

# City Renewal Authority and Suburban Land Agency (Suburban Land Agency Member) Appointment 2019 (No 2)

## Disallowable instrument DI2019-189

made under the

**City Renewal Authority and Suburban Land Agency Act 2017, s45 (Establishment of governing board for agency) (see also Financial Management Act 1996, s78)**

## EXPLANATORY STATEMENT

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This explanatory statement relates to the *City Renewal Authority and Suburban Land Agency (Suburban Land Agency Member) Appointment 2019 (No 2)* as made by the Minister for Housing and Suburban Development 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 37 of the *City Renewal Authority and Suburban Land Agency Act 2017* (the Act) establishes the Suburban Land Agency (the Agency). Section 45 of the Act establishes the governing board for the Agency. For the purposes of the *Financial Management Act 1996* (FMA) the Agency is a territory authority, and therefore Parts 8 and 9 of that Act 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, s45 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 s48(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 s48(2) of the Act.

This instrument appoints Shelley Penn as a member of the Agency Board for a period expiring on 22 June 2022. Ms Penn is a Melbourne-based architect whose work includes strategic advice to government and the private sector on architecture and

urban design, and the delivery of successful projects. Positions Ms Penn has held include:

- Chair of the National Capital Authority
- National President of the Australian Institute of Architects
- Co-Chair of the 2011 “Barangaroo Review”
- Associate Victorian Government Architect
- Deputy Chair of the Heritage Council of Victoria
- Manager of the City Design Studio at the City of Melbourne.

Ms Penn brings to the Board skill and experience in the field of urban design and planning, and law, public administration and governance, as required by s48(2)(1) of the Act.

Division 19.3.3 of the *Legislation Act 2001* (Legislation Act) applies as Ms Penn 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 Standing Committee on Planning and Urban Renewal was consulted. The Standing Committee made no recommendations 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. Remuneration for the Agency Board is set by Determination 5 of 2019 and is met by the Agency budget.

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 s45 of the Act and s78 of the FMA.
2. Is in accordance with the general objects of the Act under which it is made. The appointment of members to the Board of the Agency 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 depended upon non-reviewable decisions. The instrument enables formal appointment of a member to the Agency Board.

## **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 Minister for Housing and Suburban Development appoints Shelley Penn as a member of the Agency Board for a period expiring on 22 June 2022, which is consistent with s78(7) of the FMA.