

Public Sector Management (Heritage) Delegation 2021

Notifiable instrument NI2021–532

made under the

Public Sector Management Act 1994, s20 (Delegation by director-general)

1 Name of instrument

This instrument is the *Public Sector Management (Heritage) Delegation 2021*.

2 Commencement

This instrument commences on the day it is made.

3 Sub-delegation of Heritage Act 2004 functions

I sub-delegate 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 the attached schedule, 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 Sub-delegation of Planning and Development Act 2007 functions

I sub-delegate 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 the attached schedule, refer to *Heritage (Heritage Council) Delegation 2017*.

6 Revocation

The *Public Sector Management (Heritage) Delegation 2019* (NI2019-40) is revoked.

Ben Ponton
Director-General
Environment, Planning and Sustainable Development Directorate
8 September 2021

SCHEDULE 1

(see s3)

TABLE 1

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
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; Senior Director, ACT Heritage (PN. 03858)
61F	Permit to excavate	Director, ACT Heritage (PN. 26444)
61H	Approval of statement of heritage effect	Executive Group Manager, Environment, Heritage and Water (PN. E757)
61I	Council may direct application for approval of statement of heritage effect	Manager (Registrations), ACT Heritage (PN. 43072)
61K	Approval of conservation management plan	Manager (Advice), ACT Heritage (PN. 16005)
68(1)(a)	Application for heritage order	Manager (Aboriginal Engagement), ACT Heritage (PN. 50934)
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	

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
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	Senior Director, ACT Heritage (PN. 03858)
24(2)(b)	Heritage register corrections and changes – change registration detail	Director, ACT Heritage (PN. 26444)
24(4)	Heritage register corrections and changes – assess the merit of application received	Executive Group Manager, Environment, Heritage and Water (PN. E757)
24(5)	Heritage register corrections and changes – give person who made the register amendment application written notice of dismissal or acceptance	Manager (Registrations), ACT Heritage (PN. 43072)
25	Guidelines about conserving heritage significance	Manager (Advice), ACT Heritage (PN. 16005)
26	Public consultation about heritage guidelines	Manager (Aboriginal Engagement), ACT Heritage (PN. 50934)
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	

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	Senior Director, ACT Heritage (PN. 03858)
34	Notice of decision about provisional registration	Director, ACT Heritage (PN. 26444)
35(2)	Period of provisional registration – extension of initial period	Executive Group Manager, Environment, Heritage and Water (PN. E757)
35(6)	Period of provisional registration – additional public notice	Manager (Registrations), ACT Heritage (PN. 43072)
38	Registration – Report to the Minister about public consultation	Manager (Advice), ACT Heritage (PN. 16005)
40(3)	Decision about registration – making of notifiable instrument	Manager (Aboriginal Engagement), ACT Heritage (PN. 50934)
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	Senior Director, ACT Heritage (PN. 03858)
53(a)	Assessing heritage significance of reported Aboriginal places and objects – arrange consultation	Director, ACT Heritage (PN. 26444)
54	Declaration of restricted information	Executive Group Manager, Environment, Heritage and Water (PN. E757)
56	Approval to publish restricted information	Manager (Registrations), ACT Heritage (PN. 43072)
57(2)	Limited access to restricted information – give the application the restricted information	Manager (Advice), ACT Heritage (PN. 16005)
64	Extension of heritage direction	Manager (Aboriginal Engagement), ACT Heritage (PN. 50934)
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 s4)

TABLE 2

Column 1	Column 2	Column 3
Section of the <i>Heritage Act 2004</i>	Function under the <i>Heritage Act 2004</i>	Position and Position Description
79	Identity cards	Secretary, ACT Heritage Council; Senior Director, ACT Heritage (PN. 03858) Director, ACT Heritage (PN. 26444) Executive Group Manager, Environment, Heritage and Water (PN. E757)

SCHEDULE 3

(see s5)

TABLE 3

Column 1	Column 2	Column 3
Section of the <i>Planning and Development Act 2007</i>	Functions under the <i>Planning and Development Act 2007</i> delegated to the Director-General	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 Director, ACT Heritage (PN. 03858) Director, ACT Heritage (PN. 26444) Executive Group Manager, Environment, Heritage and Water (PN. E757) Manager (Registrations), ACT Heritage (PN. 43072) Manager (Advice), ACT Heritage (PN. 16005) Manager (Aboriginal Engagement), ACT Heritage (PN. 50934)