

Australian Capital Territory

Architects Board (Commercial Lawyer Member) Appointment 2023

Disallowable instrument DI2023-213

made under the

Architects Act 2004, section 70 (Board membership)

EXPLANATORY STATEMENT

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 specific circumstances when the Minister may give a written direction to the architects board about the exercise of its functions if satisfied that it is in the public interest to do so (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) (d) one board member is to be a commercial lawyer with experience in either or both consumer protection law and/or trade practices law.

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

Appointment

This instrument appoints Ms Amy Ward as the commercial lawyer member on the architects board from the date of commencement of the instrument to 17 August 2026.

An expression of interest process was undertaken for this board member. Ms Ward is a lawyer with experience in both consumer protection law and trade practices law which is a requirement for the appointment.

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

A Regulatory Impact Statement (RIS) is not required for this disallowable instrument as it is unlikely to impose appreciable costs on the community (section 34 (1) of the Legislation Act). Further, in accordance with section 36 (1) (b) of the Legislation Act, a RIS is not necessary as the matter does not operate to the disadvantage of anyone by adversely affecting the person's rights or imposing liabilities on the person.

Remuneration for the architects board is set by the ACT Remuneration Tribunal under Determination 13 of 2022 (Part-time Public Office Holders) and is met out of the Access Canberra budget.

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.