

# Road Transport (General) Road Transport Authority (Parking Infringement Notices) Delegation 2018 (No 1)\*

Notifiable instrument NI2018–735

made under the

*Road Transport (General) Act 1999*, section 17 (1) (Delegation of road transport authority's functions) and section 54 (1) (Delegation of administering authority's functions)

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## 1 Name of instrument

This instrument is the *Road Transport (General) Road Transport Authority (Parking Infringement Notices) Delegation 2018 (No 1)*.

## 2 Commencement

This instrument commences on the day after it is signed.

## 3 Delegation

- 1) I, Director-General of the Environment, Planning and Sustainable Development Directorate, in my capacities as both a road transport authority and an administering authority, delegate those of my powers and functions under the *Road Transport (General) Act 1999* specified in column 1 of schedule 1 of 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 17 (1) (b) of the *Road Transport (General) Act 1999* provides that a road transport authority can delegate a road transport authority's functions under the road transport legislation to a public employee.

- 2) I, Director-General of the Environment, Planning and Sustainable Development Directorate, in my capacities as both a road transport authority and an administering authority for the purposes of certain infringement notice offences under the road transport legislation, delegate all my powers and functions under Part 3 – Infringement notices for certain offences of the *Road Transport (General) Act 1999* to the following:

- (a) the head of Access Canberra;
- (b) the chief operating officer of Access Canberra; and

\*Name amended under Legislation Act, s 60

(c) police officers.

3) I, Director-General of the Environment, Planning and Sustainable Development Directorate, in my capacities as both a road transport authority and an administering authority for the purposes of certain infringement notice offences under the road transport legislation, delegate all my powers and functions under sections 11, 14, 14A, 14B, 14D and 16B of the *Road Transport (Offences) Regulation 2005* to the following:

- (a) the head of Access Canberra;
- (b) the chief operating officer of Access Canberra; and
- (c) police officers.

Note: Section 8 (1) (a) of the *Road Transport (Offences) Regulation 2005* provides that a road transport authority (here the Director-General of the Environment, Planning and Sustainable Development Directorate) is the administering authority for the purposes of certain offences contained in part 12 of the *Road Transport (Road Rules) Regulation 2017*, where those offences are infringement notice offences under part 1.12A of schedule 1 of the *Road Transport (Offences) Regulation 2005*. This does not extend to those specific sections of part 12 of the *Road Transport (Road Rules) Regulation 2017* listed in section 8 (1) (a) of the *Road Transport (Offences) Regulation 2005* in relation to which the Chief Police Officer is the relevant administering authority under section 8 (2) of the *Road Transport (Offences) Regulation 2005*.

Section 8 (1) (b) of the *Road Transport (Offences) Regulation 2005* provides that the road transport authority (here the Director-General of the Environment, Planning and Sustainable Development Directorate) is the administering authority for the purposes of certain offences contained in division 7.3 of the *Road Transport (Safety and Traffic Management) Regulation 2017*, where those offences are infringement notice offences under part 1.13 of schedule 1 of the *Road Transport (Offences) Regulation 2005*. This does not extend to offences in the *Road Transport (Safety and Traffic Management) Regulation 2017* (which are not contained in division 7.3) in relation to which the Chief Police Officer is the relevant administering authority under section 8 (2) of the *Road Transport (Offences) Regulation 2005*.

Which Director-General is the road transport authority is determined by section 16 (3) of the *Road Transport (General) Act 1999* read in conjunction with the *Administrative Arrangements 2018 (No 2)*.

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) of the *Road Transport (Offences) Regulation 2005*.

Section 54 (1) (b) of the *Road Transport (General) Act 1999* read with section 15 of the *Road Transport (Offences) Regulation 2005* provides that an administering authority can delegate an administering authority's functions to a public employee or a police officer.

## 4 Definitions

In this instrument:

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

*chief operating officer*, of Access Canberra, means the public employee occupying, from time to time, the position of chief operating officer of Access Canberra

*Director-General, of the Environment, Planning and Sustainable Development Directorate*, means the SES employee occupying, from time to time, the position (however described) of Director-General of the Environment, Planning and Sustainable Development Directorate.

*Environment, Planning and Sustainable Development Directorate*, means the administrative unit that the Director-General is responsible for.

*head*, of Access Canberra, means the public employee 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.

*road transport legislation* – see section 6 of the *Road Transport (General) Act 1999*.

## 5 Revocation

This instrument revokes:

- a) *Road Transport (General) (Infringement Notice Offences) Regulation 2016 (No 1)* (NI2016-348)
- b) *Road Transport Legislation (JACS) Delegation 2016 (No 1)* (NI2016-349)

## 6 Expiry

This instrument expires on 30 June 2019.

Geoffrey Rutledge  
Delegate of the Director-General of the Environment, Planning and Sustainable  
Development Directorate  
as a road transport authority and an administering authority  
20 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