

2017

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**CITY RENEWAL AUTHORITY AND SUBURBAN LAND AGENCY
REGULATION 2017
SL2017-26**

EXPLANATORY STATEMENT

**Circulated by authority of
Andrew Barr MLA
Chief Minister**

EXPLANATORY STATEMENT

This explanatory statement relates to the City Renewal Authority and Suburban Land Agency Regulation 2017 (the Regulation). It has been prepared in order to assist the reader of the regulation and to help inform debate on it. It does not form part of the regulation and has not been endorsed by the Legislative Assembly.

This statement must be read in conjunction with the regulation. It is not, and is not meant to be, a comprehensive description of the regulation. What is said about a provision is not taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

Background

The *City Renewal Authority and Suburban Land Agency Act 2017* (the Act) among other things establishes the City Renewal Authority (the Authority). Section 66 of the Act provides that the ACT Executive may make regulations for this Act.

Section 21 of the Act provides that the Authority's governing board is to comprise of a chair, deputy chair and at least three, but not more than five, expert members. Section 21(2) of the Act provides a list of knowledge and experience in disciplines and areas of expertise that members of the Authority must have. Section 21(3) requires the Minister, as far as practicable, to ensure that each discipline and area of expertise mentioned in subsection (2) is represented among the appointed members of the Authority board. Members must not be public servants. Section 21(5) of the Act provides that a regulation may prescribe other criteria for the appointment of a person as an expert member of the Authority board.

This Regulation prescribes a criterion for the appointment of an expert member to the Authority Board.

Overview

One of the objects of the Act is to promote and facilitate the orderly and efficient delivery of residential, commercial and industrial development in the public interest, including urban renewal. A function of the Authority is, in relation to an urban renewal precinct, to support cooperation between the Authority, the community, and relevant entities.

The Chief Minister has declared the first urban renewal precinct – *City Renewal Authority and Suburban Land Agency (Urban Renewal Precinct) Declaration 2017*.

The instrument declares the area from where Flemington Road meets the Federal Highway, along the Northbourne Avenue corridor including Dickson and Haig Park, through the City and on to West Basin. The area also includes Parkes Way east of the Commonwealth Avenue Bridge.

The National Capital Authority (NCA), established under the Commonwealth's *Australian Capital Territory (Planning and Land Management Act) 1988*, has planning and design responsibility for the nationally significant parts of Canberra. This includes parts of the declared urban renewal precinct for which the City Renewal Authority has responsibility. Strong working links between the City Renewal Authority and NCA will be critical in delivering cohesive development outcomes.

The Regulation prescribes a criterion for the appointment of a person as an expert member of the City Renewal Authority Board. The criterion prescribed by the Regulation provides for the Commonwealth Minister responsible for the NCA to nominate one expert member from the NCA Board, to be dually appointed to the City Renewal Authority Board.

Appointing an NCA Board member, nominated by the Commonwealth Minister, will contribute to a strengthening of existing close ties between the ACT and the Commonwealth.

Any future appointees based on this criterion would also have to have knowledge or experience in at least one of the disciplines and areas of expertise listed in s21(2) of the Act.

Regulatory Impact Statement

It is considered that a regulatory impact statement (RIS) is not required for this regulation as it is not imposing appreciable costs on the community (see s 34(1) of the Legislation Act). Further, under s 36(1)(b) of the Legislation Act, a RIS is also unnecessary as the regulation does not operate to the disadvantage of anyone. The regulation does not adversely affect rights or impose obligations on anyone other than the Territory. The regulation simply prescribes a criterion for the appointment of a person as an expert member of the Authority board.

Human Rights

The Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) terms of reference requires consideration of human rights, among other matters. In this case, no human rights are impacted.

Outline of Provisions

Clause 1 Name of regulation

This clause names the regulation.

Clause 2 Commencement

This clause provides for the commencement of the regulation.

Clause 3 Criterion for authority board member appointments—Act, s 21 (5)

This clause prescribes the criterion for the appointment of one expert member of the City Renewal Authority Board, which is nomination of the person by the Minister responsible for the National Capital Authority.