

# City Renewal Authority and Suburban Land Agency (Agency Board Member) Appointment 2023 (No 3)

## Disallowable instrument DI2023-132

made under the

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

## EXPLANATORY STATEMENT

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This explanatory statement relates to the *City Renewal Authority and Suburban Land Agency (Agency Board Member) Appointment 2023 (No 3)* 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 Mr David Fisher as an expert member of the board until 22 June 2026.

Mr Fisher has over 25 years' experience in the Australian and United Kingdom community housing sectors. This includes working in a senior executive position for one of the largest care providers in the UK. Mr Fisher has led and established several successful housing organisations through acquisition and organic growth, diversification into new markets, and refinancing and restructuring to create greater financial capacity.

Currently as the Chair of Homelessness NSW and a former President of the NSW Council of Social Services, Mr Fisher has an MBA and brings considerable skills and knowledge of the community and social housing sectors.

Section 48 (4) of the Act provides that an expert member of the board must not be a public servant. Mr Fisher is not a public servant.

Division 19.3.3 of the *Legislation Act 2001* (the ***Legislation Act***) applies as Mr Fisher is not an ACT 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 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 2022 - Part-time Public Office Holders* 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 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 agency board.