

# Architects Board (Representative Body Member) Appointment 2023

Notifiable instrument NI2023–498

made under the

Architects Act 2004, section 70 (Board membership)

## EXPLANATORY STATEMENT

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### Overview

Section 64 of the *Architects Act 2004* (the *Act*) establishes the Australian Capital Territory Architects Board (the *architects board*). The functions of the architects board are set out in section 65 of the Act.

Under section 66 of the Act the architects board must exercise its functions independently, impartially and in the public interest subject to a written Ministerial direction (as per sections 68 and 69 of the Act).

The Act provides the Minister with the authority to appoint members to the architects board. In accordance with section 70 (1) (a) one board member must be nominated by a representative body. A representative body is an entity that has a main purpose the promotion of the interests of architects.

Under section 71, the appointments are for a period not longer than three (3) years.

### Appointment

This notifiable instrument appoints Dr Melinda Dodson as the representative body member from the date of commencement of the instrument to 17 August 2026. Dr Dodson was nominated in writing by the Australian Institute of Architects, ACT Chapter Council. She was nominated in her personal capacity.

Dr Dodson in addition to being a registered architect, which is a requirement for this position, is an ACT public servant. The role is not required to be held by a public servant.

Appointments of public servants to statutory positions such as appointment to a Board established under an Act are generally made by way of a notifiable instrument. In accordance with division 19.3.3 of the *Legislation Act 2001* (the *Legislation Act*), a disallowable instrument is not required when the appointment is of a public servant to a

statutory position whether or not the appointment requires the appointee to be a public servant.

This appointment is made by a notifiable instrument as defined in section 10 of the Legislation Act. An explanatory statement is not required to accompany a notifiable instrument, but one is provided in this instance for consistency with the other architects board appointments.

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.

This instrument is unlikely to impose appreciable costs on the community (section 34 (1) of the Legislation Act) and does not operate to the disadvantage of anyone by adversely affecting the person's rights or imposing liabilities on the person (section 36 (1) (b) of the Legislation Act).

Remuneration for the architects board is set by the ACT Remuneration Tribunal under Determination 13 of 2022 (Part-time Public Office Holders). As cited in the Determination, sitting fees are not usually paid to an ACT public servant serving in a personal capacity except under exceptional circumstances. There are no exceptional circumstances associated with this appointment. Dr Dodson has made arrangements with her employer to attend Board meetings outside of work hours.

The Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) terms of reference require consideration of human rights impacts, among other matters. In this case, no human rights are impacted.