

Heritage (Heritage Council) Delegation 2017

Notifiable Instrument NI2017—326

made under the

Heritage Act 2004, s 121 (Delegation)

1. Name of Instrument

This instrument is the *Heritage (Heritage Council) Delegation 2017*.

2. Commencement

This instrument commences on the day after it is made.

3. Delegation of functions under the *Heritage Act 2004*

The Heritage Council delegates the functions of the Council under the provisions of the *Heritage Act 2004* (the Act) identified in column 2 of schedule 1 to the person who from time to time occupies the position of Director-General of the directorate with administrative responsibility for the Act.

4. Delegation of functions under the *Planning and Development Act 2007*

The Heritage Council delegates the functions of the Council under the provisions of the *Planning and Development Act 2007* (the P&D Act) identified in column 2 of schedule 2 to the person who from time to time occupies the position of Director-General of the directorate with administrative responsibility for the Act.

5. Revocation

The *Heritage (Heritage Council) Delegation 2015 (No 2)* (NI2015-561) is revoked.

David Flannery
Chairperson
ACT Heritage Council
15 June 2017

SCHEDULE 1

(see s3)

Column 1	Column 2	Column 3
No.	Section of <i>Heritage Act 2004</i>	Function of Heritage Council (information only)
1.	19A	Council must consult scientific committee on matters affecting natural heritage significance
2.	20	Establishment of heritage register
3.	21	Public access to heritage register
4.	24(1)	Heritage register corrections and changes – correct a mistake or omission
5.	24(2)(b)	Heritage register corrections and changes – accept application and exercise the council's functions under this section
6.	24(4)	Heritage register corrections and changes – assess the merit of application received <i>*To remove any doubt, this delegation does not include the exercise of functions under linked section 24(2)(a).</i>
7.	24(5)	Heritage register corrections and changes – give person who made the register amendment application written notice of dismissal or acceptance
8.	25	Guidelines about conserving heritage significance
9.	26	Public consultation about heritage guidelines
10.	26A(3)(b)	Period for making heritage guidelines – extension for additional period
11.	26A(6)	Period for making heritage guidelines – additional public notice
12.	26B	Report to Minister about public consultation on heritage guidelines

13.	26E	Notification about heritage guidelines
14.	29	Decision about nomination application
15.	30(3)	Request for urgent provisional registration – accept application
16.	30(4)(b)	Request for urgent provisional registration – decision on provisional registration
17.	30(5)	Request for urgent provisional registration – notification of dismissal
18.	31	Council must consult representative Aboriginal organisation
19.	31A	Consultation with scientific committee about provisional registration
20.	33	Provisional registration of place or object
21.	34	Notice of decision about provisional registration
22.	35(2)	Period of provisional registration - extension
23.	35(6)	Period of provisional registration – additional public notice
24.	38	Registration - Report to the Minister about public consultation
25.	40(3)	Decision about registration – making of notifiable instrument
26.	40(4)	Decision about registration – give additional public notice
27.	40(5)	Decision about registration – council must take reasonable steps to give a copy of the notice to each interested person within 15 days after the day the decision is made
28.	43(3)(b)	Cancellation proposal <i>*To remove any doubt, this delegation does not include the exercise of functions under linked section 49.</i>

29.	43(4)	Cancellation proposal – written notice of dismissal or acceptance.
30.	44	Notice of cancellation proposal
31.	45	Consultation with representative Aboriginal organisation about cancellation proposal
32.	45A	Consultation with scientific committee about cancellation proposal
33.	47	Report to Minister about public consultation on cancellation proposal
34.	49(4)	Decision about cancellation proposal – making of notifiable instrument
35.	49(5)	Decision about cancellation proposal – give additional public notice
36.	49(6)	Decision about cancellation proposal – council must take reasonable steps to give a copy of the notice to each interested person within 15 days after the day the decision is made
37.	53(a)	Assessing heritage significance of reported Aboriginal places and objects – arrange consultation under section 31 with each representative Aboriginal organisation in relation to the place or object
38.	54	Declaration of restricted information
39.	56	Approval to publish restricted information
40.	57(2)	Limited access to restricted information
41.	60	Advice about effect of development of heritage significance
42.	61	Requirements for council’s advice about development
43.	61B	Advice about effect of tree damaging activity or tree management plan
44.	61F	Permit to excavate

45.	61H	Approval of statement of heritage effect
46.	61I	Council may direct application for approval of statement of heritage effect
47.	61K	Approval of conservation management plan
48.	64	Extension of heritage direction
49.	68(1)(a)	Application for heritage order
50.	95	Information discovery order
51.	104(2)	Enforcement order
52.	105	Financial and other assistance
53.	109	Assessment of heritage reports by Council
54.	110	Conservation management plan – public authorities
55.	118A	Council may ask for information from commissioner for revenue in certain cases
56.	118B	Council may ask for information

SCHEDULE 2

(see s4)

Column 1	Column 2	Column 3
No.	Section of <i>Planning and Development Act 2007</i>	Function of Heritage Council (information only)
57.	61(b)(iv)	Making recommendations and submissions to the planning and land authority about draft variations to the Territory Plan.
58.	149	Entity advice on a development application to the planning and land authority.