

City Renewal Authority and Suburban Land Agency (City Renewal Authority Member) Appointment 2017 (No 5)

Disallowable instrument DI2017-267

made under the

City Renewal Authority and Suburban Land Agency Act 2017, s15 (Establishment of governing board for authority) (see also Financial Management Act 1996, s78)

EXPLANATORY STATEMENT

This explanatory statement relates to the *City Renewal Authority and Suburban Land Agency (City Renewal Authority Member) Appointment 2017 (No 5)* as made by the Chief Minister and presented to the Legislative Assembly. It has been prepared in order to assist the reader of the instrument and to help inform debate on it. It does not form part of the instrument and has not been endorsed by the Legislative Assembly.

Overview

Section 7 of the *City Renewal Authority and Suburban Land Agency Act 2017* (the Act) establishes the City Renewal Authority (the Authority). Section 15 of the Act establishes the governing board for the Authority. The Authority is prescribed as a territory authority under the *Financial Management (Territory Authorities) Guidelines 2017* and therefore Parts 8 and 9 of the *Financial Management Act 1996* (FMA) apply. Subsection 78(7)(b) of the FMA provides that an appointment of a member to a governing board of a territory authority is an appointment under the provision of the establishing Act that establishes the governing board. In this case, s15 of the Act is the relevant provision of the establishing Act.

Section 78 of the FMA provides for the appointment of authority boards generally. The Minister with responsibility for a territory authority may appoint members of the authority. The Minister must apply the criteria in s78 of the FMA and must, as far as practicable, ensure that each discipline and area of expertise mentioned in s21(2) of the Act is represented among the appointed members. A member must have knowledge of and experience in at least one of the disciplines and areas of expertise prescribed in s21(2) of the Act.

In addition, s21(5) of the Act provides that a regulation may prescribe other criteria for the appointment of a person as an expert member. Section 3 of the *City Renewal Authority and Suburban Land Agency Regulation 2017* prescribes a criterion for the appointment of one expert member is a nomination of the person by the Minister

responsible for the National Capital Authority (NCA). On 16 June 2017, Senator the Hon Fiona Nash, Minister for Local Government and Territories nominated Ms Christine Faulks as a member of the Authority Board.

This instrument appoints Ms Faulks as an expert member of the City Renewal Authority Board until 22 June 2019. Ms Faulks has wide-ranging experience in business, politics, policy, government, economic development, corporate affairs and governance and planning.

She is currently an independent director of the NCA, established to manage the design, development, maintenance and ongoing planning interests of the Commonwealth in Canberra, as the nation's capital. Ms Faulks is passionate about high-quality urban design that delivers people-oriented, sustainable and vibrant precincts and a smart, highly 'liveable' city.

Ms Faulks' key skills and experience include:

- Board Member - NCA
- Council Member - University of Canberra Council
- Board Member - Independent Communication Committee
- Former Transitional Chief Executive Officer – Canberra Business Chamber
- Former Chief Executive Officer – Canberra Business Council
- Former Chief of Staff and Adviser to Commonwealth ministers and the President of the Senate.

Ms Faulks is a graduate of the Australian Institute of Company Directors, has a graduate diploma in Business Administration and a B.A in politics and economics.

Considered against the terms of the Act, Ms Faulks satisfies the requirement for knowledge or experience across the following disciplines:

- Urban design
- Law, public administration and governance.

Division 19.3.3 of the *Legislation Act 2001* (Legislation Act) applies as Ms Faulks is not a public servant, is appointed for longer than six (6) months and will have functions beyond advising the Minister. In accordance with s228 of the Legislation Act, the Chief Minister consulted the Standing Committee on Planning and Urban Renewal by letter dated 5 October 2017 and requested the Standing Committee make a recommendation about the proposed appointment. The Standing Committee responded on 16 October 2017 advising that it had no recommendations to make in relation to the proposed appointment. The appointment is a disallowable instrument by operation of s229 of the Legislation Act.

The instrument is not likely to impose appreciable costs on the community, or part of the community and therefore a regulatory impact statement (RIS) is not required (Legislation Act, s34). Further, a RIS is unnecessary, in accordance with the Legislation Act (s36(1)(b)), as the disallowable instrument does not operate to the disadvantage of anyone by adversely affecting the person's rights, or imposing liabilities on the person.

The instrument is consistent with the Legislative Assembly's Scrutiny of Bills Committee Terms of Reference. In particular, the instrument:

1. Is made under a ministerial power found in the Act. See s15 of the Act and ss 78 of the FMA.
2. Is in accordance with the general objects of the Act under which it is made. The appointment of a Member to the Board of the Authority is integral to its operation and achieving the objects of the Act.
3. Does not unduly trespass on rights previously established by law.
4. Does not make rights, liberties and/or obligations unduly dependent upon non-reviewable decisions.

Outline of provisions

Section 1 – Name of instrument

This section names the instrument.

Section 2 – Commencement

This section provides for the instrument's commencement.

Section 3 – Appointment

By this section, the Chief Minister appoints Ms Christine Faulks as an expert member of the Authority Board until 22 June 2019, which is consistent with s78(7) of the FMA.