

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)

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

Column 1 Section of the <i>Heritage Act 2004</i>	Column 2 Functions under the <i>Heritage Act 2004</i> 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 Council
20	Establishment of heritage register	Deputy Chairperson, ACT Heritage Council
21	Public access to heritage register	Secretary, ACT Heritage Council;
24 (1)	Heritage register corrections and changes – correct a mistake or omission	Director, ACT Heritage (P03858)
24 (2) (b)	Heritage register corrections and changes – change registration detail	Assistant Director, ACT Heritage
24 (4)	Heritage register corrections and changes – assess the merit of application received	(P26444)
24 (5)	Heritage register corrections and changes – give person who made the register amendment application written notice of dismissal or acceptance	Executive Group Manager, Environment (E00757)
25	Guidelines about conserving heritage significance	Manager (Registrations), ACT Heritage
26	Public consultation about heritage guidelines	(P43072)
26A (3) (b)	Period for making heritage guidelines – extension of initial period	Manager (Approvals and Advice), ACT Heritage
26A (6)	Period for making heritage guidelines – additional public notice	(P16005)
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	

Column 1	Column 2	Column 3
Section of the <i>Heritage Act 2004</i>	Functions under the <i>Heritage Act 2004</i> delegated to the Director-General	Positions and Position Descriptions
30 (5)	Request for urgent provisional registration – notification of dismissal	Chairperson, ACT Heritage Council
31	Council must consult representative Aboriginal organisation	Deputy Chairperson, ACT Heritage Council
31A	Consultation with scientific committee about provisional registration	Secretary, ACT Heritage Council;
33	Provisional registration of place or object	Director, ACT Heritage (P03858)
34	Notice of decision about provisional registration	Assistant Director, ACT Heritage (P26444)
35 (2)	Period of provisional registration – extension of initial period	Executive Group Manager, Environment (E00757)
35 (6)	Period of provisional registration – additional public notice	Manager (Registrations), ACT Heritage (P43072)
38	Registration – Report to the Minister about public consultation	Manager (Approvals and Advice), ACT Heritage (P16005)
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	

Column 1	Column 2	Column 3
Section of the <i>Heritage Act 2004</i>	Functions under the <i>Heritage Act 2004</i> delegated to the Director-General	Positions and Position Descriptions
47	Report to Minister about public consultation on cancellation proposal	Chairperson, ACT Heritage Council
49 (4)	Decision about cancellation proposal – making of notifiable instrument	Deputy Chairperson, ACT Heritage Council
49 (5)	Decision about cancellation proposal – give additional public notice	Secretary, ACT Heritage Council;
49 (6)	Decision about cancellation proposal – copy of the notice to each interested person	Director, ACT Heritage (P03858)
53 (a)	Assessing heritage significance of reported Aboriginal places and objects – arrange consultation	Assistant Director, ACT Heritage (P26444)
54	Declaration of restricted information	
56	Approval to publish restricted information	Executive Group Manager, Environment (E00757)
57 (2)	Limited access to restricted information – give the application the restricted information	Manager (Registrations), ACT Heritage (P43072)
64	Extension of heritage direction	
95	Information discovery order	Manager (Approvals and Advice), ACT Heritage (P16005)
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)

Column 1 Section of the <i>Heritage Act 2004</i>	Column 2 Function under the <i>Heritage Act 2004</i>	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)

Column 1 Section of the <i>Planning and Development Act 2007</i>	Column 2 Functions under the <i>Planning and Development Act 2007</i> 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 Council
149	Requirement to give advice in relation to development applications	Deputy Chairperson, ACT Heritage Council Secretary, 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)