

HERITAGE

HR401

HERITAGE ACT 2018

INSTRUMENT OF DELEGATION NO. 5

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

1. REVOKE the delegation instruments that were published in the *Government Gazette* on 22 August 2023 at page 2862; and
2. DELEGATE its powers and functions under the Act and any other written law 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. REQUIRE that a delegate must not exercise a function delegated under this instrument in respect of a matter falling within a class specified in Schedule 2, and must instead refer the matter to the Council for determination.
4. REQUIRE that the delegate have due regard to the Heritage Council's document titled 'Delegation Framework', which may be amended from time to time.

This delegation comes into operation on the date on which notice of the delegation is published in the *Government Gazette*.

Dated 22 September 2026.

KRISTI CLARKE, A/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 Director, Historic Heritage Conservation
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).	
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 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.	
6	To determine, and recommend to the Minister, whether a heritage agreement made by another public authority is appropriate for certification under section 90 of the Act.	
7	To recommend to the Minister the certification of any heritage agreement varied under section 94 of the Act.	
8	To commence any prosecution under section 136 of the Act.	
9	To review and update or amend a statement of cultural heritage significance pursuant to section 53.	Assistant Director General; Director, Historic Heritage Conservation; or Assistant Manager, Historic Heritage
10	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.	
11	To determine an application for a works permit made under section 79 of the Act.	

	Column 1: Powers or functions	Column 2: Delegate
12	To provide advice to the relevant decision-maker under section 74 of the Act.	
13	To direct an owner or occupier of a place to give the Council information relating to the place under sections 126(1)	Assistant Director General; Director, Historic Heritage Conservation; or Inspectors appointed under section 114 of the Act.
14	To exercise the Council’s powers under section 133(5) of the Act where a person fails to comply with an order made under section 133(2) of the Act.	
<i>Planning and Development Act 2005</i>		
15.	To provide advice to a local government on a proposed local planning scheme or amendment referred to the Council under section 79(a) of the <i>Planning and Development Act 2005</i> .	Assistant Director General; Director, Historic Heritage Conservation; or Assistant Manager, Historic Heritage
16.	To provide advice in relation to a development application referred to the Council pursuant to a local interim development order containing a requirement under 103(2)(d) of the <i>Planning and Development Act 2005</i> .	

Schedule 2

1. Contentious issues

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

- 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's document titled 'Delegation Framework', which may be amended from time to time;
- there is substantial public, community commentary or media activity;
- the Minister for Heritage is, or is likely to become, involved or interested;
- there are significant stakeholder objections or concerns;
- the recommended response would conflict with the direction or activity of any statutory authority or State agency;
- the recommended response conflicts or is inconsistent with a previous Council resolution, or an adopted Council policy;
- there is a material difference of professional opinion between the delegate and an officer or professional advisors responsible for providing advice to the delegate in relation to the matter;
- the delegate reasonably considers that the matter presents a significant reputational risk to the Council or the administration of the Act.

2. State-wide interest

Proposals for—

- any State-wide or regional activity, policy, guidelines or strategy where there is an identified heritage matter to be raised;
- State legislation or policy that may impact on heritage places;
- 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, the place is of strategic priority.

JUSTICE

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JUSTICES OF THE PEACE ACT 2004

APPOINTMENTS

It is hereby notified for public information that the Governor in Executive Council has approved of the following to the Office of Justice of the Peace for the State of Western Australia—

Kelly Jean Bradley of Kalamunda
 Russell Wardlaw Jones of Stoneville
 Annette Rae Messenger of Bertram
 Samia Naz of Aveley

JOANNE STAMPALIA, Deputy Director General, Court and Tribunal Services.