Australian Capital Territory

# Public Sector Management (Heritage) Delegation 2019

## Notifiable instrument NI2019–40

made under the

Public Sector Management Act 1994, s 20 (Delegation by director-general)

### 1 Name of instrument

This instrument is the *Public Sector Management (Heritage) Delegation 2019.*

### 2 Commencement

This instrument commences on the day that it is signed.

### 3 Subdelegation of *Heritage Act 2004* functions

I subdelegate to the person who from time to time occupies a public service position identified in column 3 of table 1 of schedule 1, the corresponding functions set out in column 2 of schedule 1.

*Note 1* The *Legislation Act 2001* defines “occupy”, in relation to a position, as including to hold the position, act in the position or exercise functions of the position.

*Note 2* Under section 121 of the *Heritage Act 2004,* the Heritage Council has delegated to the Director-General with administrative responsibility for the Heritage Act the functions set out in column 2 of table 1 of schedule 1, refer to *Heritage (Heritage Council) Delegation 2017*.

### 4 Delegation of *Heritage Act 2004* function

I delegate to the person who from time to time occupies the public service position identified in column 3 of table 2 of schedule 2, the corresponding function set out in column 2 of schedule 2.

**5 Subdelegation of *Planning and Development Act 2007* functions**

I subdelegate to the person who from time to time occupies a public service position identified in column 3 of table 3 of schedule 3, the corresponding functions set out in column 2 of schedule 3.

*Note 1* The *Legislation Act 2001* defines “occupy”, in relation to a position, as including to hold the position, act in the position or exercise functions of the position.

*Note 2* Under section 121 of the *Heritage Act 2004,* the Heritage Council has delegated to the Director-General with administrative responsibility for the Heritage Act the functions set out in column 2 of table 3 of schedule 3, refer to *Heritage (Heritage Council) Delegation 2017*.

### 6 Revocation

The *Public Sector Management (Heritage) Delegation 2018* (NI2018-314) is revoked.

Ben Ponton

Director-General

Environment, Planning and Sustainable Development Directorate

21 January 2019

**Schedule 1**

(see s 3)

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| **Column 1****Section of the *Heritage Act 2004*** | **Column 2****Functionsunder the *Heritage Act 2004* delegated to the Director-General** | **Column 3****Positions and Position Descriptions** |
| 60 | Advice about effect of development of heritage significance | Chairperson, ACT Heritage CouncilDeputy Chairperson, ACT Heritage CouncilSecretary,ACT Heritage Council;Director, ACT Heritage(P03858)Assistant Director, ACT Heritage(P26444)Executive Group Manager, Environment(E00757)Manager (Registrations), ACT Heritage(P43072)Manager (Approvals and Advice), ACT Heritage(P16005) |
| 61 | Requirements for council’s advice about development |
| 61B | Advice about effect of tree damaging activity or tree management plan |
| 61F | Permit to excavate |
| 61H | Approval of statement of heritage effect |
| 61I | Council may direct application for approval of statement of heritage effect |
| 61K | Approval of conservation management plan |
| 68 (1) (a) | Application for heritage order |
| 110 | Conservation management plan |
| 118A | Council may ask for information from commissioner for revenue in certain cases |
| 118B | Council may ask for information about leases from commissioner for revenue |

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| **Column 1****Section of the *Heritage Act 2004*** | **Column 2****Functionsunder the *Heritage Act 2004* delegated to the Director-General** | **Column 3****Positions and Position Descriptions** |
| 19A  | Council must consult scientific committee on matters affecting natural heritage significance | Chairperson, ACT Heritage CouncilDeputy Chairperson, ACT Heritage CouncilSecretary,ACT Heritage Council;Director, ACT Heritage(P03858)Assistant Director, ACT Heritage(P26444)Executive Group Manager, Environment(E00757)Manager (Registrations), ACT Heritage(P43072)Manager (Approvals and Advice), ACT Heritage(P16005) |
| 20  | Establishment of heritage register |
| 21  | Public access to heritage register |
| 24 (1)  | Heritage register corrections and changes – correct a mistake or omission |
| 24 (2) (b)  | Heritage register corrections and changes – change registration detail |
| 24 (4)  | Heritage register corrections and changes – assess the merit of application received |
| 24 (5)  | Heritage register corrections and changes – give person who made the register amendment application written notice of dismissal or acceptance |
| 25 | Guidelines about conserving heritage significance |
| 26  | Public consultation about heritage guidelines |
| 26A (3) (b)  | Period for making heritage guidelines – extension of initial period |
| 26A (6) | Period for making heritage guidelines – additional public notice |
| 26B | Report to Minister about public consultation on heritage guidelines |
| 26E | Notification about heritage guidelines |
| 29 | Decision about nomination application |
| 30 (3) | Request for urgent provisional registration – accept application |
| 30 (4) (b) | Request for urgent provisional registration – notify interested party |

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| **Column 1****Section of the *Heritage Act 2004*** | **Column 2****Functionsunder the *Heritage Act 2004* delegated to the Director-General** | **Column 3****Positions and Position Descriptions** |
| 30 (5) | Request for urgent provisional registration – notification of dismissal | Chairperson, ACT Heritage CouncilDeputy Chairperson, ACT Heritage CouncilSecretary,ACT Heritage Council;Director, ACT Heritage(P03858)Assistant Director, ACT Heritage(P26444)Executive Group Manager, Environment (E00757)Manager (Registrations), ACT Heritage(P43072)Manager (Approvals and Advice), ACT Heritage(P16005) |
| 31 | Council must consult representative Aboriginal organisation |
| 31A | Consultation with scientific committee about provisional registration |
| 33 | Provisional registration of place or object |
| 34 | Notice of decision about provisional registration |
| 35 (2) | Period of provisional registration – extension of initial period |
| 35 (6) | Period of provisional registration – additional public notice |
| 38 | Registration – Report to the Minister about public consultation |
| 40 (3) | Decision about registration – making of notifiable instrument |
| 40 (4) | Decision about registration – give additional public notice |
| 40 (5) | Decision about registration – give a copy of the notice to each interested person |
| 43 (3) (b) | Cancellation proposal – accept the proposal |
| 43 (4) | Cancellation proposal – written notice of dismissal or acceptance |
| 44 | Notice of cancellation proposal |
| 45 | Consultation with representative Aboriginal organisation about cancellation proposal |
| 45A | Consultation with scientific committee about cancellation proposal |

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| **Column 1****Section of the *Heritage Act 2004*** | **Column 2****Functionsunder the *Heritage Act 2004* delegated to the Director-General** | **Column 3****Positions and Position Descriptions** |
| 47 | Report to Minister about public consultation on cancellation proposal | Chairperson, ACT Heritage CouncilDeputy Chairperson, ACT Heritage CouncilSecretary,ACT Heritage Council;Director, ACT Heritage(P03858)Assistant Director, ACT Heritage(P26444)Executive Group Manager, Environment(E00757)Manager (Registrations), ACT Heritage(P43072)Manager (Approvals and Advice), ACT Heritage(P16005) |
| 49 (4) | Decision about cancellation proposal – making of notifiable instrument |
| 49 (5) | Decision about cancellation proposal – give additional public notice |
| 49 (6) | Decision about cancellation proposal – copy of the notice to each interested person |
| 53 (a) | Assessing heritage significance of reported Aboriginal places and objects – arrange consultation |
| 54 | Declaration of restricted information |
| 56 | Approval to publish restricted information |
| 57 (2) | Limited access to restricted information – give the application the restricted information |
| 64 | Extension of heritage direction |
| 95 | Information discovery order |
| 104 (2) | Enforcement order – enter details in heritage register |
| 105 | Financial and other assistance |
| 109 | Assessment of heritage reports by Council |

**Schedule 2**

(see s 4)

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| **Column 1****Section of the *Heritage Act 2004*** | **Column 2****Functionunder the *Heritage Act 2004***  | **Column 3****Position and Position Description** |
| 79 | Identity cards | Secretary,ACT Heritage Council;Director, ACT Heritage(P03858)Assistant Director, ACT Heritage(P26444)Executive Group Manager, Environment(E00757) |

**Schedule 3**

(see s 5)

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| **Column 1****Section of the *Planning and Development Act 2007*** | **Column 2****Functionsunder the *Planning and Development Act 2007* delegated to the Director-General** | **Column 3****Position** |
| 61 (b) (iv)  | Consultation etc about draft plan variations being prepared – consult with heritage council | Chairperson, ACT Heritage CouncilDeputy Chairperson, ACT Heritage CouncilSecretary,ACT Heritage Council;Senior Manager, ACT Heritage(P03858)Manager, ACT Heritage(P26444)Executive Group Manager, Environment(E00757)Team Leader (Registrations), ACT Heritage(P43072)Team Leader (Advice), ACT Heritage(P16005) |
| 149  | Requirement to give advice in relation to development applications |