

INSTRUMENT OF DELEGATION

INSTRUMENT OF DELEGATION UNDER THE HEAVY VEHICLE NATIONAL LAW (SCHEDULE TO THE HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013)

14 NOVEMBER 2023

Delegation Sources

- Heavy Vehicle National Law (schedule to the Heavy Vehicle National Law (South Australia) Act 2013)

Positions

Abbreviation	Position
AO	Asset Officer
CEO	Chief Executive Officer
DIES	Director Infrastructure & Environmental Services
MIS	Manager Infrastructure Services

Instrument of Delegation under the Heavy Vehicle National Law (schedule to the Heavy Vehicle National Law (South Australia) Act 2013)

Heavy Vehicle National Law (schedule to the Heavy Vehicle National Law (South Australia) Act 2013)				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 118(1)(b)	Consent to a mass or dimension exemption (notice) for a category of heavy vehicle	CEO, DIES, MIS, AO		road manager
section 124(1)(b)	Consent to a mass or dimension exemption (permit) for a heavy vehicle	CEO, DIES, MIS, AO		road manager
section 139(1)(b)	Consent to the grant of a class 2 heavy vehicle authorisation (notice)	CEO, DIES, MIS, AO		road manager
section 145(1)(b)	Consent to the grant of a class 2 heavy vehicle authorisation (permit)	CEO, DIES, MIS, AO		road manager
section 156(2)	Request an extension to the time periods in section 156(1)	CEO, DIES, MIS, AO		road manager

Heavy Vehicle National Law (schedule to the Heavy Vehicle National Law (South Australia) Act 2013)				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 156A(4)	Provide a written statement to the Regulator explaining the road manager's decision not to consent to the grant of a mass or dimension authority	CEO, DIES, MIS, AO		road manager
section 159(2)	Notify the regulator that a route assessment is required for the road manager determining whether to give consent and the fee payable under law (if any) for the route assessment	CEO, DIES, MIS, AO		road manager
section 159(4)(a)	Cease considering whether or not to provide consent pending the payment of a fee	CEO, DIES, MIS, AO		road manager
section 160(1)	Require a condition on the mass or dimension authority that: (a) except in the case of a class 2 heavy vehicle authorisation (notice)—the condition that a stated road condition is imposed on the authority; or (b) in the case of a class 2 heavy vehicle authorisation (notice)—the condition that a stated road condition of a type prescribed by the national regulations is imposed on the authority	CEO, DIES, MIS, AO		road manager

Heavy Vehicle National Law (schedule to the Heavy Vehicle National Law (South Australia) Act 2013)				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 160(2)(a)	Provide a written statement to the Regulator explaining the road manager's decision to give consent to the grant of a mass or dimension authority subject to the condition	CEO, DIES, MIS, AO		road manager
section 161(1)	Require a condition on the mass or dimension authority that a stated travel condition is imposed on the authority	CEO, DIES, MIS, AO		road manager
section 161(2)	Provide a written statement to the Regulator explaining the road manager's decision to give consent to the grant of a mass or dimension authority subject to the condition	CEO, DIES, MIS, AO		road manager
section 162(1)	Request the Regulator to impose a stated vehicle conditions on a mass or dimension authority	CEO, DIES, MIS, AO		road manager
section 167(2)(b)	Provide notice of objection to the Regulator in relation to a proposed replacement authority	CEO, DIES, MIS, AO		road manager
section 167(2)(b)	Seek an extension of time in which to lodge a notice of objection to a proposed replacement authority	CEO, DIES, MIS, AO		road manager

Heavy Vehicle National Law (schedule to the Heavy Vehicle National Law (South Australia) Act 2013)				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 167(2)(b)	Provide notice to Regulator that the road manager gives or refuses consent to a proposed replacement authority	CEO, DIES, MIS, AO		road manager
section 169(1)	Consent to the grant of a mass or dimension authority for a trial period	CEO, DIES, MIS, AO		road manager
section 170(3)	Lodge an objection with the Regulator in respect of the renewal of a mass or dimension authority for a further trial period	CEO, DIES, MIS, AO		road manager
section 174(2)	Request the Regulator to amend the mass or dimension authority or cancel the authority	CEO, DIES, MIS, AO		road manager
section 176(4)(c)	Consent to an amendment of a mass or dimension authority requested by the holder of the permit	CEO, DIES, MIS, AO		road manager
section 178(2)	Request the Regulator to amend or cancel a mass or dimension authority	CEO, DIES, MIS, AO		road manager

Heavy Vehicle National Law (schedule to the Heavy Vehicle National Law (South Australia) Act 2013)				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 611(2)	Apply for a compensation order	CEO, DIES, MIS, AO		road manager
section 612(2)(c)	Issue a certificate for the purposes of the assessment of a compensation order	CEO, DIES, MIS, AO		road manager
section 613(1)	Provide a copy of a certificate to be submitted under section 612(2)(c) in a proceeding for a compensation order to the defendant at least 28 days prior to the date fixed for the hearing or the proceeding	CEO, DIES, MIS, AO		public authority
section 643(2)	Undertake an internal review of a reviewable decision	CEO, DIES, MIS, AO		road manager
section 645(5)	Provide notice of internal review decision and reasons for decision to the Regulator	CEO, DIES, MIS, AO		road manager
section 646(6)(a)(ii)	Agree with the Regulator a longer period for undertaking an internal review	CEO, DIES, MIS, AO		road manager

Document history and version control

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