

INSTRUMENT OF DELEGATION UNDER THE ROAD TRAFFIC ACT 1961, THE ROAD TRAFFIC (MISCELLANEOUS) REGULATIONS 2014 AND THE ROAD TRAFFIC (ROAD RULES - ANCILLARY AND MISCELLANEOUS PROVISIONS) REGULATIONS 2014

Preamble

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

Delegation Sources

- Road Traffic Act 1961
- Road Traffic (Miscellaneous) Regulations 2014
- Road Traffic (Road Rules- Ancillary and Miscellaneous Provisions) Regulations 2014

Titles

- Acting Director Corporate & Community Services
- Chief Executive Officer
- Compliance Officer
- Director Infrastructure & Environmental Services
- General Inspector

Instrument of Delegation under the Road Traffic Act 1961, the Road Traffic (Miscellaneous) Regulations 2014 and the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014

Road Traffic Act 1961			
Provision	Item Delegated	Delegate	Conditions and Limitations
s17(1)	1. Installation etc of traffic control devices – general provision 1.1 The power pursuant to Section 17(1) of the Road Traffic Act 1961 ('the Act'), to, with the approval of the Minister (or in accordance with a roadworks permit issued under Section 20 of the Act), install, maintain, alter or operate, or cause to be installed, maintained, altered or operated, a traffic control device on, above or near a road.	Director Infrastructure & Environmental Services	
s17(2)	1. Installation etc of traffic control devices – general provision 1.2 The power pursuant to Section 17(2) of the Act, to, with the approval of the Minister (or in accordance with a roadworks permit issued under Section 20 of the Act), remove a traffic control device or cause a traffic control device to be removed.	Director Infrastructure & Environmental Services	
s17(3)	Installation etc of traffic control devices – general provision 1.3 The power pursuant to Section 17(3) of the Act, to, with the approval of the Minister (or in accordance with a roadworks permit issued under Section 20 of the Act), install, display, alter, operate or remove traffic control devices: 1.3.1 in relation to an area where persons are engaged in work or an area affected by works in progress; or 1.3.2 in relation to a part of a road temporarily closed to traffic under the Act or any other Act; or 1.3.3 for any temporary purposes.	Director Infrastructure & Environmental Services	
s17(5)	1. Installation etc of traffic control devices – general provision 1.4 The power pursuant to Section 17(5) of the Act to make an application for an approval of the Minister in a manner determined by the Minister (which may differ between applications according to factors determined by the Minister) and to accompany the application with the fee fixed by, or calculated in accordance with, the regulations.	Director Infrastructure & Environmental Services	
s18(5)	2. Direction as to installation etc of traffic control devices 2.1 The duty pursuant to Section 18(5) of the the Act to carry out a direction which the Minister directs the Council (as a road authority) to carry out pursuant to Section 18(6) of the Act in circumstances where another road authority has failed to comply with the direction.	Director Infrastructure & Environmental Services	

Road Traffic Act 1961			
s18(7)	2. Direction as to installation etc of traffic control devices 2.2 The power pursuant to Section 18(7) of the Act where the Minister has directed the Council to carry out a direction pursuant to Section 18(6) of the Act, to recover as a debt due from the defaulting road authority any expenses incurred in carrying out the direction under Section 18(6) of the Act, subject to Section 18(8) of the Act.	Director Infrastructure & Environmental Services	
s20(3)	3. Work areas and work sites 3.1 The power pursuant to Section 20(3) of the Act to, with a relevant authorisation and in accordance with Part 2 of the Act and any regulations made for the purposes of Part 2 of the Act, place signs on a road for the purpose of indicating a maximum speed to be observed by drivers while driving on, by or towards a work area or work site where workers are engaged, or works are in progress, at the direction of the Council or the Council's delegate.	Director Infrastructure & Environmental Services	
s20(4)	3. Work areas and work sites 3.2 The power pursuant to Section 20(4) of the Act to place speed limit signs on a road: 3.2.1 if the Council holds a permit issued by the Minister under Section 20 of the Act (a 'roadworks permit') and the signs are placed on the road in accordance with the permit; or 3.2.2 if: 3.2.2.1 the work is required to be undertaken by the Council as a matter of urgency; and 3.2.2.2 the signs are placed on the road in accordance with an approval of the Minister under Part 2 of the Act; and 3.2.2.3 the Minister is notified of the placement of the signs as soon as is practicable (and, in any case, within two hours after the signs are placed on the road); and 3.2.2.4 the signs are placed on the road for a period not exceeding 24 hours or such longer period as may be determined by the Minister on an application under Section 20(9) of the Act; or 3.2.3 if: 3.2.3.1 the signs will not relate to any prescribed roads; and 3.2.3.2 the signs are placed on the road in accordance with an approval of the Minister under Part 2 of the Act.	Director Infrastructure & Environmental Services	
s20(6)	3. Work areas and work sites 3.3 The power pursuant to Section 20(6) of the Act to make an application for a roadworks permit in a manner determined by the Minister (which may differ between applications according to factors determined by the Minister) and to accompany the application with the fee fixed by, or calculated in accordance with, the regulations.	Director Infrastructure & Environmental Services	
s20(9)	3. Work areas and work sites 3.4 The power pursuant to Section 20(9) of the Act to make an application to the Minister for an extension of the 24 hour period referred to in Section 20(4)(b)(v) of the Act:	Director Infrastructure & Environmental	

Road Traffic Act 1961			
	3.4.1 by telephone or any other manner prescribed by the regulations; and 3.4.2 at least three hours before the end of that 24 hour period (unless the Minister is satisfied that there were good reasons for a delay in making the application).	Services	
s20A(1)	4. Appeal to District Court 4.1 The power pursuant to Section 20A(1) of the Act, if the Council having applied for an approval of the Minister under Section 17 of the Act or for a roadworks permit under Section 20 of the Act, is dissatisfied with a decision of the Minister in relation to the application, or in relation to an approval or permit granted as a result of the application, to appeal to the District Court against the decision.	Chief Executive Officer	
s31(2)	5. Action to deal with false devices or hazards to traffic 5.1 The power pursuant to Section 31(2) of the Act to remove from any road the care, control or management of which is vested in the Council and dispose of any false traffic control device or any device, structure or thing that the Delegate is satisfied might constitute a hazard to traffic.	Director Infrastructure & Environmental Services	
s33(2)	6. Road Closing and Exemptions for Certain Events 6.1 The power pursuant to Section 33(2) of the Act, to consent to an order under Section 33(1) of the Act to close a road in the Council's area.	Director Infrastructure & Environmental Services	
s40P(3)	7. Notice of Removal of Vehicle and Disposal of Vehicle if Unclaimed 7.1 The duty pursuant to Section 40P(3) of the Act and subject to Section 40P(4) to offer a vehicle, which was removed by an officer of the Council under Section 40N of the Act and for which there had been notice given according to Section 40P(2) of the Act and the owner of the vehicle failed to take possession of the vehicle and pay all expenses in connection with the removal, custody and maintenance of the vehicle and of serving, posting or publishing the notice, within one month after service or publication of the notice in accordance with Section 40P(2) of the Act, for sale by public auction.	Compliance Officer, Director Infrastructure & Environmental Services, General Inspector	
s40P(4)	7. Notice of Removal of Vehicle and Disposal of Vehicle if Unclaimed 7.2 The power pursuant to Section 40P(4) of the Act, where a vehicle is offered for sale by public auction but is not sold at the auction or the relevant authority reasonably believes that the proceeds of the sale of the vehicle would be unlikely to exceed the costs incurred in selling the vehicle, to dispose of the vehicle in such manner as the Delegate thinks fit.	Director Infrastructure & Environmental Services	
S40P(5)	7. Notice of Removal of Vehicle and Disposal of Vehicle if Unclaimed 7.3 The duty pursuant to Section 40P(5) of the Act to apply the proceeds of the sale of a vehicle as follows:	Director Infrastructure & Environmental	

Road Traffic Act 1961			
	<p>7.3.1 firstly, in payment of the costs of and incidental to the sale;</p> <p>7.3.2 secondly, in payment of the costs of and incidental to the removal, custody and maintenance of the vehicle and of the notice served, posted or published under this section; and</p> <p>7.3.3 thirdly, in payment of the balance to the owner of the vehicle.</p>	Services	
s40P(6)	<p>7. Notice of Removal of Vehicle and Disposal of Vehicle if Unclaimed</p> <p>7.4 The power pursuant to Section 40P(6) of the Act, if after reasonable inquiry following sale of the vehicle the owner of the vehicle cannot be found, to pay the balance of the proceeds of the sale to the Council.</p>	Director Infrastructure & Environmental Services	
s86	<p>8. Council May Determine That Ticket for Parking be Obtained Without Fee</p> <p>8.1 The power pursuant to Section 86 of the Act, if the Council has installed, or determined that it will install, permissive parking signs to apply to a length of road or area, to (in addition to any other action the Council may be empowered to take by or under the Act):</p> <p>8.1.1 determine that a ticket must be obtained for parking in the length of road or the area through the operation of parking ticket-vending machines installed or to be installed in or near the length of road or area without payment of a fee; or</p> <p>8.1.2 vary or revoke a determination made under Section 86 of the Act.</p>	Director Infrastructure & Environmental Services	
s163ZC(2)	<p>9. Compensation Orders for Damage to Road Infrastructure</p> <p>The power, pursuant to Section 163ZC(2) of the Act and in accordance with Section 163ZC(5) of the Act to make an application for a compensation order.</p>	Chief Executive Officer	
s163ZD(2)	<p>10. Assessment of Compensation</p> <p>10.1 The power pursuant to Section 163ZD(2) of the Act and in accordance with Section 163ZE of the Act to use in proceedings for the court to take into account in assessing the amount of any compensation:</p> <p>10.1.1 any evidence not adduced in connection with the prosecution of the offence but adduced in connection with the making of the proposed order; and</p> <p>10.1.2 any certificate of the Council, as the road authority stating that the Council maintains the road concerned; and</p> <p>10.1.3 any other certificate of the Council as the road authority, such as a certificate:</p>	Director Infrastructure & Environmental Services	

Road Traffic Act 1961			
	10.1.3.1 estimating the monetary value of all or any part of the road infrastructure or of the damage to it; or 10.1.3.2 estimating the cost of remedying the damage; or 10.1.3.3 estimating the extent of the offender's contribution to the damage.		
s163ZE(1)	11. Service of Certificates 11.1 The duty, pursuant to Section 163ZE(1) of the Act, if the Council, as the road authority, proposes to use a certificate referred to in Section 163ZD in proceedings, to serve a copy of the certificate on the defendant at least 28 working days before the day on which the matter is set down for hearing.	Director Infrastructure & Environmental Services	
s174C(1)	12. Exemptions 12.1 The power pursuant to Section 174C(1) of the Act to exempt any person, or any persons of specified class, or any specified vehicle, or any vehicles of a specified class, from compliance with a prescribed provision of the Act, subject to the payment of such fee and to such other conditions (if any) as the Delegate thinks fit and specifies in the exemption.	Director Infrastructure & Environmental Services	
Road Traffic (Miscellaneous) Regulations 2014			
Provision	Item Delegated	Delegate	Conditions and Limitations
r6(2)	13. Event Management Plan 13.1 The power pursuant to Regulation 6(2) of the Road Traffic (Miscellaneous) Regulations 2014 to consult with an applicant in the preparation of an event management plan for the purpose of Section 33(1) of the Act.	Director Infrastructure & Environmental Services	
r6(2)	13. Event Management Plan 13.2 The power pursuant to Regulation 6(2) of the Road Traffic (Miscellaneous) Regulations 2014 to consult with the Commissioner of Police or the Commissioner of Highways in the preparation of an event management plan for the purpose of Section 33(1) of the Act.	Director Infrastructure & Environmental Services	
Road Traffic (Road Rules- Ancillary and Miscellaneous Provisions) Regulations 2014			
Provision	Item Delegated	Delegate	Conditions and Limitations

Road Traffic (Road Rules- Ancillary and Miscellaneous Provisions) Regulations 2014			
r17(2)	<p>14. Permit Zones</p> <p>14.1 The power pursuant to Regulation 17(2) of the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014 to determine –</p> <p>14.1.1 the class of permits required for vehicles to stop in a permit zone established by the Council;</p> <p>14.1.2 the persons entitled to such permits;</p> <p>14.1.3 any fees to be paid for such permits;</p> <p>14.1.4 the conditions to which the permits will be subject (which may include conditions as to the period for which such permits remain in force and conditions as to the display of permits in vehicles). and to vary any such determination.</p>	<p>Acting Director Corporate & Community Services, Compliance Officer, General Inspector</p>	
r17(3)	<p>14. Permit Zones</p> <p>14.2 The power pursuant to Regulation 17(3) of the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014 to issue permits in respect of permit zones to persons entitled to them, on payment of a fee (if any) and subject to the conditions, determined by the Delegate.</p>	<p>Compliance Officer, Director Infrastructure & Environmental Services, General Inspector</p>	
r22(2)	<p>15. Parking and Parking Ticket-Vending Machines or Parking Meters</p> <p>15.1 The power pursuant to Regulation 22(2) of the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014 if the Council has installed or determined that it will install permissive parking signs to apply to a length of road or an area, to determine fees that will be payable for parking in the length of road or the area by the operation of parking ticket-vending machines or parking meters, installed or to be installed in or near the length of road or area, and the power to vary such fees.</p>	<p>Director Infrastructure & Environmental Services</p>	

Document history and version control

Date	Council/Chief Executive Officer	Comment
27/6/2017	Full annual review adopted at the Council meeting of 27 June 2017	
19/12/17	Variation adopted at Council meeting 19 December 2017	Update to Road Traffic Act
11/12/18	Variation adopted at Council meeting 11 December 2018	New delegations in Road Traffic Act 1961