

Heritage (Heritage Council) Delegation 2015 (No 2)

Notifiable Instrument NI2015—561

made under the

***Heritage Act 2004*, s 121 (Delegation)**

1. Name of Instrument

This instrument is the *Heritage (Heritage Council) Delegation 2015 (No. 2)*.

2. Commencement

This instrument commences on the day after it is made.

3. Delegation of functions under the *Heritage Act 2004*

The Heritage Council delegates the functions of the Council under the provisions of the *Heritage Act 2004* (the Act) identified in column 2 of Schedule A to the person who from time to time occupies the position of Director-General of the Directorate with administrative responsibility for the Act.

4. Delegation of functions under the *Planning and Development Act 2007*

The Heritage Council delegates the functions of the Council under the provisions of the *Planning and Development Act 2007* identified in column 2 of Schedule B to the person who from time to time occupies the position of Director-General of the Directorate with administrative responsibility for the Act.

5. Revocation

The *Heritage (Heritage Council) Delegation 2015 (No 1)* NI2015-457 is revoked.

David Flannery
Chairperson, ACT Heritage Council
24 September 2015

Heritage (Heritage Council) Delegation 2015 (No 2)

SCHEDULE A

Column 1 No.	Column 2 Section of <i>Heritage Act 2004</i>	Column 3 Function of Heritage Council (information only)
1.	19A	Council must consult scientific committee on matters affecting natural heritage significance
2.	20	Establishment of heritage register
3.	21	Public access to heritage register
4.	24(1)	Heritage register corrections and changes – correct a mistake or omission
5.	24(2)(b)	Heritage register corrections and changes – accept application and exercise the council's functions under this section
6.	24(4)	Heritage register corrections and changes – assess the merit of application received <i>*To remove any doubt, this delegation does not include the exercise of functions under linked section 24(2)(a).</i>
7.	24(5)	Heritage register corrections and changes – give person who made the register amendment application written notice of dismissal or acceptance
8.	25	Guidelines about conserving heritage significance
9.	26	Public consultation about heritage guidelines
10.	26A(3)(b)	Period for making heritage guidelines
11.	26B	Report to Minister about public consultation on heritage guidelines
12.	26E	Notification about heritage guidelines
13.	29	Decision about nomination application

14.	30(3)	Request for urgent provisional registration – accept application
15.	30(4)(b)	Request for urgent provisional registration – decision on provisional registration
16.	30(5)	Request for urgent provisional registration – notification of dismissal
17.	31	Council must consult representative Aboriginal organisation
18.	31A	Consultation with scientific committee about provisional registration
19.	33	Provisional registration of place or object
20.	34	Notice of decision about provisional registration
21.	35(2)	Period of provisional registration
22.	38	Registration - Report to the Minister about public consultation
23.	40(3)	Decision about registration – making of notifiable instrument and publication in a daily newspaper.
24.	40(4)	Decision about registration – council must take reasonable steps to give a copy of the notice to each interested person within 15 days after the day the decision is made
25.	43(3) (b)	Cancellation proposal <i>* To remove any doubt, this delegation does not include the exercise of functions under linked section 49.</i>
26.	44	Notice of cancellation proposal
27.	45	Consultation with representative Aboriginal organisation about cancellation proposal
28.	45A	Consultation with scientific committee about cancellation proposal
29.	53(a)	Assessing heritage significance of reported Aboriginal places and objects – arrange

		consultation under section 31 with each representative Aboriginal organisation in relation to the place or object
30.	54	Declaration of restricted information
31.	56	Approval to publish restricted information
32.	57(2)	Limited access to restricted information
33.	60	Advice about effect of development of heritage significance
34.	61	Requirements for council's advice about development
35.	61B	Advice about effect of tree damaging activity or tree management plan
36.	61F	Permit to excavate
37.	61H	Approval of statement of heritage effect
38.	61I	Council may direct application for approval of statement of heritage effect
39.	61K	Approval of conservation management plan
40.	64	Extension of heritage direction
41.	68(1)(a)	Application for heritage order
42.	95	Information discovery order
43.	104(2)	Enforcement order
44.	105	Financial and other assistance
45.	109	Assessment of heritage reports by Council
46.	110	Conservation management plan – public authorities
47.	118A	Council may ask for information from commissioner for revenue in certain cases

SCHEDULE B

Column 1	Column 2	Column 3
No.	Section of <i>Planning and Development Act 2007</i>	Function of Heritage Council (information only)
1.	61(b)(iv)	Making recommendations and submissions to the planning and land authority about draft variations to the Territory Plan.
2.	149	Entity advice on a development application to the planning and land authority.