

# Architects Board (Commercial Lawyer Member) Appointment 2022

Disallowable instrument DI2022–212

made under the

Architects Act 2004, section 70 (Board membership)

## EXPLANATORY STATEMENT

---

### Overview

Section 64 of the *Architects Act 2004* (the *Act*) establishes the Australian Capital Territory Architects Board (the *architects board*). The functions of the architects board are set out in section 65 of the Act.

Under section 66 of the Act the architects board must exercise its functions independently, impartially and in the public interest subject to specific circumstances when the Ministers may give a written direction to the architects board about the exercise of its functions if satisfied that it is in the public interest to do so (as per sections 68 and 69 of the Act).

The Act provides the Minister with the authority to appoint members to the architects board. In accordance with section 70 (1) (d) one board member must be a commercial lawyer with experience in either (or both) consumer protection law or trade practices law.

Under section 71, the appointments are for a period not longer than three (3) years.

### Appointment

This instrument reappoints the current commercial lawyer member of the architects board, Mr Maurice Falcetta, for a further period of approximately one year from the date of commencement of the instrument to 24 August 2023.

Mr Falcetta is a qualified and practicing lawyer with experience in both trade practice law and consumer protection law, which is the knowledge and experience required under section 70 (1) (d) of the Act for appointment as the commercial lawyer member. Mr Falcetta has previously served on the Board in this capacity from 2014 to 24 August 2022.

Division 19.3.3 of the *Legislation Act 2001* (the ***Legislation Act***) applies as Mr Falcetta 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 Planning, Transport and City Services has been consulted and noted the appointment. The appointment is a disallowable instrument by operation of section 229 of the *Legislation Act*.

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.

Remuneration for the architects board is set by the ACT Remuneration Tribunal under Determination 13 of 2021 (Part-time Public Office Holders) and is met out of the Access Canberra budget.

The Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) terms of reference require consideration of human rights impacts, among other matters. In this case, no human rights are impacted.