APPENDIX 25

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

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.

Sub-delegation

In exercise of the power provided to me by the Council on the 21 February 2017 as above, I, Colin John Davies, Chief Executive Officer on this Twenty-First day of February 2017 hereby sub-delegate the following powers to the officer or officers of the Council as indicated in the column marked "Subdelegate" (including any person appointed to act in any such position).

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

		SUB-DELEGATE
1.	**Deciding Request for Consent Generally**	
1.1	The power pursuant to Section 156(1) of the *Heavy Vehicle National Law (South Australia) Act 2013* (**the Act**), to, subject to Sections 156(2), (3) (4) and (6) of the Act, if the Regulator asks for the Council's consent to the grant of a mass or dimension authority, decide to give or not to give the consent:	
1.1.1	within:	

	1.1.1.1 28 days after the request is made, unless Section 156(1)(a)(ii) of the Act applies; or	
	1.1.1.2 if Section 156 of the Act applies because the Council gave the Regulator a notice of objection to the grant under Section 167 of the Act – 14 days after giving the notice of objection; or	
	1.1.2 within a longer period, of not more than 6 months after the request is made, agreed to by the Regulator.	
1.2	The power pursuant to Section 156(2) of the Act, to ask for a longer period under Section 156(1)(b) of the Act only if:	
	1.2.1 consultation is required under a law with another entity (including, for example, for the purpose of obtaining that entity's approval to give the consent); or	
	1.2.2 the delegate considers a route assessment is necessary for deciding whether to give or not to give the consent; or	
	1.2.3 the Council is the road authority for the participating jurisdiction and the delegate considers that a local government authority that is not required under a law to be consulted should nevertheless be consulted before deciding whether to give or not to give the consent.	
1.3	The power pursuant to Section 156(2)(c) of the Act to, in relation to the Regulator obtaining the consent of the road manager for a road for the purpose of granting a mass or dimension authority make submissions where the road manager is the road authority for the participating jurisdiction and considers that the Council, whilst not required under a law to be consulted should nevertheless be consulted before the road manager decides whether	

	to give or not to give consent.	
1.4	The power pursuant to Section 156(3) of the Act to decide not to give the consent only if the delegate is satisfied:	
	1.4.1 the mass or dimension authority will, or is likely to:	
	1.4.1.1 cause damage to road infrastructure; or	
	1.4.1.2 impose adverse effects on the community arising from noise, emissions or traffic congestion or from other matters stated in approved guidelines; or	
	1.4.1.3 pose significant risks to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions; and	
	1.4.2 it is not possible to grant the authority subject to road conditions or travel conditions that will avoid, or significantly minimise:	
	1.4.2.1 the damage or likely damage; or	
	1.4.2.2 the adverse effects or likely adverse effects; or	
	1.4.2.3 the significant risks or likely significant risks.	
1.5	The power pursuant to Section 156(4) of the Act, in deciding whether or not to give the consent, to have regard to:	
	1.5.1 for a mass or dimension exemption – the approved guidelines for granting mass or	

	dimension exemptions; or	
1.5.2	for a class 2 heavy vehicle authorisation – the approved guidelines for granting class 2 heavy vehicle authorisations.	
1.6	The power pursuant to Section 156(6) of the Act, if the delegate decides not to give consent to the grant of the authority, to give the Regulator a written statement that explains the delegate's decision and complies with Section 172 of the Act.	
2.	**Action Pending Consultation with Third Party**	
2.1	The power pursuant to Section 158(2) of the Act, if the consultation with the other entity is not yet completed, to, as far as practicable, deal with the request for consent and decide to give or not to give the consent (even though the consultation with the other entity is not completed).	
2.2	The power pursuant to Section 158(4) of the Act, if:	
2.2.1	the consultation with the other entity is completed and the other entity's approval is required; and	
2.2.2	the delegate has not yet decided to give or not to give the consent, to-	
2.2.3	decide not to give the consent, on the ground that the consent would be inoperative; or	
2.2.4	decide to give the consent.	
3.	**Deciding Request for Consent if Route Assessment Required**	
3.1	The power pursuant to Section 159(1) and (2) of the Act to, form the opinion a route assessment is necessary for deciding whether to give or not to give the consent and notify the Regulator of the following:	

	3.1.1 that a route assessment is required for deciding whether to give or not to give the consent;	
	3.1.2 the fee payable (if any) for the route assessment under a law of the jurisdiction in which the road is situated.	
3.2	The power pursuant to Section 159(4) of the Act, if a fee is payable for the route assessment under a law of the jurisdiction in which the road is situated to stop considering whether to give or not to give the consent until the fee is paid.	
4.	**Imposition of Road Conditions**	
4.1	The power pursuant to Section 160(1) of the Act and in accordance with Section 160(2) of the Act, to consent to the grant of the authority subject to:	
	4.1.1 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	
	4.1.2 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.	
4.2	The power pursuant to Section 160(2) of the Act to, if the delegate consents to the grant of the authority subject to a condition as mentioned in Section 160(1)(a) of the Act to give the Regulator a written statement that explains the decision to give consent to the grant of the authority subject to the condition and complies with Section 172 of the Act.	
5.	**Imposition of Travel Conditions**	
5.1	The power pursuant to Section 161(1) of the Act, to, consent to the grant of the authority subject to the condition that a stated travel condition is imposed on	

	the authority.	
5.2	The power pursuant to Section 161(2) of the Act, if the delegate consents to the grant of the authority as mentioned in Section 161(1) of the Act to give the Regulator a written statement that explains the decision to give consent to the grant of the authority subject to the condition and complies with Section 172 of the Act.	
6.	**Imposition of Vehicle Conditions**	
6.1	The power pursuant to Section 162(1) of the Act, where the delegate gives consent to the grant of the authority to ask the Regulator to impose a stated vehicle condition on the authority.	
7.	**Expedited Procedure for Road Manager's Consent for Renewal of Mass or Dimension Authority**	
7.1	The power pursuant to Section 167(2)(b) of the Act, to give the Regulator a notice of objection to the application of Section 167 of the Act to the proposed replacement authority within the period of:	
7.1.1	14 days after the request for consent is made; or	
7.1.2	28 days after the request for consent is made if the delegate seeks the extension of time within the initial 14 days.	
8.	**Granting Limited Consent for Trial Purposes**	
8.1	The power pursuant to Section 169(1) of the Act to give consent to the grant of a mass or dimension authority for a trial period of no more than 3 months specified by the delegate.	
9.	**Renewal of Limited Consent for Trial Purposes**	
9.1	The power pursuant to Section 170(3) of the Act to give the Regulator a written objection within the current trial period to the renewal of a mass or	

	dimension authority for a further trial period of no more than 3 months.	
10.	**Amendment or Cancellation on Regulator's Initiative**	
10.1	The power pursuant to Section 173(3)(d) of the Act to make written representations about why the proposed action should not be taken.	
11.	**Amendment or Cancellation on Request by Relevant Road Manager**	
11.1	The power pursuant to Section 174(1) of the Act to form the opinion and be satisfied that the use of heavy vehicles on a road under the authority:	
11.1.1	has caused, or is likely to cause, damage to road infrastructure; or	
11.1.2	has had, or is likely to have, an adverse effect on the community arising from noise, emissions or traffic congestion or from other matters stated in approved guidelines; or	
11.1.3	has posed, or is likely to pose, a significant risk to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions.	
11.2	The power pursuant to Section 174(2) of the Act to ask the Regulator to:	
11.2.1	amend the mass or dimension authority by:	

11.2.1.1 amending the areas or routes to which the authority applies; or	
11.2.1.2 amending the days or hours to which the authority applies; or	
11.2.1.3 imposing or amending road conditions or travel conditions; or	
11.2.2 cancel the authority.	
12. **Amendment or Cancellation on Application by Permit Holder**	
12.1 The power pursuant to Section 176(4)(c) of the Act to consent to the amendment of a mass or dimension authority.	
13. **Amendment or Cancellation on Request by Relevant Road Manager**	
13.1 The power pursuant to Section 178(1) of the Act to form the opinion and be satisfied that the use of heavy vehicles on a road under the authority:	
13.1.1 has caused, or is likely to cause, damage to road infrastructure; or	
13.1.2 has had, or is likely to have, an adverse effect on the community arising from noise, emissions or traffic congestion or from other matters stated in approved guidelines; or	
13.1.3 has posed, or is likely to pose, a significant risk to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions.	
13.2 The power pursuant to Section 178(2) of the Act to ask the Regulator to:	
13.2.1 amend the mass or dimension authority, including, for example, by:	

13.2.1.1 amending the areas or routes to which the authority applies; or	
13.2.1.2 amending the days or hours to which the authority applies; or	
13.2.1.3 imposing or amending road conditions or travel conditions on the authority; or	
13.2.2 cancel the authority.	

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Section(s) in Act to which conditions/ limitations apply	Conditions / Limitations