

Public Sector Management (Heritage) Delegation 2017

Notifiable instrument NI2017–370

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 2017*.

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 2015 (No.1)* (NI2015-582) is revoked.

Ben Ponton
Director-General
Environment, Planning and Sustainable Development Directorate
06 July 2017

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	Secretary, ACT Heritage Council; Manager, ACT Heritage (PN. 26444)
61B	Advice about effect of tree damaging activity or tree management plan	Executive Director, Environment (PN. E757)
61F	Permit to excavate	Team Leader (Registrations), ACT Heritage (PN. 43072)
61H	Approval of statement of heritage effect	Team Leader (Policy and Community Engagement), ACT Heritage (PN. 3858)
61I	Council may direct application for approval of statement of heritage effect	Team Leader (Advice), ACT Heritage (PN. 16005)
61K	Approval of conservation management plan	
68(1)(a)	Application for heritage order	
110	Conservation management plan	
118A	Council may ask for information from commissioner for revenue in certain cases	
118B	Council may ask for information	

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	Secretary, ACT Heritage Council; Manager, ACT Heritage (PN. 26444)
20	Establishment of heritage register	
21	Public access to heritage register	Executive Director, Environment (PN. E757)
24(1)	Heritage register corrections and changes – correct a mistake or omission	Team Leader (Registrations), ACT Heritage (PN. 43072)
24(2)(b)	Heritage register corrections and changes – accept application and exercise the council's functions under this section	
24(4)	Heritage register corrections and changes – assess the merit of application received	Team Leader (Policy and Community Engagement), ACT Heritage (PN. 3858)
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	Team Leader (Advice), ACT Heritage (PN. 16005)
26A(3)(b)	Period for making heritage guidelines	
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 – decision on provisional registration	

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	Secretary, ACT Heritage Council; Manager, ACT Heritage (PN. 26444) Executive Director, Environment (PN. E757) Team Leader (Registrations), ACT Heritage (PN. 43072) Team Leader (Policy and Community Engagement), ACT Heritage (PN. 3858) Team Leader (Advice), ACT Heritage (PN. 16005)
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	
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 – council must take reasonable steps to give a copy of the notice to each interested person within 15 working days after the day the decision is made	
43(3)(b)	Cancellation 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	Secretary, ACT Heritage Council; Manager, ACT Heritage (PN. 26444) Executive Director, Environment (PN. E757) Team Leader (Registrations), ACT Heritage (PN. 43072) Team Leader (Policy and Community Engagement), ACT Heritage (PN. 3858) Team Leader (Advice), ACT Heritage (PN. 16005)
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 – 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	
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	
54	Declaration of restricted information	
56	Approval to publish restricted information	
57(2)	Limited access to restricted information	
64	Extension of heritage direction	
95	Information discovery order	
104(2)	Enforcement order	
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; Manager, ACT Heritage (PN. 26444)

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	Chairperson, ACT Heritage Council
149	Requirement to give advice in relation to development applications	Secretary, ACT Heritage Council; Manager, ACT Heritage (PN. 26444) Executive Director, Environment (PN. E757) Team Leader (Registrations), ACT Heritage (PN. 43072) Team Leader (Policy and Community Engagement), ACT Heritage (PN. 3858) Team Leader (Advice), ACT Heritage (PN. 16005)