

Australian Capital Territory

# Heritage (Council Member) Appointment 2018 (No 2)

**Disallowable instrument DI2018–12**

made under the

**Heritage Act 2004, section 17 (Members of council)**

## **EXPLANATORY STATEMENT**

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### **Overview**

Section 16 of the *Heritage Act 2004* (the Act) establishes the ACT Heritage 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 Dr Kenneth Heffernan (expert in the discipline of archaeology, as per section 17(4)(c) of the Act) as a member of the ACT Heritage Council for a period of three years. Dr Heffernan is being reappointed to the council and is being appointed through a separate instrument as the Deputy Chairperson. The reappointment is for the purposes of aligning the appointment terms of the Chairperson and Deputy Chairperson.

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 Dr Kenneth Heffernan 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.

### **Section 5 – Revocation**

This section revokes a previous instrument (DI2107-50) appointing Dr Kenneth Heffernan as a member of the Council so that there is not an overlap between the operation of the two appointment instruments.