

Australian Capital Territory

Heritage (Council Member) Appointment 2018 (No 1)

Disallowable instrument DI2018–11

made under the

Heritage Act 2004, section 17 (Members of council)

EXPLANATORY STATEMENT

Overview

Section 16 of the *Heritage Act 2004* (the Act) establishes the ACT Heritage Council (the council). Members of the council, including the Chairperson and Deputy Chairperson, are appointed by the Minister under section 17 of the Act. Members of the council are appointed as public representatives or as experts in a particular field.

Appointment

This instrument appoints Mr David Flannery (expert in the discipline of architecture, as per section 17(4)(d) of the Act) as a member of the ACT Heritage Council for a period of three years.

The appointee is not an ACT Public Servant and this instrument makes an appointment to which the *Legislation Act 2001*, Division 19.3.3 applies. Accordingly, under s 229 of the *Legislation Act*, the appointment instrument is a disallowable instrument.

This appointment has been made by the Minister for the Environment and Heritage. The Standing Committee on Environment and Transport and City Services has been consulted in accordance with section 228 of the *Legislation Act 2001* (Consultation with appropriate Assembly committee) and offered no recommendation in relation to the appointment.

Section 17 of the Act requires the Council to be made up of public representatives representing certain groups or experts representing one of the listed disciplines. This appointment, combined with the appointments of other Council members, ensures that the membership requirements for the Council are met. The other Council appointments can be found on the ACT Legislation Register at <http://www.legislation.act.gov.au/a/2004-57/appointment.asp>.

A Regulatory Impact Statement (RIS) is not required for this disallowable instrument as it is unlikely to impose appreciable costs on the community (section 34(1) of the Legislation Act). Further, in accordance with section 36(1)(b) of the Legislation Act, a RIS is not necessary as the matter does not operate to the disadvantage of anyone by adversely affecting the person's rights or imposing liabilities on the person.

Outline of provisions

Section 1 – Name of Instrument

This section names the instrument.

Section 2 – Commencement

This section states that the instrument commences on 2 March 2018.

Section 3 – Appointment

This section appoints Mr David Flannery to be a member of the ACT Heritage Council.

Section 4 – Term

This section states that the appointment is for the period 2 March 2018 to 1 March 2021. This is a period of three years.