Australian Capital Territory

# Public Sector Management (Heritage) Delegation 2022 (No 2)

## Notifiable instrument NI2022–674

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 2022 (No 2).*

### 2 Commencement

This instrument commences on the day it is signed.

### 3 Delegation

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

### 4 Subdelegation

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

*Note:* Under the Act, s 121*,* the ACT Heritage Council has delegated to the director-general with administrative responsibility for the Act the functions set out in column 2 of schedules 2 and 3; refer to *Heritage (Heritage Council) Delegation 2017* (NI2017‑326).

### 5 Revocation

This instrument revokes the *Public Sector Management (Heritage) Delegation 2021* (NI2021-532).

Ben Ponton

Director-General

Environment, Planning and Sustainable Development Directorate

19 December 2022

**Schedule 1 Delegations, *Heritage Act 2004***

(see s 3)

|  |  |  |
| --- | --- | --- |
| **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;  Senior Director,  ACT Heritage  (PN. 03858)  Director, (Policy and Projects) ACT Heritage  (PN. 26444)  Director (Approvals and Advice), ACT Heritage (PN. 50910)  Executive Group Manager,  Environment, Heritage and Water  (PN. E757) |

**Schedule 2 Subdelegations, *Heritage Act 2004***

(see s 4)

|  |  |  |
| --- | --- | --- |
| **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 Council  Deputy Chairperson,  ACT Heritage Council  Secretary, ACT Heritage Council;  Senior Director,  ACT Heritage  (PN. 03858)  Deputy Director-General, Environment, Water and Emissions Reduction, EPSDD (PN. E00699)  Director (Policy and Projects) ACT Heritage  (PN. 26444)  Director (Approvals and Advice), ACT Heritage (PN. 50910)  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)  Manager (Conservation Planning and Major Projects), ACT Heritage (PN. 57563) |
| 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 |
| 30(5) | Request for urgent provisional registration – notification of dismissal |
| 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 |
| 47 | Report to Minister about public consultation on cancellation proposal |
| 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 |
| 60 | Advice about effect of development of heritage significance |
| 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 |
| 64 | Extension of heritage direction |
| 68(1)(a) | Application for heritage order |
| 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 |
| 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 |

**Schedule 3 Subdelegations, *Planning and Development Act 2007***

(see s 4)

|  |  |  |
| --- | --- | --- |
| **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 Council  Deputy Chairperson,  ACT Heritage Council  Secretary, ACT Heritage Council;  Senior Director, ACT Heritage (PN. 03858)  Deputy Director-General, Environment, Water and Emissions Reduction, EPSDD (PN. E00699)  Director (Policy and Projects), ACT Heritage (PN. 26444)  Director (Approvals and Advice), ACT Heritage (PN. 50910)  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)  Manager (Conservation Planning and Major Projects), ACT Heritage (PN. 57563) |
| 149 | Requirement to give advice in relation to development applications |