

Australian Capital Territory

City Renewal Authority and Suburban Land Agency (Authority Board Member) Appointment 2024 (No 1)

Disallowable instrument DI2024-18

made under the

City Renewal Authority and Suburban Land Agency Act 2017, s 15 (Establishment of governing board for authority)

EXPLANATORY STATEMENT

This explanatory statement relates to the *City Renewal Authority and Suburban Land Agency (Authority Board Member) Appointment 2024 (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.

In addition, section 21 (5) of the Act provides that a regulation may prescribe other criteria for the appointment of a person as an expert member. Section 3 of the *City Renewal Authority and Suburban Land Agency Regulation 2017* prescribes a criterion for the appointment of one expert member is a nomination of the person by the

Minister responsible for the National Capital Authority (NCA). On 8 December 2023, the Hon Kristy McBain MP, Minister for Regional Development, Local Government and Territories nominated Mr James Willson as a member for the authority board.

Appointment

This instrument appoints Mr Willson as an expert member of the authority board for the period 8 February 2024 to 7 February 2027. Mr Willson has 22 years of experience running businesses, is the Managing Director and agency founder of CRE8IVE, and is a long-term Canberra entrepreneur who is committed to the Canberra region.

Mr Willson is a current member of the NCA Board, as well as the boards of CIT Solutions, the Canberra Grammar School and RSPCA ACT. Ms Willson's previous board positions include Regional Development Australia ACT, the Australian Foundation for Mental Health Research, Canberra Business Chamber and the Canberra Hospital Foundation.

Considered against the terms of the Act, Mr Willson's knowledge and experience in marketing, digital video, advertising, and audio, will enable him to contribute to the board across the following disciplines:

- urban renewal;
- urban design;
- financing major development; and
- affordable/community/public housing.

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

Consultation

Division 19.3.3 of the *Legislation Act 2001* (the *Legislation Act*) applies as Mr Willson 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 18 of 2023 (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.