

Cemeteries and Crematoria (Governing Board Member) Appointment 2026 (No 1)

Disallowable instrument DI2026–181

made under the

Cemeteries and Crematoria Act 2020, s 117 (Establishment of governing board) (see Financial Management Act 1996, s 78)

EXPLANATORY STATEMENT

This explanatory statement relates to the *Cemeteries and Crematoria (Governing Board Member) Appointment 2026 (No 1)* as made by the Minister for City and Government Services and presented to the Legislative Assembly (the *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 Assembly.

Overview

The Cemeteries and Crematoria Authority (the *authority*) is established under part 8 of the *Cemeteries and Crematoria Act 2020* (the *Act*). Section 117 of the Act establishes the Cemeteries and Crematoria Governing Board (the *board*). For the purposes of the *Financial Management Act 1996* (the *FMA*), parts 8 and 9 of the FMA apply. Section 78 (7) (b) of the FMA provides that an appointment of a member to a board of a territory authority is an appointment made under the provision of the establishing Act that establishes the governing board. In this case, section 117 of the Act is the relevant provision of the establishing Act.

Section 78 of the FMA provides for the appointment of governing boards generally. The Minister with responsibility for a territory authority may appoint members of the authority. The Minister must apply the criteria in section 78 of the FMA and must, as far as practicable, ensure that each discipline and area of expertise mentioned in section 118 (2) of the Act is represented among the appointed members. The board must consist of at least 6 and not more than 12 members; be sufficiently diverse to carry out its functions; and include at least two members who, in the Minister's opinion, represent the general community and religious denominations. appointed by the Minister.

This instrument appoints Dr Kate Chetty as member of the board for a period of three years.

Dr Chetty is a senior legal and governance professional with extensive public sector experience, currently serving as Deputy Defence General Counsel in the Department of Defence. She brings significant board and regulatory experience through roles on the ACT Cemeteries and Crematoria Authority Governing Board and the ACT Veterinary Practitioners Board, contributing to governance, risk oversight and legislative compliance. Her career also includes policy and governance roles with the Department of Finance and DFAT, as well as academic teaching, underpinning strong expertise in legal analysis, legislative reform and public sector governance.

Division 19.3.3 of the *Legislation Act 2001* (the **Legislation Act**) applies as Dr Chetty 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 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.

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 under section 34 of the Legislation Act. Further, a RIS is unnecessary, in accordance with section 36 (1) (b) of the Legislation Act, 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 for the board is set by the ACT Remuneration Tribunal and is met by the authority budget.

The instrument is consistent with the Standing Committee on Legal Affairs (Legislative Scrutiny Role) Terms of Reference. In particular, the instrument:

1. Is made under a ministerial power found in the Act (see section 117 of the Act and section 78 of the FMA).
2. Is in accordance with the general objects of the Act under which it is made. The appointment of members to the board 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 depended upon non-reviewable decisions. The instrument enables formal appointment of a member to the board.