

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	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, (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	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	Deputy Director- General, Environment, Water and Emissions Reduction, EPSDD (PN. E00699)
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	Director (Policy and Projects)
25	Guidelines about conserving heritage significance	ACT Heritage (PN. 26444)
26	Public consultation about heritage guidelines	Director (Approvals and Advice), ACT Heritage (PN. 50910)
26A(3)(b)	Period for making heritage guidelines – extension of initial period	Executive Group Manager, Environment, Heritage and Water (PN. E757)
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	Manager (Registrations), ACT Heritage (PN. 43072)
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	Manager (Advice), ACT Heritage (PN. 16005)
30(5)	Request for urgent provisional registration – notification of dismissal	Manager (Aboriginal Engagement), ACT Heritage (PN. 50934)
31	Council must consult representative Aboriginal organisation	Manager (Conservation Planning and Major Projects), ACT Heritage (PN. 57563)
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 <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 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)