

Australian Capital Territory

City Renewal Authority and Suburban Land Agency (Agency Board Member) Appointment 2026 (No 1)

Disallowable instrument DI2026-82

made under the

City Renewal Authority and Suburban Land Agency Act 2017, s 45 (Establishment of governing board for agency)

EXPLANATORY STATEMENT

This explanatory statement relates to the *City Renewal Authority and Suburban Land Agency (Agency Board Member) Appointment 2026 (No 1)* as made by the Minister for Homes, Homelessness and New Suburbs and presented to the Legislative Assembly. 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 37 of the *City Renewal Authority and Suburban Land Agency Act 2017* (the *Act*) establishes the Suburban Land Agency (the *agency*). Section 45 of the Act establishes the governing board for the agency (the *board*). For the purposes of the *Financial Management Act 1996* (the *FMA*) the agency is a territory authority, and therefore parts 8 and 9 of the FMA apply. Section 78 (7) (b) of the FMA provides that an appointment of a member to a board of a territory authority is an appointment made under the provision of the establishing Act that establishes the governing board. In this case, section 45 of the Act is the relevant provision of the establishing Act.

Section 78 of the FMA provides for the appointment of governing boards generally. The Minister with responsibility for a territory authority may appoint members 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 48 (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 area of expertise prescribed in section 48 (2) of the Act.

This instrument appoints Ms Nemesia Kennett as an expert member of the board for a period of 3 years.

Ms Kennett is a senior property and urban development executive with more than 20 years experience delivering complex residential and mixed-use development programs across public, private and not-for-profit sectors.

She is currently a Senior Director at Development Victoria, a statutory development authority, overseeing major housing and infrastructure precincts delivered through government and private sector partnerships, with responsibilities spanning development structuring, capital investment decisions, governance oversight and stakeholder engagement.

Ms Kennett also serves as a Non-Executive Director of Baptcare Affordable Housing, contributing to board governance, financial oversight and strategic direction within the community housing sector, bringing direct experience in affordable and social housing delivery.

Her career demonstrates strong alignment with section 48 of the Act, including expertise in land and urban development, public administration and statutory decision-making, financial and risk management, affordable housing and community outcomes, and effective contribution at board level in a public interest context.

Section 48 (4) of the Act provides that a member of the board must not be a public servant. Ms Kennett is not a public servant.

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

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 under section 34 of the Legislation Act. Further, a RIS is unnecessary, in accordance with section 36 (1) (b) of the Legislation Act, 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 for the board is set by the ACT Remuneration Tribunal under Determination 13 of 2025 (Part-time Public Office Holders) and is met by the agency budget.

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 45 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 members to the board is integral to its operation 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 depended upon non-reviewable decisions. The instrument enables formal appointment of a member to the board.