

Road Transport (General) Road Transport Authority (Infringement Notices) Delegation 2019 (No 1)*

Notifiable instrument NI2019–116

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)**

1 Name of instrument

This instrument is the *Road Transport (General) Road Transport Authority (Infringement Notices) Delegation 2019 (No 1)*.

2 Commencement

This instrument commences on the day after it is signed.

3 Delegation

1) I, Director-General of the Justice and Community Safety 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 in the Transport Canberra and City Services Directorate 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 the 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 Justice and Community Safety 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 2 of this instrument, to each person occupying or performing the duties, from time to time, of a position in Access Canberra specified in the corresponding row of column 3 of schedule 2 to this instrument.

Note: Section 17 (1) (b) of the *Road Transport (General) Act 1999* provides that the road transport authority can delegate a road transport authority's functions under the road transport legislation to a public employee.

*Name amended under Legislation Act, s 60

3) I, Director-General of the Justice and Community Safety 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 following:

- (a) the Director-General of the Transport Canberra and City Services Directorate;
- (b) the head of Access Canberra;
- (c) the chief operating officer of Access Canberra; and
- (d) police officers.

4) I, Director-General of the Justice and Community Safety Directorate, in my capacities as both a road transport authority and an administering authority for the purposes of 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 Director-General of the Transport Canberra and City Services Directorate;
- (b) the head of Access Canberra;
- (c) the chief operating officer of Access Canberra; and
- (d) police officers.

Note: The road transport authority is an administering authority pursuant to section 8 (1) of the *Road Transport (Offences) Regulation 2005*.

Section 8 (1) (c) of the *Road Transport (Offences) Regulation 2005* provides that a road transport authority (here the Director-General of the Justice and Community Safety Directorate) is the administering authority for the purposes of certain offences contained in the *Road Transport (Public Passenger Services) Act 2001 and the Road Transport (Public Passenger Services) Regulation 2002*, where those offences are infringement notice offences under parts 1.10 and 1.11 of schedule 1 of the *Road Transport (Offences) Regulation 2005*.

Section 8 (1) (a) of the *Road Transport (Offences) Regulation 2005* provides that a road transport authority (here the Director-General of the Justice and Community Safety 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 (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 16 (3) of the *Road Transport (General) Act 1999* defines the road transport authority. This section in conjunction with the Administrative Arrangements 2018 (No 2) determines which Director-General is the road transport authority for certain provisions of the road transport legislation.

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 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 (however described) of chief operating officer of Access Canberra.

Director-General, of the ***Transport Canberra and City Services Directorate***, means the SES employee occupying, from time to time, the position (however described) of Director-General of the Transport Canberra and City Services Directorate.

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*

Transport Canberra and City Services Directorate, means the administrative unit that the Director-General is responsible for.

Alison Playford
Director-General of the Justice and Community Safety Directorate
as a road transport authority and an administering authority

4 March 2019

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	E00867 E01006 E01008 E00600	Deputy Director-General Executive Director Director, Light Rail Operations Director, Public Transport Relations
Section 93, Part 7, <i>Road Transport (General) Act 1999</i>	Review an internally reviewable decision	E00867 E01006 E01008 E00600	Deputy Director-General Executive Director Director, Light Rail Operations Director, Public Transport Relations

Schedule 2

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 P21223 P24490 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 Transport Solutions Manager Public Transport and Audit 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 P21223 P24490 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 Transport Solutions Manager Public Transport and Audit Senior Manager Infringements Manager Infringements Assistant Manager Infringements Assistant Manager Infringements Assistant Manager Infringements