

Australian Capital Territory

Tree Protection (Advisory Panel) Acting Appointment 2022 (No 1)

Notifiable instrument NI2022-391

made under the

Tree Protection Act 2005, section 69 (Members of advisory panel) and *Legislation Act 2001*, Part 19.3 (Appointments)

EXPLANATORY STATEMENT

This instrument appoints Mr Neil Cooper as an acting member of the Tree Advisory Panel (the Panel) to ensure quorum requirements are met and the panel can operate in accordance with the *Tree Protection Act 2005* (the Act). The acting appointment is for a three-month period commencing the day after the instrument is notified.

This instrument is made pursuant to section 69 of the Act and Part 19.3 of the *Legislation Act 2001*.

Section 68 of the Act establishes the Tree Advisory Panel. Section 69 (1) of the Act provides that the advisory panel consists of three or more members appointed by the Minister. Section 69 (2) requires, members to be appointed to the advisory panel for a term of at least one year and not longer than two years.

Section 209 of the *Legislation Act 2001* provides the Minister with a power to make an acting appointment, which is exercisable in the same way, and subject to the same conditions, as the power to make the appointment.

Section 209(1)(a) of the *Legislation Act 2001* allows an acting appointment to be made during a vacancy in the position. Once the vacancy has been filled, the acting appointment can be ended under section 208 of the *Legislation Act 2001*.

Section 69 (3) of the Act provides that the Minister must not appoint a person to the Tree Advisory Panel unless the person has extensive experience in one or more of the following fields:

- (a) arboriculture;
- (b) forestry;
- (c) horticulture;
- (d) landscape architecture;
- (e) natural and cultural heritage.

Section 69(3) of the Act and section 209(3) of the *Legislation Act 2001* provide that a person may only be appointed to act in the position if the person holds the qualification or the Minister is satisfied about the person's suitability. The Minister has determined that Mr Neil Cooper is suitable for the position in accordance with these requirements.