

Australian Capital Territory

City Renewal Authority and Suburban Land Agency (Authority Board Member) Appointment 2020 (No 1)

Disallowable instrument DI2020–126

made under the

City Renewal Authority and Suburban Land Agency Act 2017, s 15 (Establishment of governing board for authority)

EXPLANATORY STATEMENT

This explanatory statement relates to the *City Renewal Authority and Suburban Land Agency (Authority Board Member) Appointment 2020 (No 1)* 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.

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 *board*). For the purposes of the *Financial Management Act 1996* (the *FMA*) the authority is a territory authority, and therefore parts 8 and 9 of the FMA apply. Section 78 (7) (b) of the FMA provides that an appointment of a member to a board of a territory authority is an appointment made under the provision of the establishing Act that establishes the governing board. In this case, section 15 of the Act is the relevant provision.

Section 78 of the FMA provides for the appointment of governing boards generally. The Minister with responsibility for a territory authority may appoint members of the authority. The Minister must apply the criteria in section 78 of the FMA and must, as far as practicable, ensure that each discipline and area of expertise mentioned in section 21 (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 area of expertise prescribed in section 21 (2) of the Act.

This instrument appoints Professor Ken Maher AO as a member of the board for the period 23 June 2020 to 22 June 2023.

Professor Maher is president of the Australian Sustainable Built Environment Council. He is also an Honorary Professor of Practice at the University of New South

Wales Built Environment and a Fellow of HASSELL, Australia's largest multi-disciplinary design practice.

Professor Maher is the immediate past president of Australian Institute of Architects and a founding board member of the Green Building Council. Professor Maher also advises governments and speaks on design, sustainability and the future of cities throughout Australia and internationally.

His recognition as a designer is reflected in the numerous awards received for projects he has led. In 2009, Professor Maher was awarded the Australian Institute of Architect's Gold Medal and in 2010 he received the Australian Award in Landscape Architecture from the Australian Institute of Landscape Architects.

In 2018, Professor Maher received an Order of Australia for his 'distinguished service to architecture and landscape design, particularly through urban infrastructure projects, and to environmental sustainability in planning'.

Section 21 (4) of the Act provides that a member of the board must not be a public servant. Professor Maher is not a public servant.

Division 19.3.3 of the *Legislation Act 2001* applies as Professor Maher is not a public servant, is appointed for longer than 6 months and will have functions beyond advising the Minister. In accordance with section 228 of the Legislation Act, the Standing Committee on Planning and Urban Renewal has been consulted and noted the appointment. The appointment is a disallowable instrument by operation of section 229 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 (a **RIS**) is not required (Legislation Act, section 34), Further, a RIS is unnecessary, in accordance with the Legislation Act (section 36 (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 board is set by determination 13 of 2019 of the ACT Remuneration Tribunal and is met by the authority 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 section 15 of the Act and section 78 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 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 on non-reviewable decisions. The instrument enables formal appointment of a member of the board.