

Heritage (Council Member) Appointment 2026 (No 3)

Disallowable instrument DI2026–40

made under the

Heritage Act 2004, s 17 (Members of council)

EXPLANATORY STATEMENT

Introduction

This explanatory statement relates to the *Heritage (Council Member) Appointment 2026 (No 3)* as made by the Minister for Heritage and presented to the Legislative Assembly. It does not form part of the instrument and has not been endorsed by the Legislative Assembly.

Overview

Section 16 of the *Heritage Act 2004* (the *Act*) establishes the ACT Heritage Council (the *council*). Members of the council are appointed by the Minister under section 17 of the Act. Subsection 17 (1) (c) of the Act specifies that four (4) members must be appointed as public representatives.

Subsection 17 (3) of the Act specifies that there must be at least two (2) public representatives that adequately represent the Aboriginal community; one (1) representative that adequately represents the community; and one (1) representative that adequately represents the property ownership, management, and development sectors.

Section 17 (6) of the Act provides that a person may be appointed as a member of the council for no longer than three (3) years.

Appointment

This instrument appoints Mr Nicholas Kalogeropoulos as a member of the council from 2 May 2026 until 30 April 2029. He is appointed as a public representative for the property ownership, management and development sector.

Mr Kalogeropoulos brings an “inside” understanding of statutory decision-making and an “outside” perspective as a heritage led developer with notable projects including New Acton. Mr Kalogeropoulos has extensive experience on boards and committees serving various sectors of the ACT community.

As a developer, Mr Kalogeropoulos leads complex, design led and heritage sensitive projects in Canberra, interstate and abroad. His work sits at the intersection of property development, urban design and architecture, with a strong focus on adaptive reuse.

Mr Kalogeropoulos is not a public servant.

Consultation with relevant Assembly committee

Division 19.3.3 of the *Legislation Act 2001* (the **Legislation Act**) applies as Mr Kalogeropoulos 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 Environment and Planning 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 council is set by the ACT Remuneration Tribunal under *Determination 13 of 2025, Part-time Public Office Holders (Amended)*, and is met by the City and Environment Directorate's budget.

Scrutiny Committee terms of reference

The instrument is consistent with the Standing Committee on Legal Affairs (Legislative Scrutiny Role) terms of reference. In particular, the instrument:

1. Is made under a ministerial power found in the Act (see section 17 of the Act).
2. Is in accordance with the general objects of the Act under which it is made.
The appointment of a member to the council is integral to the operation of the council 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 on non-reviewable decisions. The instrument enables formal appointment of a member of the council.