Australian Capital Territory

# 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 2007functions**

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

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| **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** |
| 60 | Advice about effect of development of heritage significance | Chairperson,  ACT Heritage Council  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) |
| 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 |
| 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 about leases from commissioner for revenue |

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| **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)  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) |
| 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 |

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| **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** |
| 30(5) | Request for urgent provisional registration – notification of dismissal | Chairperson,  ACT Heritage Council  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) |
| 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 |

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| **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** |
| 47 | Report to Minister about public consultation on cancellation proposal | Chairperson,  ACT Heritage Council  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) |
| 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 |
| 64 | Extension of heritage direction |
| 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

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| **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,  ACT Heritage  (PN. 26444)  Executive Group Manager,  Environment, Heritage and Water  (PN. E757) |

**SCHEDULE 3**

(see s5)

TABLE 3

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| **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)  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) |
| 149 | Requirement to give advice in relation to development applications |