Australian Capital Territory

Road Transport (General) (Road Transport Authority Public Passenger Infringement Notice functions) Delegation 2019 (No 1)

**Notifiable instrument NI2019– 285**

made under the

*Road Transport (General) Act 1999*, section 54 (2) (Delegation of administering authority’s functions delegated to the Director-General of Transport Canberra and City Services)

**1 Name of instrument**

This instrument is the *Road Transport (General) (Road Transport Authority Public Passenger Infringement Notice functions) Delegation 2019 (No 1)*.

**2 Commencement**

This instrument commences on the day after it is signed.

**3 Delegation**

(1) I, Director-General of the Transport Canberra and City Services Directorate, in my capacity as a delegate of the Director-General of the Justice and Community Safety Directorate in that entity’s capacities as both a road transport authority and an administering authority, delegate those of my delegated powers and functions under Part 3 – Infringement notices for certain offences of the *Road Transport (General) Act 1999* 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.

2) I, Director-General of the Transport Canberra and City Services Directorate, in my capacity as a delegate of the Director-General of the Justice and Community Safety Directorate in that entity’s capacities as a road transport authority and an administering authority, delegate those of my delegated powers and functions under the *Road Transport (Offences) Regulation 2005* specified in column 1 of schedule 2 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 2 to this instrument.

Note: The Director-General of the Justice and Community Safety Directorate is a road transport authority pursuant to section 16 (3) of the *Road Transport (General) Act 1999.*

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

The Director-General of the Justice and Community Safety Directorate in that entity’s capacities as both a road transport authority and an administering authority, has delegated an administering authority’s functions under Part 3 – Infringement notices for certain offences of the *Road Transport (General) Act 1999* and under sections 11, 14, 14A, 14B, 14D and 16B of the *Road Transport (Offences) Regulation 2005,* to the Director-General of the Transport Canberra and City Services Directorate.

The Director-General of the Transport Canberra and City Services Directorate is a public employee and so a delegate of the administering authority described by section 54 (1) (b) of the *Road Transport (General) Act 1999* read with section 15 of the *Road Transport (Offences) Regulation 2005*. Consequently, pursuant to section 54 (2) of the *Road Transport (General) Act 1999*, the Director-General of the Transport Canberra and City Services Directorate can delegate the administering authority functions delegated “to anyone else”.

Emma Thomas
Director-General of Transport Canberra and City Services
Delegate of the Director-General of the Justice and Community Safety Directorate in the Director-General’s capacity as both a road transport authority and an administering authority

10 April 2019

**Schedule 1**

| **Column 1** | **Column 2** | **Column 3** | **Column 4** |
| --- | --- | --- | --- |
| **Section** | **Function** | **Position No** | **Position description** |
| Section 27**,** Part 3, *Road Transport (General) Act 1999* | Arrange for service of a reminder notice | E00867E01006E01008E00600P37660 | Deputy Director General Executive Group Manager Public Transport OperationsDirector Light Rail OperationsExecutive Branch Manager Public Transport Operations Director Field Operations and Flexible Transport |
| Section 29, Part 3, *Road Transport (General) Act 1999* | Allow or refuse an application for extension of time to do things | E00867E01006E01008E00600P37660 | Deputy Director General Executive Group Manager Public Transport OperationsDirector Light Rail OperationsExecutive Branch Manager Public Transport Operations Director Field Operations and Flexible Transport |
| Section 31B (1), Part 3, *Road Transport (General) Act 1999* | Allow or refuse an application for an infringement notice management plan | E00867E01006E01008E00600P37660 | Deputy Director General Executive Group Manager Public Transport OperationsDirector Light Rail OperationsExecutive Branch Manager Public Transport Operations Director Field Operations and Flexible Transport |
| Section 31B (2), Part 3, *Road Transport (General) Act 1999* | May seek further information relating to an application for an infringement notice management plan | E00867E01006E01008E00600P37660 | Deputy Director General Executive Group Manager Public Transport OperationsDirector Light Rail OperationsExecutive Branch Manager Public Transport Operations Director Field Operations and Flexible Transport |
| Section 31B (3), Part 3, *Road Transport (General) Act 1999* | Allow for payment by instalments in prescribed circumstances | E00867E01006E01008E00600P37660 | Deputy Director General Executive Group Manager Public Transport OperationsDirector Light Rail OperationsExecutive Branch Manager Public Transport Operations Director Field Operations and Flexible Transport |
| Section 31B (4), Part 3, *Road Transport (General) Act 1999* | Allow participation in a community work or social development program | E00867E01006E01008E00600 | Deputy Director General Executive Group Manager Public Transport OperationsDirector Light Rail OperationsExecutive Branch Manager Public Transport Operations  |
| Section 31B (5), Part 3, *Road Transport (General) Act 1999* | May decide the amount of instalments that must be paid under infringement notice management plan | E00867E01006E01008E00600P37660 | Deputy Director General Executive Group Manager Public Transport OperationsDirector Light Rail OperationsExecutive Branch Manager Public Transport Operations Director Field Operations and Flexible Transport |
| Section 31B (6), Part 3, *Road Transport (General) Act 1999* | If the application is allowed, tell an applicant for an infringement notice management plan about the arrangements for paying the infringement notice penalty by instalments; and if application is refused – tell the applicant in writing about the refusal and the reasons for the refusal | E00867E01006E01008E00600P37660 | Deputy Director General Executive Group Manager Public Transport OperationsDirector Light Rail OperationsExecutive Branch Manager Public Transport Operations Director Field Operations and Flexible Transport |
| Section 31C (1), *Part 3, Road Transport (General) Act 1999* | Seek approval from responsible director-general to applicant participating in an approved community work or social development program | E00867E01006E01008E00600 | Deputy Director General Executive Group Manager Public Transport OperationsDirector Light Rail OperationsExecutive Branch Manager Public Transport Operations  |
| Section 31G (1), Part 3, *Road Transport (General) Act 1999* | Allow or refuse application for waiver of penalty | E00867E01006E01008E00600P37660 | Deputy Director General Executive Group Manager Public Transport OperationsDirector Light Rail OperationsExecutive Branch Manager Public Transport Operations Director Field Operations and Flexible Transport |
| Section 31G (2), Part 3, *Road Transport (General) Act 1999* | Request information to determine application for waiver | E00867E01006E01008E00600P37660 | Deputy Director General Executive Group Manager Public Transport OperationsDirector Light Rail OperationsExecutive Branch Manager Public Transport Operations Director Field Operations and Flexible Transport |
| Section 31G (4), Part 3, *Road Transport (General) Act 1999* | Consult with director-general responsible for the *Crimes (Sentence Administration) Act 2005, part 6.2 (Good behaviour – community service work).*  | E00867E01006E01008E00600P37660 | Deputy Director General Executive Group Manager Public Transport OperationsDirector Light Rail OperationsExecutive Branch Manager Public Transport Operations Director Field Operations and Flexible Transport |
| Section 31G (5), Part 3, *Road Transport (General) Act 1999* | Inform applicant in writing of decision on application for waiver. If refuse must include reasons for refusal | E00867E01006E01008E00600P37660 | Deputy Director General Executive Group Manager Public Transport OperationsDirector Light Rail OperationsExecutive Branch Manager Public Transport Operations Director Field Operations and Flexible Transport |
| Section 35, Part 3, *Road Transport (General) Act 1999* | Withdraw the infringement notice or refuse to withdraw the infringement notice or ask for further information to assist in making a decision under section 35 of the *Road Transport (General) Act 1999*  | E00867E01006E01008E00600P37660 | Deputy Director General Executive Group Manager Public Transport OperationsDirector Light Rail OperationsExecutive Branch Manager Public Transport Operations Director Field Operations and Flexible Transport |
| Section 36, Part 3, *Road Transport (General) Act 1999* | Withdraw infringement notice | E00867E01006E01008E00600P37660 | Deputy Director General Executive Group Manager Public Transport OperationsDirector Light Rail OperationsExecutive Branch Manager Public Transport Operations Director Field Operations and Flexible Transport |
| Section 36A, Part 3, *Road Transport (General) Act 1999* | Cancel or amend infringement notice plan following decision on application for withdrawal | E00867E01006E01008E00600P37660 | Deputy Director General Executive Group Manager Public Transport OperationsDirector Light Rail OperationsExecutive Branch Manager Public Transport Operations Director Field Operations and Flexible Transport |
| Section 44A, Part 3, *Road Transport (General) Act 1999* | Inform road transport authority of non-compliance with infringement notice management plan | E00867E01006E01008E00600P37660 | Deputy Director General Executive Group Manager Public Transport OperationsDirector Light Rail OperationsExecutive Branch Manager Public Transport Operations Director Field Operations and Flexible Transport |
| Section 47A(2), Part 3, *Road Transport (General) Act 1999* | Inform road transport authority of the infringement notice management plan or compliance with infringement notice management plan following suspension | E00867E01006E01008E00600 | Deputy Director General Executive Group Manager Public Transport OperationsDirector Light Rail OperationsExecutive Branch Manager Public Transport Operations  |
| Section 53, *Road Transport (General) Act 1999* | Take action where a person disputes liability for an infringement notice offence | E00867E01006E01008E00600P37660 | Deputy Director General Executive Group Manager Public Transport OperationsDirector Light Rail OperationsExecutive Branch Manager Public Transport Operations Director Field Operations and Flexible Transport |
| Section 53A, Part 3, *Road Transport (General) Act 1999* | Appoint authorised persons for infringement notice offences | E00867E01006E01008E00600 | Deputy Director General Executive Group Manager Public Transport OperationsDirector Light Rail OperationsExecutive Branch Manager Public Transport Operations  |
| Section 56, Part 3, *Road Transport (General) Act 1999* | Provide evidentiary certificates for proceedings for infringement notice offences | E00867E01006E01008E00600P37660 | Deputy Director General Executive Group Manager Public Transport OperationsDirector Light Rail OperationsExecutive Branch Manager Public Transport Operations Director Field Operations and Flexible Transport |

**Schedule 2**

| **Column 1** | **Column 2** | **Column 3** | **Column 4** |
| --- | --- | --- | --- |
| **Section** | **Function** | **Position No** | **Position description** |
| Section 11, *Road Transport (Offences) Regulation 2005* | Issue an authorised person with a unique number | E00867E01006E01008E00600 | Deputy Director General Executive Group Manager Public Transport OperationsDirector Light Rail OperationsExecutive Branch Manager Public Transport Operations  |
| Section 14, *Road Transport (Offences) Regulation 2005* | Serve infringement notice on nominated person | E00867E01006E01008E00600P37660 | Deputy Director General Executive Group Manager Public Transport OperationsDirector Light Rail OperationsExecutive Branch Manager Public Transport Operations Director Field Operations and Flexible Transport |
| Section 14A, *Road Transport (Offences) Regulation 2005* | Determine additional information the administering authority considers appropriate to include in infringement notice | E00867E01006E01008E00600 | Deputy Director General Executive Group Manager Public Transport OperationsDirector Light Rail OperationsExecutive Branch Manager Public Transport Operations  |
| Section 14B, *Road Transport (Offences) Regulation 2005* | Determine additional information the administering authority considers appropriate to include in reminder notice | E00867E01006E01008E00600 | Deputy Director General Executive Group Manager Public Transport OperationsDirector Light Rail OperationsExecutive Branch Manager Public Transport Operations  |
| Section 14D, *Road Transport (Offences) Regulation 2005* | Allow application out of time if reasonably believe special circumstances justify | E00867E01006E01008E00600P37660 | Deputy Director General Executive Group Manager Public Transport OperationsDirector Light Rail OperationsExecutive Branch Manager Public Transport Operations Director Field Operations and Flexible Transport |
| Section 16B, *Road Transport (Offences) Regulation 2005* | Defer payment under an infringement notice management plan | E00867E01006E01008E00600P37660 | Deputy Director General Executive Group Manager Public Transport OperationsDirector Light Rail OperationsExecutive Branch Manager Public Transport Operations Director Field Operations and Flexible Transport |