

Heritage (Council Member) Appointment 2025 (No 1)

Disallowable instrument DI2025-193

made under the

Heritage Act 2004, section 17 (Members of council)

EXPLANATORY STATEMENT

This explanatory statement relates to the *Heritage (Council Member) Appointment 2025 (No 1)* as made by the Minister for Heritage and presented to the Legislative Assembly. It does not form part of the instrument and has not been endorsed by the Legislative Assembly.

Overview

Section 16 of the *Heritage Act 2004* (the Act) establishes the ACT Heritage Council (the council). Members of the council are appointed by the Minister under section 17 of the Act. Sections 17 (1) and (4) of the Act specifies that:

- Four (4) members may be appointed as public representatives. There must be at least 2 public representatives that adequately represent the Aboriginal community; and 1 one representative that adequately represents the community; and 1 representative that adequately represents the property ownership, management, and development sectors.
- Six (6) members may be appointed as experts, each of whom has knowledge and experience in at least one of the disciplines of architecture, archaeology, history (other than Aboriginal history), landscape architecture, Aboriginal history, Aboriginal culture, engineering, town planning, urban design, nature conservation, and object conservation.

The chair and deputy chair are also to be appointed by the Minister from the appointed members (Section 17 (2)).

Appointment

This instrument appoints Mr Bradley Mapiva Brown as a member of the council until 30 June 2028. He is appointed as a public representative of an Aboriginal community.

Since 2021 Mr Mapiva Brown has been Managing Director of Bagariin Ngunnawal Cultural Consulting, which creates and develops high level cultural recommendations to enable Aboriginal culture to be incorporated in large scale infrastructure.

Between 2020 and 2022 he was the ACT Government’s Traditional Custodian Coordinator & Ngunnawal Project Officer, where he supported the operations and functions of the Dhawura Ngunnawal Caring for Country Committee. He also engaged and liaised with Ngunnawal community members, including Elders, to identify key values and community aspirations to assist with “on country” opportunities.

Mr Mapiva Brown has governance experience with his membership in the Ngunnawal Language Corporation, ACT Place Names Committee, NSW Heritage Committee, United Ngunnawal Youth Council and the Dhawura Ngunnawal Caring for Country Committee.

Mr Mapiva Brown is not a public servant.

Consultation with relevant Assembly committee

Division 19.3.3 of the *Legislation Act 2001* (the **Legislation Act**) applies as Mr Mapiva Brown 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 Environment, Climate Change and Biodiversity has been consulted and noted the appointment. The appointment is a disallowable instrument by operation of section 229 of the Legislation Act.

Regulatory impact statement

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 (Legislation Act, section 34). Further, a RIS is unnecessary, in accordance with the Legislation Act, section 36 (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.

Remuneration

Remuneration for the council is set by the ACT Remuneration Tribunal under *Determination 15 of 2024 (Part-time Public Office Holders)* and is met by Environment, Planning and Sustainable Development Directorate’s budget.

Scrutiny Committee terms of reference

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 section 17 of the Act).
2. Is in accordance with the general objects of the Act under which it is made.
The appointment of a member to the council is integral to the operation of the council 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 on non-reviewable decisions. The instrument enables formal appointment of a member of the council.