

City Renewal Authority and Suburban Land Agency (Authority Board Chair) Appointment 2024

Disallowable instrument DI2024-95

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 Chair) Appointment 2024* 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 appoints Ms Marcia Doheny as authority board chair for the period 1 July 2024 to 30 June 2027. Ms Doheny's was previously appointed as the deputy chair from 1 January 2023.

This instrument revokes the *City Renewal Authority and Suburban Land Agency (Authority Board Chair) Appointment 2023 (No 1)* (DI2023-134).

Ms Doheny is an experienced lawyer, senior executive, Non-Executive Director, chair and member of planning panels and audit and risk committees. She has strengths in law, governance, many aspects of environment, planning and development, organisational development, state and local government and audit, risk and compliance. Her executive roles have included Chief Executive of the NSW Office of Local Government, Director of Legal & Governance with the City of Sydney Council, and Director of Legal & Governance with the NSW Department of Finance & Services. She has worked as a lawyer in NSW, the UK, South Australia, and, most recently, as a special counsel in the environment and planning team at Allens.

Ms Doheny is an experienced board member and audit and risk chair, with experience in understanding governance obligations, risk and probity requirements, particularly in a government context.

Since being appointed to the board, first as deputy chair, and now as chair, Ms Doheny has actively participated in board discussions, provided advice and support to the incumbent chair, demonstrated leadership within the board group and is the current Chair of the Board's Significant Development Projects Committee and a member of the Audit and Risk Committee.

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

- law, public administration and governance;
- environmentally sustainable development;
- urban design;
- urban renewal; and
- 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 Doheny is not a public servant.

Consultation

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