

Road Transport (General) Chief Police Officer Delegation 2018 (No 2)

Notifiable instrument NI2018–672

made under the

Road Transport (General) Act 1999, section 18 (Delegation of chief police officer's functions) and section 54 (1) (Delegation of administering authority's functions)

1 Name of instrument

This instrument is the *Road Transport (General) Chief Police Officer Delegation 2018 (No 2)*.

2 Commencement

This instrument commences on the day after it is signed.

3 Delegation

1) I, Chief Police Officer, in both that capacity and in my capacity as an administering authority, delegate those of my powers and functions under the *Road Transport (General) Act 1999* (except in relation to infringement notices issued to a police vehicle or emergency vehicle) specified in column 1 of schedule 1 to this instrument, to each person occupying or performing the duties, from time to time, of a position specified in the corresponding row of column 3 of schedule 1 to this instrument.

Note: Section 18 (b) of the *Road Transport (General) Act 1999* provides that the Chief Police Officer can delegate their functions to a public employee.

2) I, Chief Police Officer in my capacity as an administering authority for the purposes of certain infringement notice offences under the *Road Transport (General) Act 1999*, delegate all my powers and functions under Part 3 - Infringement Notices for certain offences of the *Road Transport (General) Act 1999* (except in relation to infringement notices issued to a police vehicle or emergency vehicle) to police officers.

3) I, Chief Police Officer in my capacity as an administering authority for the purposes of certain infringement notice offences under the *Road Transport (General) Act 1999*, delegate all my powers and functions under sections 11, 14, 14A, 14B, 14D and 16B of the *Road Transport (Offences) Regulation 2005* to police officers.

4) I, Chief Police Officer in my capacity as an administering authority for the purposes of certain infringement notice offences under the *Road Transport (General) Act 1999*, delegate all my powers and functions under Part 3 - Infringement Notices for certain offences of the *Road Transport (General) Act 1999* (except in relation to infringement notices issued to a police vehicle or emergency vehicle) to the head of Access Canberra.

5) I, Chief Police Officer in my capacity as an administering authority for the purposes of certain infringement notice offences under the *Road Transport (General) Act 1999*, delegate my powers and functions under sections 11, 14, 14A, 14B, 14D and 16B of the *Road Transport (Offences) Regulation 2005* (except in relation to infringement notices issued to a police vehicle or emergency vehicle) to the head of Access Canberra.

Note: Section 8 (2) of the *Road Transport (Offences) Regulation 2005* provides that the Chief Police Officer is the administering authority for infringement notice offences that are not described in section 8 (1).

Section 54 (1) of the *Road Transport (General) Act 1999* provides that an administering authority can delegate their functions under Part 3 to a person prescribed by regulation.

Section 15 of the *Road Transport (Offences) Regulation 2005* provides that the administering authority may delegate their functions to a public employee or police officer.

4 Definitions

In this instrument:

Access Canberra, means the business unit known as Access Canberra.

emergency vehicle, means any vehicle driven by a person who is:

- a) an emergency worker; and
- b) driving the vehicle in the course of his or her duties as an emergency worker.

emergency worker, means:

- a) a member of the ambulance service rendering or providing transport for sick or injured people; or
- b) a member of the ambulance service, the fire and rescue service, the rural fire service or the SES providing transport in an emergency; or
- c) a person who is declared by the road transport authority to be an emergency worker; or
- d) a person defined as an emergency worker under a Territory law.

head, of Access Canberra, means the person occupying, from time to time, the position (however described) of head of Access Canberra

police officer, means a person either declared a member or appointed a special member of the Australian Federal Police, who occupies, from time to time, a position (however described) in the Australian Federal Police.

police vehicle, means any vehicle driven by a person who is:

- a) a police officer; and
- b) driving the vehicle in the course of his or her duties as a police officer.

5 Revocation

This instrument revokes:

- a) *Road Transport (General) Chief Police Officer Delegation 2016 (No 1)* (NI2016-333)
- b) *Road Transport (General) Chief Police Officer Delegation 2018 (No 1)* (NI2018-591)

Ray Johnson
Chief Police Officer
and as an administering authority
3 December 2018

Schedule 1

Column 1	Column 2	Column 3	Column 4
Section	Function	Position No	Position description
Section 92A, Part 7, <i>Road Transport (General) Act 1999</i>	Arrange for a person to review an internally reviewable decision	E218 P36222 P35718 P41143 P00867 P04683 P33121 P37000 P02498 P13861 P19911 P32048	Director, Licensing and Registrations Deputy Director Deputy Director Deputy Director Senior Manager Transport Licensing Manager Operations Manager Licensing Senior Manager Infringements Manager Infringements Assistant Manager Infringements Assistant Manager Infringements Assistant Manager Infringements
Section 93, Part 7, <i>Road Transport (General) Act 1999</i>	Review an internally reviewable decision	E218 P36222 P35718 P41143 P00867 P04683 P33121 P37000 P02498 P13861 P19911 P32048	Director, Licensing and Registrations Deputy Director Deputy Director Deputy Director Senior Manager Transport Licensing Manager Operations Manager Licensing Senior Manager Infringements Manager Infringements Assistant Manager Infringements Assistant Manager Infringements Assistant Manager Infringements