

Australian Capital Territory

# City Renewal Authority and Suburban Land Agency (Authority Board Chair) Appointment 2023 (No 1)

Disallowable instrument DI2023-134

made under the

**City Renewal Authority and Suburban Land Agency Act 2017, s15 (Establishment of governing board for authority)**

## EXPLANATORY STATEMENT

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This explanatory statement relates to the *City Renewal Authority and Suburban Land Agency (Authority Board Chair) Appointment 2023 (No 1)* as made by the Chief Minister. 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 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. For the purposes of the *Financial Management Act 1996* (the *FMA*) the authority is a territory authority, and therefore parts 8 and 9 of that Act apply. Section 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, section 15 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 governing board 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 areas of expertise prescribed in section 21 (2) of the Act.

### Appointment

This instrument reappoints Ms Christine Covington as Chair of the board for the period 23 June 2023 to 30 June 2025. Ms Covington's current appointment as Board Chair expires on 22 June 2023.

Ms Covington has over 37 years' experience in planning, environment and property law and has been a non-executive director for over 15 years. At the national law firm, Corrs Chambers Westgarth (Corrs) Ms Covington has acted for a wide variety of clients including some of the country's largest institutional property owners and developers, retailers, mine owners and operators, manufacturers, electricity generators and transmitters, State and local government. As well as advisory work, she undertakes transactional work, environmental and planning litigation, due diligence, ESG advice and climate change-related matters. She has extensive experience in issues associated with urban renewal and infrastructure provision. Ms Covington served as a NSW State Government appointee to the Central Sydney Planning Committee (CSPC) from 2007- 2009, the City of Sydney's consent authority for major developments over \$50 m. Ms Covington was an elected member of Corrs' Board for 10 years and, after a break of several years, was re-elected to that Board in October 2022. For several years, Ms Covington chaired Corrs' Audit & Risk Committee and she is currently a member of that Committee. For seven years, Ms Covington was a Board member of City West Housing Pty Limited, a State-owned affordable housing provider (including two years as Chair). She has also served as a member of the Boards of the NSW Environment Protection Authority and the Barangaroo Delivery Authority. Ms Covington is currently a member of the Executive Committee (Board) of the Committee for Sydney; Deputy Chair and Audit and Risk Committee member of the NSW Biodiversity Conservation Trust; and Director and Audit and Risk Committee Chair of the Macquarie Point Development Corporation in Tasmania.

Considered against the terms of the Act, Ms Covington has knowledge or experience across the following disciplines:

- urban renewal;
- environmentally sustainable development;
- social inclusion and community building;
- law, public administration and governance;
- financing major development projects;
- affordable housing, community housing and public housing.

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

### **Consultation**

Division 19.3.3 of the *Legislation Act 2001* (the Legislation Act) applies as Ms Covington 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.

### **Regulatory impact statement**

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**

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 authority's budget.

### **Scrutiny Committee Terms of Reference**

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 a member to the board is integral to the authority's operations 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 upon non-reviewable decisions. The instrument enables formal appointment of a member of the board.