

South Australian Heritage Council

Policy - Delegation of South Australian Heritage Council's

Powers and Functions

OBJECTIVE:

To describe the process for delegation of Council's functions and powers under the *Heritage Places Act 1993*.

CONTEXT:

Section 8 of the *Heritage Places Act 1993*:

"8 - Delegation

(1) Subject to this section, the Council may delegate a power or function under this Act -

- (a) to a member of the Council; or
- (b) to a committee established by the Council; or
- (c) to a person for the time being holding or acting in a particular office or position; or
- (d) to any other person or body.

(2) A delegation under this section is revocable at will and does not derogate from the power of the Council to act itself in any matter.

(3) The Council may not delegate the following powers or functions:

- (a) to confirm a provisional entry in the Register;
- (b) to decide not to confirm a provisional entry in the Register;
- (c) to remove or alter an entry in the Register relating to a State Heritage Place under section 23."

SCOPE:

Includes delegation of Council's powers and functions under the *Heritage Places Act 1993*.

POLICY:

The Council will delegate its powers and functions under the *Heritage Places Act 1993* (Act) in accordance with section 8 of the Act.

Under section 8(3) of the Act, powers and functions to confirm a provisional entry in the South Australian Register, to decide not to confirm a provisional entry in the Register, or to remove or alter an entry in the Register relating to a State Heritage Place under section 23 cannot be delegated.

Delegations must not be exercised where a conflict of interest or a perceived conflict of interest exists. If there is such conflict, then the delegate must disclose the conflict to the Council and any such conflicts of interest the delegate believes are likely to arise in future.

The Council will not delegate its strategic policy and decision-making function but may seek or receive advice of a strategic nature from Heritage SA for the Council's consideration.

Delegations of powers and functions will be granted by decision of the Council.

For administrative and governance purposes, the delegations will be reviewed annually.

The register of these delegations will be held and made available for public inspection without charge.

APPLICATION:

To the Council and its delegates.

DATE ADOPTED: 22 May 2009

CHAIR: *Judith M Carr*

REVIEWED: 27 June 2014

CHAIR: *Judith M Carr*

REVIEWED: 15 February 2024

CHAIR: 