

HERITAGE

HR402

HERITAGE ACT 2018

INSTRUMENT OF DELEGATION NO. 4

Pursuant to section 19 of the *Heritage Act 2018* (Act), the Heritage Council of Western Australia resolved to—

- 1. To revoke the delegation instruments that were published in the *Government Gazette* on 27 May 2022 at page 3110; and
- 2. To delegate its powers and functions under the Act as set out in Column 1 of Schedule 1 to the specified person or the holder for the time being of a specified office in the Heritage and Property Services Division, Department of Planning, Lands and Heritage as specified in Column 2.
- 3. To require the delegate to refer applications for the classes and in the locations specified in Schedule 2 to the Council for determination.
- 4. To require that the delegate have due regard to the Heritage Council Delegation Framework dated July 2023 as published by the Council on its website.
- 5. To declare that this resolution take effect when notice of it is published in the *Government Gazette*.

This delegation shall come into operation on 22 August 2023.

VAUGHAN DAVIES, Assistant Director General Heritage and Property Services, Department of Planning, Lands and Heritage.

Schedule

This is the Schedule to the instrument of delegation as authorised by the Heritage Council of Western Australia pursuant to section 19 of the *Heritage Act 2018* (Act).

Schedule 1

Column 1: Powers or functions	Column 2: Delegate
1. To make preliminary determination under section 39(2) of the Act as to whether the nominated place warrants review.	Assistant Director General; or Executive Director, Heritage Services.
2. To determine whether the accepted request for amendment of the land description in the register entry warrants consideration in detail under section 43(2).	

Column 1: Powers or functions	Column 2: Delegate
3. To determine, and recommend to the Minister, whether an amendment to the land description in an entry in the register be made pursuant to section 44.	
4. To determine whether the accepted request for removing an entry in the register warrants consideration in detail under section 48(2).	
5. To update or amend statements of cultural heritage significance pursuant to section 53.	
6. To determine whether a place should be the subject of a heritage agreement for any reasons as specified in section 91(1)(e) of the Act.	
7. To call tenders, award contracts, appoint technical or professional consultants for the purposes of— (a) identifying, documenting or conserving places of cultural heritage significance; and (b) assisting with education, research and publication that furthers the objectives of the Act.	
8. To commence any prosecution under section 136 the Act.	Assistant Director General; Executive Director, Heritage Services; Director, Historic Heritage Conservation; or Assistant Manager, Historic Heritage
9. To determine an application for a works permit made under section 79 of the Act.	
10. To provide advice to the relevant decision-maker under section 74 of the Act and other written laws (e.g. Planning and Development 2005).	
11. To direct an owner or occupier of any place to give information or comply with any orders under sections 126(1) and 133(5) of the Act.	Assistant Director-General; Executive Director Heritage Services; or Inspectors appointed under section 114 of the Act.

Schedule 2

1. Contentious issues

Proposals where, in the opinion or understanding of the delegate—

- (a) the impacts on the cultural heritage significance of a place are assessed as ‘major’ on the Impact Rating provided at Schedule 1 of the Heritage Council Delegation Framework dated July 2023;
- (b) there is substantial public, community commentary or media activity;
- (c) the Minister for Heritage is, or is likely to become, involved or interested;
- (d) there are significant stakeholder objections or concerns;
- (e) the recommended response would conflict with the direction or activity of any statutory authority or State agency;
- (f) the recommended response conflicts or is inconsistent with a previous Council resolution, or an adopted Council policy;
- (g) there is no consensus between the delegate and their reporting/supporting officer(s) or professional advisers;
- (h) a decision may have a negative impact on the reputation of the Council, the Minister or cultural heritage in general.

2. State-wide interest

Proposals for—

- (a) any State-wide or regional activity, policy, guidelines or strategy where there is an identified heritage matter to be raised
- (b) State legislation or policy that may impact on heritage places
- (c) projects that will have a broad impact on the economy or cultural heritage of the State or a region.

3. Heritage Agreements

Proposals that would commit the Council to entering a heritage agreement; unless it is consistent with the Council’s policy ‘Heritage agreement as a condition of Heritage Council support’.

4. Places of strategic priority

Proposals that relate to a place for which the delegate has received notice that, in the opinion of the Council, is a strategic priority.