

INSTRUMENT OF DELEGATION

INSTRUMENT OF DELEGATION UNDER THE ROAD TRAFFIC ACT 1961

14 NOVEMBER 2023

Delegation Sources

- Road Traffic Act 1961

Positions

Abbreviation	Position
AO	Asset Officer
CEO	Chief Executive Officer
DIES	Director Infrastructure & Environmental Services
MIS	Manager Infrastructure Services
MO	Manager Operations
TLCS	Team Leader Civil Services
TLOS	Team Leader Open Space
TLWS	Team Leader Water Services

Instrument of Delegation under the Road Traffic Act 1961

Road Traffic Act 1961				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 17(1)	Install, maintain, alter or operate, or cause to be installed, maintained, altered or operated, a traffic control device on, above or near a road	CEO		road authority
section 17(2)	Remove a traffic control device or cause a traffic control device to be removed	CEO		road authority
section 17(3)	Install, display, alter, operate or remove traffic control device: (a) in relation to an area where persons are engaged in work or an area affected by works in progress; (b) in relation to a part of a road temporarily closed to traffic under this or any other Act; or (c) for any temporary purposes.	CEO		road authority
section 17(5)	Apply to the Minister for approval to take action under section 17 of the Road Traffic Act	CEO, DIES		road authority

Road Traffic Act 1961				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 18(5)	Comply with a direction of the Minister to install, maintain, alter, operate or remove a traffic control device on, above or near a road	CEO, DIES, MIS, MO, TLCS, TLOS, AO		road authority
section 18(6)	Carry out a direction with which a road authority has failed to comply at the direction of the Minister	CEO, DIES, MIS, MO, TLCS, TLOS, AO		council
section 18(7)	Recover as a debt from a defaulting road authority any expenses incurred in carrying out a direction under section 18(6)	CEO, DIES, MO, TLCS, TLOS		council
section 19(6)	Maintain a traffic control device for which the council is liable to bear the costs in good order	CEO, DIES, MIS, MO, TLCS, TLOS, AO		council

Road Traffic Act 1961				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 19A(3)	Recover any amount due under a requirement under section 19A as a debt	CEO, DIES, MO, TLCS, TLOS		road authority
section 20(3)	Place speed limit signs on road	CEO, DIES, MIS, MO, TLCS, TLOS, AO		public authority
section 20(4)(b)	Place speed limit signs on road	CEO, DIES, MIS, MO, TLCS, TLOS, AO		public authority
section 20(5)	Close road pursuant to a permit	CEO, DIES, MIS, MO, TLCS, TLOS, AO		public authority

Road Traffic Act 1961				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 20(6)	Apply to the Minister for a road works permit	CEO, DIES		public authority
section 20(9)	Apply to the Minister for an extension of time	CEO, DIES		public authority
section 20(13)	Engagement of a contractor to undertake works on behalf of the public authority	CEO, DIES, MIS, MO, TLCS, TLOS, AO		public authority
section 20A(1)	Appeal a decision of the Minister under section 17 or section 20 to the District Court	CEO, DIES		public authority
section 20A(2)	Request the Minister to provide reasons in writing for a decision under section 17 or section 20	CEO, DIES		public authority
section 21(2)	Certify that there was not proper authority for the installation or display of a specified sign, signal, marking, structure or other device or thing as a traffic control device on, above or near a specified part of a road	CEO, DIES		road authority

Road Traffic Act 1961				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 21(3)	Comply with conditions of approval under section 17 or a permit under section 20	CEO, DIES		road authority
section 31(2)	Remove any false traffic control device or any device, structure or thing that might constitute a hazard to traffic.	CEO, DIES, MIS, MO, TLCS, TLOS, TLWS, AO		road authority
section 32(1)	<p>Cause a notice of a proposal to close a road or part of a road to all vehicles or vehicles of a specified class or to cause a road as a through road for motor vehicles to be:</p> <p>(a) published both in a newspaper circulating generally in the State and a newspaper circulating within the area of the council;</p> <p>(b) to be given by post to each ratepayer of land immediately abutting the road, or portion of road, the subject of the proposal;</p> <p>(c) if the road is a prescribed road, to be given to each affected council; and</p> <p>(e) if the road is a highway, or runs into or intersects with a highway, to be given to the Commissioner of Highways.</p>	CEO, DIES		public authority

Road Traffic Act 1961				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 32(2)	Consider written submissions made	CEO, DIES		public authority
section 32(6)	<p>Cause a notice of a decision to close a road or part of a road to all vehicles or vehicles of a specified class or to cause a road as a through road for motor vehicles to be:</p> <p>(a) published both in a newspaper circulating generally in the State and a newspaper circulating within the area of the council;</p> <p>(b) to be given by post to each ratepayer of land immediately abutting the road, or portion of road, the subject of the proposal;</p> <p>(c) if the road is a prescribed road, to be given to each affected council; and</p> <p>(e) if the road is a highway, or runs into or intersects with a highway, to be given to the Commissioner of Highways.</p>	CEO, DIES		public authority
section 33(2)	Consent to the closure of a road for an event	CEO, DIES		council
section 40P(3)	Offer a vehicle for sale by public auction	CEO, DIES		council

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section 40P(4)	Dispose of a vehicle as the council thinks fit	CEO, DIES		council
section 40P(6)	Make reasonable enquiries to locate the owner of a vehicle	CEO, DIES		council
section 86(a)	Determine that a ticket must be obtained for parking in a length of road or area without the payment of a fee	CEO, DIES		council
section 86(a)	Vary or revoke a determination under section 86(a)	CEO, DIES		council
section 163ZC(2)	Apply for a compensation order	CEO, DIES		road authority
section 163ZD(2)(c)	Certify that the road authority maintains a road	CEO, DIES		road authority

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section 163ZD(2)(c)	Certify other matters including: (a) estimating the monetary value of all or any part of the road infrastructure or of the damage to it; (b) estimating the cost of remedying the damage; or (c) estimating the extent of the offender's contribution to the damage	CEO, DIES		road authority
section 163ZE(1)	Serve a certificate referred to in section 163ZD on the defendant	CEO, DIES		road authority
section 163ZH(1)(b)	Repay payments under an order to the extent that the order is void	CEO, DIES		road authority
section 174A(4)	Issue notice inviting the owner of a vehicle issued with an expiation notice or expiation reminder notice under the Expiation of Offences Act 1996 to provide a nomination setting out the name and address of the driver or the details of the transfer of the vehicle	CEO, DIES		council

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section 174A(4a)	Form belief a nomination has been made in error and permit nomination to be withdrawn and new nomination made	CEO, DIES		council
section 174A(5a)	Require person to verify information by statutory declaration	CEO, DIES		council
section 174C(1)	Exempt a person or a person of a specified class or any vehicle or any vehicle of a specified class from compliance within the council areas with a prescribed provision of the Road Traffic Act	CEO, DIES		council
section 174C(2)	Specify conditions to apply to the granting of an exemption under section 174C(1)	CEO, DIES		council

Document history and version control

Date	Council/Chief Executive Officer	Comment
14/11/2023	Reviewed and adopted at 14 November 2023 Special Council meeting	