4
exp 7 December 2018 (s 217)

Transfer of liabilities—authority

s 213 ins [A2018-51](#) s 4
exp 7 December 2018 (s 217)

Transfer of assets—agency

s 214 ins [A2018-51](#) s 4
exp 7 December 2018 (s 217)

Transfer of contractual rights and liabilities—agency

s 215 ins [A2018-51](#) s 4
exp 7 December 2018 (s 217)

Transfer of liabilities—agency

s 216 ins [A2018-51](#) s 4
exp 7 December 2018 (s 217)

Expiry—pt 12

s 217 ins [A2018-51](#) s 4
exp 7 December 2018 (s 217)

Consequential amendments

sch 1 om LA s 89 (3)

Excluded assets and contracts

sch 2 ins [A2018-51](#) s 5
exp 7 December 2018 (s 217)

Dictionary

dict am [A2018-18](#) s 9

Endnotes

5 Earlier republications

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 1 July 2017	1 July 2017– 10 Oct 2017	SL2017-18	new Act and modifications by SL2017-18
R2 11 Oct 2017	11 Oct 2017– 16 May 2018	A2017-28	amendments by A2017-28
R3 17 May 2018	17 May 2018– 1 July 2018	A2018-18	amendments by A2018-18
R4 2 July 2018	2 July 2018– 6 Dec 2018	A2018-18	expiry of modifications and transitional provisions (pt 10)
R5 7 Dec 2018	7 Dec 2018– 7 Dec 2018	A2018-51	amendments by A2018-51
R6 8 Dec 2018	8 Dec 2018– 31 Dec 2018	A2018-51	expiry of transitional provisions (pt 12, sch 2)
R7 1 Jan 2019	1 Jan 2019– 10 June 2020	A2018-51	amendments by A2018-44

6 Expired transitional or validating provisions

This Act may be affected by transitional or validating provisions that have expired. The expiry does not affect any continuing operation of the provisions (see [Legislation Act 2001](#), s 88 (1)).

Expired provisions are removed from the republished law when the expiry takes effect and are listed in the amendment history using the abbreviation ‘exp’ followed by the date of the expiry.

To find the expired provisions see the version of this Act before the expiry took effect. The ACT legislation register has point-in-time versions of this Act.

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