

# City Renewal Authority and Suburban Land Agency (City Renewal Authority Member) Appointment 2017 (No 4)

## Disallowable instrument DI2017–130

made under the

**City Renewal Authority and Suburban Land Agency Act 2017, s15 (Establishment of governing board for authority) (see also Financial Management Act 1996, s78)**

## EXPLANATORY STATEMENT

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This explanatory statement relates to the *City Renewal Authority and Suburban Land Agency (City Renewal Authority Member) Appointment 2017 (No 4)* as made by the Chief Minister 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 7 of the *City Renewal Authority and Suburban Land Agency Act 2017* (the Act) establishes the City Renewal Authority (CRA). Section 15 of the Act establishes governing board for the CRA. For the purposes of the *Financial Management Act 1996* (FMA) the CRA is a territory authority, and therefore Parts 8 and 9 of that Act apply. Subsection 78(7)(b) 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, s15 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 authority. The Minister must apply the criteria in s78 of the FMA and must, as far as practicable, ensure that each discipline and area of expertise mentioned in s21(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 s21(2) of the Act.

This instrument appoints Ken Maher as a member of the CRA for a period of three (3) years. Mr Maher is a leading Australian architect based in Sydney. Former Chairman of HASSELL and founding HASSELL Fellow, and an Honorary Professor in the Faculty of Built Environment at University of New South Wales (UNSW) Australia, Mr Maher is acknowledged and well known as a leader within the architecture

profession and the built environment industry. Mr Maher has a strong interest in the role of design in strengthening and improving lives and the critical relationship between city design, public space, architecture, and the achievement of a sustainable future. His key skills and experience include:

- Chair of the City of Sydney’s Design Advisory Panel
- Chair of the Transport for NSW Urban Domain Reference Group
- President of the Australian Sustainable Built Environment Council
- National President of the Australian Institute of Architects
- Undertaken a review of the City-to-the-Lake project
- Director of the Architecture Foundation.

Considered against the terms of the Act, Mr Maher has knowledge or experience across the following disciplines:

- Urban Renewal
- Architecture
- Urban design
- Environmentally sustainable development
- Law, public administration and governance
- Financing major development projects.

Division 19.3.3 of the *Legislation Act 2001* (Legislation Act) applies as Mr Maher is not a public servant, is appointed for longer than six (6) months and will have functions beyond advising the Minister. In accordance with s228 of the Legislation Act, the Chief Minister consulted the Standing Committee on Planning and Urban Renewal by letter dated 30 May 2017 and requested the Standing Committee make a recommendation about the proposed appointment. On 6 June 2017, the Chief Minister received a request from the Standing Committee for additional information. The Chief Minister provided the additional information on 7 June 2017. The Standing Committee responded on 19 June 2017 advising that it had no recommendations to make in relation to the proposed appointment. The appointment is a disallowable instrument by operation of s229 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 (RIS) is not required (Legislation Act, s34). Remuneration for the CRA Board is set by Determination 9 of 2017 of the ACT Remuneration Tribunal and is met by the CRA budget. Further, a RIS is unnecessary, in accordance with the Legislation Act (s36(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.

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 s15 of the Act and ss 78 and 79 of the FMA.
2. Is in accordance with the general objects of the Act under which it is made. The appointment of a Deputy Chair to the Board of the CRA 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 dependent upon non-reviewable decisions. The instrument enables formal appointment of a member of the CRA Board.

## **Outline of provisions**

### **Section 1 – Name of instrument**

This section names the instrument.

### **Section 2 – Commencement**

This section provides for the instrument's commencement.

### **Section 3 – Appointment**

By this section, the Chief Minister appoints Ken Maher as a member of the CRA for a period of three (3) years, which is consistent with s78(7) of the FMA.

### **Section 4 – Application of subsection 81(6) of the *Legislation Act 2001***

This section declares that subsection 81(6) of the Legislation Act applies meaning that the appointment may take effect prior to the commencement of the Act.