

FOR OFFICIAL USE ONLY



Australian Government

Department of Infrastructure and Regional Development

FOR: The Hon Jamie Briggs MP cc: The Hon Warren Truss MP Mr Mike Mrdak Mr Andrew Wilson	eWorks Number: 00689-2014	For Decision by: 31 January 2013
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SUBJECT: National Capital Authority non-executive appointments

Recommendation: That you:

- a) **agree** to recommend s22(1)(a)(ii) and Mr Terry Weber as part-time non-executive members of the National Capital Authority (NCA) board to the Prime Minister; and
- b) **sign** the letter to the Prime Minister at **ATTACHMENT A** seeking his, s47C s47C, approval of s22(1)(a)(ii) and Mr Weber's appointments noting that NCA board appointments are made by the Governor-General.

Key Issues:

1. Currently two part-time non-executive vacancies exist on the NCA board. Appointments to the NCA board are made by the Governor-General on your recommendation, and following approval by the Prime Minister, under the terms of the *Australian Capital Territory (Planning and Land Management) Act 1988* (PALM Act) which establishes the NCA (further information on the functions and membership of the NCA is at **ATTACHMENT B**);

s22(1)(a)(ii)

s47C

5. A letter from you to the Prime Minister seeking his agreement to these appointments along required documentation, including private interest declarations, is at **ATTACHMENT A**. s22(1)(a)(ii)

s22(1)(a)(ii)

6. Documents supporting these appointments through the Executive Council are being finalised and will be provided for your signature as soon as possible.

Division: Local Government and Territories Written by: s22(1)(a)(ii) Contact No:	(a) AGREED / NOT AGREED (b) SIGNED / NOT SIGNED
Approved by: s22(1)(a)(ii) Signature: / / Contact No.: s22(1)(a)(ii)	JAMIE BRIGGS / /

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s22(1)(a)(ii)

**Attachments:**

A: Letter to the Prime Minister

B: Functions and membership of the NCA

ATTACHMENT B

Background and Functions of the NCA

The NCA is established under the *Australian Capital Territory (Planning and Land Management) Act 1988* (PALM Act) to plan, develop, enhance and foster an awareness of Canberra as the national capital.

Specifically the functions of the NCA are:

- a) to prepare and administer a National Capital Plan;
- b) to keep the Plan under constant review and to propose amendments to it when necessary;
- c) on behalf of the Commonwealth, to commission works to be carried out in Designated Areas in accordance with the Plan where neither a Department of State of the Commonwealth nor any Commonwealth authority has the responsibility to commission those works;
- d) to recommend to the Minister the carrying out of works that it considers desirable to maintain or enhance the character of the National Capital;
- e) to foster an awareness of Canberra as the National Capital;
- f) with the approval of the Minister, to perform planning services for any person or body, whether within Australia or overseas; and
- g) with the Minister's approval, on behalf of the Commonwealth, to manage National Land designated in writing by the Minister as land required for the special purposes of Canberra as the National Capital.

Composition of the NCA Board

Subsection 33(1) of the PALM Act provides that the NCA Board shall consist of a Chairperson and four other members. Subsection 33(2) of the PALM Act provides that the Chairperson may be appointed on a full-time or part-time basis. Subsection 33(4) of the PALM Act states that if the Chairperson is appointed on a part-time basis, there shall be a separate full-time Chief Executive and three other part-time non-executive members, this is the current arrangement. As per subsection 33(7) of the PALM Act members are appointed by the Governor-General.

s22(1)(a)(ii)



s22(1)(a)(ii)

There are currently two part-time non-executive member vacancies. The PALM Act is silent on the qualifications or skills of NCA members, however the Department considers the following characteristics and skills desirable to the role of a NCA member:

- experience in planning;
- experience in land management;
- experience in architecture;
- experience in asset/infrastructure development and maintenance;
- a relationship with Canberra as the National Capital;
- strong knowledge of how Government operates;
- high standards of professional and personal integrity;
- excellent communication skills; and
- the ability to listen, engage and respond to a range of perspectives.

Appointment requirements

The PALM Act provides the legislative basis for the appointments process for NCA members.

Subsection 33(7) of the PALM Act provides that members shall be appointed to the NCA, and hold office on terms and conditions determined, by the Governor-General.

Subsection 36(1) of the PALM Act provides that a member holds office for the period, not exceeding five years, as specified in the instrument.

s47C

A part-time non-executive member position of the NCA is not an agency head position and there are no full-time offices with the same title. Therefore the appointment of a part-time board member is not subject to the requirements of the Australian Public Service Commission's Merit and Transparency Guidelines.

The remuneration for this position is determined by the Remuneration Tribunal in Determination 2013/11: Remuneration and Allowances for Holders of Part-Time Public Office.

APPOINTMENTS - IN - CONFIDENCE**PRIVATE INTERESTS DECLARATION**

POSITION & ORGANISATION	Board, National Capital Authority
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Please answer the following questions by circling the reply that applies to your personal circumstances. If you answer "yes" to any question, please provide details in an attachment to this form. Please note that answering "yes" to any question does not necessarily preclude you from being appointed. Your response will be treated as confidential and will only be used for purposes connected with this proposed appointment.

1. Do you have any disclosable criminal convictions, i.e. convictions as an adult that form part of your criminal history other than those protected by the Spent Convictions Scheme (see Part VIIC of the <i>Crimes Act 1914</i>)?	Yes ☐ No ☒
2. Are you, or have you been, the respondent or defendant in any civil or criminal court action (including as a company director or other office holder)?	Yes ☐ No ☒
3. (a) Have you ever been declared bankrupt, entered into a debt agreement under Part IX of the <i>Bankruptcy Act 1996</i> (the Bankruptcy Act) or entered into a personal insolvency agreement under Part X of the Bankruptcy Act?	Yes ☐ No ☒
(b) If you are in a partnership, have any of your partners ever been declared bankrupt, entered into a debt agreement under Part IX of the Bankruptcy Act or entered into a personal insolvency agreement under Part X of the Bankruptcy Act?	Yes ☐ No ☒ or N/A
4. Has any business or commercial enterprise for which you, or if applicable your partner(s), have had responsibility ever gone into receivership or a similar scheme or arrangement?	Yes ☐ No ☒
5. During the last 10 years have you, or if applicable your partner(s), been the subject of a court order in connection with monies owing to another party?	Yes ☐ No ☒
6. Have you ever been summonsed or charged concerning non-payment of tax or outstanding tax debts, investigated for tax evasion or defaults, or negotiated with the Australian Taxation Office over outstanding tax debts?	Yes ☐ No ☒
7. Have you ever been the subject of a complaint to a professional body which has been substantiated, or is currently under investigation?	Yes ☐ No ☒
8. Have you ever been dismissed from employment because of a discipline or misconduct issue?	Yes ☐ No ☒
9. Do you or your immediate family have any financial interest in any company or business, or are you or your immediate family employed or engaged by any company or business, which might have dealings with, or an interest in the decisions of, the office to which you may be appointed?	Yes ☐ No ☒
10. Are you a lobbyist registered on the Australian Government's Lobbyists Register or the register of a state or territory?	Yes ☐ No ☒
11. Is there any other information which could be relevant to your suitability for the proposed appointment?	Yes ☐ No ☒

ASSURANCE

I advise that to the best of my knowledge my private, business and financial interests, including taxation affairs, would not conflict with my public duties or otherwise cause embarrassment to myself or to the Government during my term of appointment.

I also undertake to advise the responsible minister should a situation arise in the future which might cause a conflict of interest with my responsibilities and the proposed appointment.

..... Terry Weber
 Name Signature Date 25/11/2013

APPOINTMENTS - IN - CONFIDENCE



The Hon Jamie Briggs MP

Assistant Minister for Infrastructure
and Regional Development
Member for Mayo

Reference: 00689-2014

The Hon Tony Abbott MP
Prime Minister
Parliament House
CANBERRA ACT 2601

Dear Prime Minister

I am writing to seek your approval to submit to the Governor-General two appointments to the National Capital Authority (NCA) board.

s22(1)(a)(ii)



Mr Terry Weber

Mr Weber is currently a senior partner in Pricewaterhouse Coopers specialising in property, infrastructure and facilities management, financial management and property management service delivery models for Federal Government. Mr Weber will bring invaluable property and land management experience to the Authority board alongside his experience in working with government.

s47C



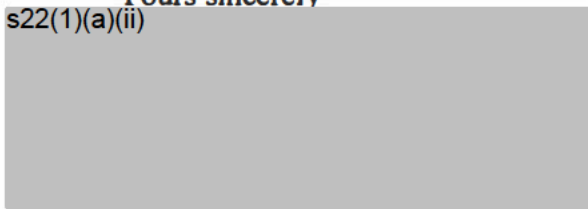
s47C

The relevant legislation, the *Australian Capital Territory (Planning and Land Management) Act 1988*, does not specify any criteria or qualifications for these appointments and they are not subject to the Australian Public Service Commission's Merit and Transparency Guidelines.

Thank you for your consideration of this matter.

Yours sincerely

s22(1)(a)(ii)



Jamie Briggs

03 FEB 2014

[2]

OFFICIAL

NATIONAL CAPITAL AUTHORITY BOARD as at 1/04/2014

<u>NAME</u>	<u>GENDER</u>	<u>POSITION</u>	<u>FT/PT</u>	<u>STATE OF RESIDENCE</u>	<u>DATE APPOINTED</u> <i>(previous terms in italics)</i>	<u>TERM EXPIRES</u> <i>(previous terms in italics)</i>
s22(1)(a)(ii)						
5. <i>Proposed Appointment:</i> Mr Terry WEBER	M	Member	PT	ACT	from date of appointment	5 years

OFFICIAL

From: s22(1)(a)(ii)@infrastructure.gov.au>
Sent: 05 August 2026 11:56
To: s22(1)(a)(ii)
Subject: Fw: RE: Exco doc [SEC=OFFICIAL]
Attachments: ExCo documents Terry Weber.docx

OFFICIAL

From: Exco
Sent: Monday, May 26, 2014 15:05
To: s22(1)(a)(ii)
Subject: Fw: RE: Exco doc [SEC=UNCLASSIFIED]

Hi s22(1)(a)(ii)

I have made a tiny amendment to the appointment instrument. The documents do correctly reference the new Governor-General.

s22(1)(a)(ii)

Executive Council Secretariat
Department of the Prime Minister and Cabinet
s22(1)(a)(ii)

From: s22(1)(a)(ii)@infrastructure.gov.au]
Sent: Thursday, 8 May 2014 2:23 PM
To: Exco
Subject: Re: Exco doc [SEC=UNCLASSIFIED]

Hi

Executive Council had previously approved Exco Documents for the appointment of Terry Weber to the National Capital Board.

As the Governor General has changed, I have updated

- 1. Minute for appointment
- 2. Instrument of appointment
- 3. Explanatory memorandum for appointment

I would be pleased if you could look in advance, and approve the attachments which are revised in terms of s47C

Regards

s22(1)(a)(ii)

ACT/NT Territories
Local Government and Territories Division

Department of Infrastructure and Regional Development**Email:** s22(1)(a)(ii) [@infrastructure.gov.au](mailto:s22(1)(a)(ii)@infrastructure.gov.au)**Phone:** s22(1)(a)(ii)

Please note I do not work Fridays.

Disclaimer

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Australian Government

Department of Infrastructure and Regional Development

FOR: The Hon Jamie Briggs MP cc: The Hon Warren Truss MP Mr Mike Mrdak, Secretary Mr John Doherty, A/g Deputy Secretary	eWorks Number: 00971-2014	For Decision by: 2 June 2014 <i>In order to provide signed Executive Council meeting documents to the Federal Executive Council Secretariat on the 5 June 2014 in preparation for 12 June 2014 meeting.</i>
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SUBJECT: National Capital Authority - non-executive members Executive Council documents

Recommendation: That you:

- a) **Sign** the Federal Executive Council documents in accordance with the instructions below, in relation to the appointment of Mr Terry Weber as a part-time non-executive member of the National Capital Authority (NCA) (**Attachments A, B and C**).

Key Issues:

1. On 3 February 2014 you sought the Prime Minister's approval to recommend Mr Terry Weber as part-time members of the NCA to the Governor-General. s22(1)(a)(ii)
s34(3)
2. The NCA is established under the *Australian Capital Territory (Planning and Land Management) Act 1988* (the PALM Act). Subsection 33(7) of the PALM Act requires NCA members to be appointed by the Governor-General. The appointment of Mr Weber before 17 June 2014 is required to ensure the NCA maintains a quorum.
3. s47C
4. Finalised Executive Council documents required for this appointment and instructions from the Executive Council Secretariat for signing the documents are as follows:
 - a. Minute for appointment – sign and do not date (**Attachment A**);
 - b. Instrument of appointment – sign and do not date (**Attachment B**); and
 - c. Explanatory memorandum for appointment - initial each page, do not date (**Attachment C**).

Division: Local Government and Territories Written by: Andrew Johnson Contact No. : s22(1)(a)(ii)	(S) SIGNED / NOT SIGNED s22(1)(a)(ii)
Approved by: s22(1)(a)(ii) Signature: 29/05/14. Contact No. : s22(1)(a)(ii)	JAMIE BRIGGS 29/05/14

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Background:*Background and Functions of the NCA*

The NCA is established under the *Australian Capital Territory (Planning and Land Management) Act 1988* (PALM Act) to plan, develop, enhance and foster an awareness of Canberra as the national capital.

Specifically the functions of the NCA are:

- a) to prepare and administer a National Capital Plan;
- b) to keep the Plan under constant review and to propose amendments to it when necessary;
- c) on behalf of the Commonwealth, to commission works to be carried out in Designated Areas in accordance with the Plan where neither a Department of State of the Commonwealth nor any Commonwealth authority has the responsibility to commission those works;
- d) to recommend to the Minister the carrying out of works that it considers desirable to maintain or enhance the character of the National Capital;
- e) to foster an awareness of Canberra as the National Capital;
- f) with the approval of the Minister, to perform planning services for any person or body, whether within Australia or overseas; and
- g) with the Minister's approval, on behalf of the Commonwealth, to manage National Land designated in writing by the Minister as land required for the special purposes of Canberra as the National Capital.

Composition of the NCA Board

Subsection 33(1) of the PALM Act provides that the NCA Board shall consist of a Chairperson and four other members. Subsection 33(2) of the PALM Act provides that the Chairperson may be appointed on a full-time or part-time basis. Subsection 33(4) of the PALM Act states that if the Chairperson is appointed on a part-time basis, there shall be a separate full-time Chief Executive and three other part-time non-executive members, this is the current arrangement. Subsection 36(1) of the PALM Act provides that a member holds office for the period, not exceeding five years, as specified in the instrument. As per subsection 33(7) of the PALM Act members are appointed by the Governor-General.

The Australian Public Service Commission provided advice to the Department confirming that the Merit and Transparency policy states 'Part-time statutory offices are also excluded, other than APS agency heads and APS statutory offices where there are both full-time and part-time offices with the same title.'

A part-time non-executive member position of the NCA is not an agency head position and there are no full-time offices with the same title. Therefore the appointment of a part-time board member is not subject to the requirements of the Australian Public Service Commission's Merit and Transparency Guidelines. Section 35 of the Act provides that remuneration for members of the Authority is determined by the Remuneration Tribunal and as such *Determination 2014/03: Remuneration and Allowances for Holders of Part-Time Public Office* will apply to this appointment.

s22(1)(a)(ii)

Consultation: Executive Council Secretariat has approved the documents

Attachments:

Executive Council documents for signature

Attachment A - Minute for appointment

Attachment B - Instrument of appointment

Attachment C - Explanatory memorandum for appointment

EXPLANATORY MEMORANDUM

Minute No. 14 of 2014 - Assistant Minister for Infrastructure and Regional Development

Subject - *Australian Capital Territory (Planning and Land Management) Act 1988*
Appointment of a part-time member of the National Capital Authority

The National Capital Authority (the Authority) was established under the *Australian Capital Territory (Planning and Land Management) Act 1988* (the Act) to plan, develop, enhance and foster an awareness of Canberra as the national capital.

Subsection 33(7) of the Act provides that members shall be appointed to the Authority by the Governor-General.

Section 33 of the Act provides that members of the Authority shall consist of a part-time Chairperson, a Chief Executive and three other part-time non-executive members.

Section 35 of the Act provides that remuneration for members of the Authority is determined by the Remuneration Tribunal and as such *Determination 2014/03: Remuneration and Allowances for Holders of Part-Time Public Office* will apply to this appointment.

Section 36 of the Act provides that a member holds office for the period, not exceeding five years, as specified in the instrument of appointment. Section 36 also provides that members can be reappointed. The Act requires no specific qualifications for the position of member.

The Minute proposes the appointment of Mr Terry Weber as a member of the Authority commencing on the date of the instrument for a period of five years.

Mr Weber is currently a senior partner in Pricewaterhouse Coopers specialising in property, infrastructure and facilities management, financial management and property management service delivery models for the Federal Government. Mr Weber will bring invaluable property and land management experience to the Authority board alongside his experience in working with government.

Mr Weber's curriculum vitae is attached.

The Minute recommends that the appointment be made in the form proposed.

Authority: Subsection 33(7) of the
Australian Capital Territory (Planning and Land Management) Act 1988

JEB

CURRICULUM VITAE

Name: Terry **s47F** Weber

Address: **s47F**

Date of birth: **s47F**

Current position: Partner, Pricewaterhouse Coopers

Educational and professional qualifications: Fellow of Institute of Chartered Accountants in Australia (1980)
Bachelor of Economics, Australian National University (1976)

Relevant experience:

2008-current:	Senior Consulting Partner and Federal Government Lead Partner, Pricewaterhouse Coopers
2000-2008:	Chief Executive Officer, UGL (United) Services
1995-2000:	Director, Pricewaterhouse Coopers, National Property Outsourcing Services Division
1990-1995:	Partner, Pricewaterhouse Coopers, Financial Management

Current Board Memberships:

2013:	Director, Australia 21
2013:	Board Member, Canberra Raiders
2010:	Board Member, RSF Foundations

Former Board Memberships:

2011-2012:	Board Member, ACT Brumbies
2000-2004:	Patron, Capital Arts Patron Organisation

JEB



ASSISTANT MINISTER FOR INFRASTRUCTURE AND REGIONAL DEVELOPMENT

Departmental No. 14 of 2014

Minute Paper for the Executive Council

Executive Council
Meeting No. 10

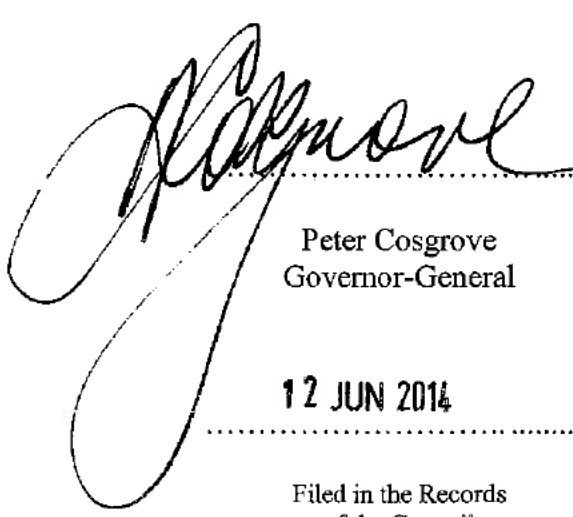
Subject

*Australian Capital Territory (Planning and Land Management)
Act 1988*

Appointment of a part-time member of the
National Capital Authority

Approved in Council

Recommended for the approval of His Excellency the Governor-General in Council that, by instrument in the attached form and under subsection 33(7) of the *Australian Capital Territory (Planning and Land Management) Act 1988*, he appoint Terry Weber as a part-time member of the National Capital Authority commencing on the date of the instrument for a period of five years.


Peter Cosgrove
Governor-General

12 JUN 2014

Filed in the Records
of the Council

s22(1)(a)(ii)

Secretary to the Executive Council

s22(1)(a)(ii)

s22(1)(a)(ii)

Jamie Briggs
Assistant Minister for
Infrastructure and Regional
Development

COMMONWEALTH OF AUSTRALIA

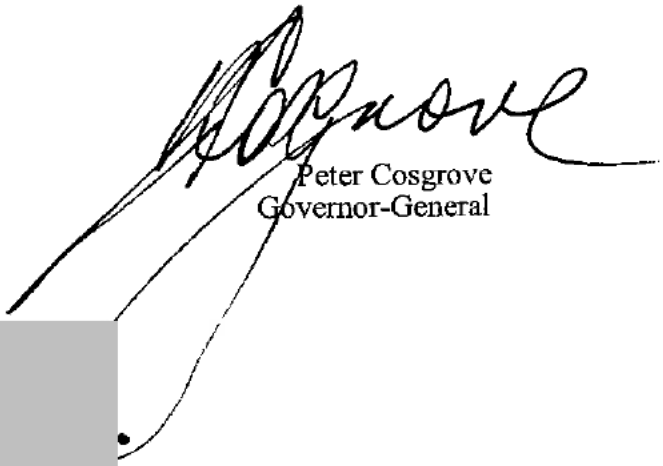
*Australian Capital Territory (Planning and Land Management) Act 1988*Appointment of a part-time member of the
National Capital Authority

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council and under subsection 33(7) of the *Australian Capital Territory (Planning and Land Management) Act 1988*, appoint Terry Weber as a part-time member of the National Capital Authority commencing on the date of this instrument for a period of five years.

Dated

12th June

2014


Peter Cosgrove
Governor-General

By His Excellency's Command

s22(1)(a)(ii)

Development



FOR: The Hon Jamie Briggs MP cc: The Hon Warren Truss MP Secretary, Mike Mrdak Deputy Secretary, Andrew Wilson	Number: MS14-000464	For Decision by: ASAP. Mr Weber was appointed on 12 June 2014
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**SUBJECT: National Capital Authority non-executive appointment –
Congratulatory letter and letter of thanks**

Recommendation: That you:

- (a) **Sign** the congratulatory letter to Mr Terry Weber formally informing him of his successful appointment as a part-time non-executive member of the National Capital Authority (NCA) board for a five year term (**Attachment A**); and

s22(1)(a)(ii)

Key Issues:

- On 12 June 2014 the Governor-General appointed Mr Weber as a part-time member of the NCA for a five year term (Background to the appointment is provided in eWorks Number 00971-2014).
- A letter of congratulations to Mr Weber has been provided for your signature at **Attachment A**. The Department will forward a copy of the Instrument of Appointment to Mr Weber for his records.

s22(1)(a)(ii)

- The Department prepared a draft media release announcing Mr Weber's appointment which was sent by the Communications team to your office on 16 June 2014.

Attachments:

Attachment A - Letter to Mr Weber

s22(1)(a)(ii)

Division: Local Government and Territories Written by: s22(1)(a)(ii) Contact No. s22(1)(a)(ii)	(a) SIGNED s22(1)(a)(ii) (b) SIGNED
Approved by: s22(1)(a)(ii) Signature: Contact No.: s22(1)(a)(ii)	17 / 6 / 14 JAMIE BRIGGS



The Hon Jamie Briggs MP

Assistant Minister for Infrastructure
and Regional Development
Member for Mayo

Reference: MS 14-000464

Mr Terry Weber

s47F

Dear Mr Weber *Terry*

I am writing to confirm your appointment as a part-time member of the National Capital Authority (NCA) for a period of five years commencing on the 12 June 2014.

As you are aware the NCA is responsible for administering the National Capital Plan, maintaining and enhancing the character of the National Capital, fostering an awareness of the National Capital and managing a range of assets, valued at over \$750 million, on behalf of the Commonwealth.

Key priorities for the NCA in the coming years include implementing and managing the introduction of pay parking on National Land, completing the review of the National Capital Plan, maintaining a safe, attractive and accessible Central National Area, continuing to implement the five year programme of activities to inform Australians about the significance of the National Capital and ongoing heritage management. I am certain your experience will have you well placed to assist the NCA on these matters.

The position of part-time member of the NCA is a part-time office holder under the terms of the *Remuneration Tribunal Act 1953*. I have asked the Department of Infrastructure and Regional Development to forward a copy of the Instrument of Appointment for your records.

The action officer for this matter in the Department of Infrastructure and Regional Development is Mr Andrew Johnson who can be contacted on (02) 6274 7200 s22(1)(a)(ii). Should you have any queries regarding the administration of your role, you may contact s22(1)(a)(ii), Executive Officer at the NCA, on s22(1)(a)(ii). I have copied this letter to Ms Shelley Penn, Chair of the NCA.

I look forward to working with you to progress the Australian Government's interests in the National Capital.

Yours sincerely

Kind regards

s22(1)(a)(ii)

18 JUN 2014