



DELEGATION OF AUTHORITY

DELEGATION NO:	2009-33 (v2)
DELEGATION TITLE:	Transport Operations
Delegation from Council to:	Chief Executive Officer
Date and Resolution No.:	
Delegation from the Chief Executive Officer to: Refer attached schedule	Date
Source of Authority: <i>Local Government Act 2009</i> <i>Transport Operations (Road Use Management) Act 1995</i> <i>Transport Operations (Road Use Management – Vehicle Registration) Regulation 2010</i> <i>Transport Operations (Marine Safety) Regulation 2004</i> <i>Transport Operations (Marine Pollution) Act 1995</i>	

Delegated Power:

1. To exercise the powers of the local government under the *Transport Operations (Marine Pollution) Act 1995* including without limitation the following:
 - (a) consult with the chief executive; and
 - (b) consult with the State, the port authority or port operator.
2. To exercise the powers of the local government under the *Transport Operations (Marine Safety) Act 1994* and the *Transport Operations (Marine Safety) Regulation 2004* including without limitation the following:
 - (a) consult with chief executive in developing marine safety implementation programs;
 - (b) give the general manager a proposal for an area (a proposed area) to be a marine zone; and
 - (c) consult with the proposing entity.

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3. To exercise the powers of the local government under the *Transport Operations (Road Use Management) Act 1995 (the Act)* including without limitation the following:
- (a) maintain and continue official traffic signs installed where the chief executive officer is reasonably satisfied that there is a danger, hindrance, obstruction to traffic or other emergency;
 - (b) take all reasonable action for the removal of things from roads, including the giving of a notice and determining the manner and terms of their disposal and the disposal of contents;
 - (c) install and remove official traffic signs on council roads and off street regulated parking;
 - (d) take proceedings against a person;
 - (e) remove unauthorised traffic signs;
 - (f) remove and detain at a place for safe keeping any vehicles, trams and animals;
 - (g) regulate parking in its area on a road or on an off-street regulated parking area;
 - (h) regulate parking by installing official traffic signs indicating how parking is regulated;
 - (i) exercise control over land for use as an off-street parking area under an arrangement with a person who owns or has an interest in the land;
 - (j) install a parking meter or parkatarea for a designated parking space if it is installed in a way specified by the MUTCD¹ or approved by the chief executive; and
 - (k) enter into an agreement with the commissioner of police in respect of annual or periodical payments to the commissioner of police for costs incurred in the carrying out of duties by police officers enforcing parking regulations.

Delegation Criteria:

4. The delegated officer may exercise the powers of council in accordance with paragraph 1 (c), (h) of this delegation subject to the following conditions:
- (a) the delegated officer may install and remove official traffic signs in it's area –
 - (i) on a road that is not declared road; or
 - (ii) on a declared road where the chief executive of the department which administers the *Transport Planning and Coordination Act 1994* has given written agreement to the local government;
 - (iii) where it is decided that there is a danger, hindrance or obstruction to traffic or other emergency exists;
 - (iv) which may be necessary, required or desirable for the purpose of regulating, guiding or warning traffic;
 - (v) as specified by the MUTCD².

¹ Manual for uniform and traffic control devices (MUTCD)

² Manual for uniform and traffic control devices (MUTCD)

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5. The Delegated Officer may exercise the powers of Council in accordance with paragraph 1 (f) of this delegation subject to the following conditions:
- (a) The delegated officer may remove and detain a vehicle, tram or animal in its area –
 - (i) that has been left or found on a road unattended whether temporarily or otherwise where it is causing or likely to cause, danger, hindrance or obstruction to traffic; or
 - (ii) that has been left or found on a road unattended whether temporarily or otherwise where it is preventing or likely to prevent, hinder or obstruct the use of the road or a part of the road for a lawful purpose;
 - (iii) where the driver of the vehicle, tram or animal:
 - (A) can not readily be located; or
 - (B) has failed to immediately remove the vehicle, tram or animal when required by the local government to do so.
 - (b) The delegated officer may dispose of any perishable goods contained in such vehicle, tram at the time of its removal in accordance with the provisions of the *Transport Operations (Road Use Management) Act 1995*.
 - (c) The delegated officer may deal with any goods, equipment or thing contained in, on or about the vehicle or tram at the time of its removal in accordance with the provisions of the *Transport Operations (Road Use Management) Act 1995*.
6. The Delegated Officer may exercise the powers of Council in accordance with paragraph 1 (b) and (f) of this delegation subject to the following conditions:
- (a) The delegated officer shall serve a notice on the owner of the vehicle, tram or animal or thing from a road as soon as practicable and the notice must include:
 - (i) details of vehicle, tram, animal or thing removed; and
 - (ii) details of the place at which the vehicle, tram, animal or thing is detained.
 - (b) The delegated officer shall serve a notice on the owner personally, if practicable.
 - (c) Where the officer is unable to serve a notice on an owner of the vehicle, tram or animal within 14 days from the date of removal then the notice may be given by public advertisement in a newspaper circulating in the locality in which the vehicle, tram or animal was found.

7. The Delegated Officer may exercise the powers of Council in accordance with paragraph 1 (b) and (f) of this delegation subject to the following conditions:
- (a) If within 1 month from the date of service or advertisement of a notice to the owner of the vehicle, tram or animal, the owner has not claimed possession of the vehicle, tram or animal, the delegated officer may:
 - (i) advertise in a newspaper the sale of the vehicle, tram or animal by public auction;
 - (ii) after 14 days from the date of the public advertisement, offer the vehicle, tram or animal for sale by public auction.
 - (b) Ensure that the proceeds of the sale or disposal of the vehicle, tram or animal are in accordance with the provisions outlined in the *Transport Operations (Road Use Management) Act 1995*.

Delegation Administrative Procedure:

- 8. The powers conferred by this delegation must be exercised in accordance with the legislation conferring the authority, including any obligations which are imposed in exercising the power (e.g. performing the function or exercise the power in a way that best achieves the object of the Act).
- 9. The powers conferred by this delegation must not be exercised in circumstances where the power is not capable of delegation under sections 257, 257A, 258 and 259 of the Local Government Act 2009.
- 10. The delegated officer must make and keep a register of all instances of where this delegation has been exercised.
- 11. Unless compliance would be contrary to any law, compliance with the policies and codes of conduct of the local government must be achieved.