

City Renewal Authority and Suburban Land Agency (Agency Board Deputy Chair) Appointment 2022

Disallowable instrument DI2022-75

made under the

City Renewal Authority and Suburban Land Agency Act 2017, s 45 (Establishment of governing board for agency)

EXPLANATORY STATEMENT

This explanatory statement relates to the *City Renewal Authority and Suburban Land Agency (Agency Board Deputy Chair) Appointment 2022* 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 (the *board*). For the purposes of the *Financial Management Act 1996* (the *FMA*) the agency 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 45 of the Act is the relevant provision of the establishing Act.

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 48 (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 48 (2) of the Act.

This instrument appoints Shelley Penn AM as the deputy chair of the board from the day after the instrument's notification day to 22 June 2025.

Ms Penn is a Melbourne-based architect, urbanist and non-executive director. Established in 1993, her practice has been recognised through architecture awards, publication and exhibition in Australia and overseas. In 2000, her focus broadened to encompass strategic advice to government and the private sector on the achievement of high-quality outcomes in public architecture and urban design.

Ms Penn is the Monash University Architect; Director of the Australian Centre for Contemporary Art; and Director of Infranexus Management Pty Ltd. She is a member of the Advisory Board of the Office of Projects Victoria and the Board of Open House Melbourne - Centre for Architecture Victoria. Ms Penn is an Adjunct Professor in Architecture Practice at Monash University, Associate Professor in Architecture at the University of Melbourne, and a member of State Design Review Panels in Victoria, New South Wales, Western Australia and the ACT.

Ms Penn's past roles include Chair, National Capital Authority; National President, Australian Institute of Architects; Associate Victorian Government Architect and Co-chair Barangaroo Review 2011. In 2014 Ms Penn was named an AFR/Westpac '100 Women of Influence' in the Public Policy Category. She was made a Member of the Order of Australia in 2021.

Ms Penn brings to the board skill and experience in the fields of urban design and planning, and law, public administration and governance, as required by section 48 (2) of the Act.

Section 48 (4) of the Act provides that a member of the board must not be a public servant. Ms Penn is not a public servant.

Division 19.3.3 of the *Legislation Act 2001* applies as Ms Penn 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, Transport and City Services 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 under section 34 of the Legislation Act. Further, a RIS is unnecessary, in accordance with section 36 (1) (b) of the Legislation Act, 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 the ACT Remuneration Tribunal under Determination 13 of 2021 (Part-time Public Office Holders) and is met by the agency budget.

The instrument revokes Ms Penn's appointment as an expert member of the board, the *City Renewal Authority and Suburban Land Agency (Suburban Land Agency Member) Appointment 2019 (No 2)* (DI2019-189).

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 45 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 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 board.