

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, <i>Road Transport (General) Act 1999</i> | Arrange for service of a reminder notice | E00867 E01006 E01008 E00600 P37660 | Deputy Director General Executive Group Manager Public Transport Operations Director Light Rail Operations Executive Branch Manager Public Transport Operations Director Field Operations and Flexible Transport |
| Section 29, Part 3, <i>Road Transport (General) Act 1999</i> | Allow or refuse an application for extension of time to do things | E00867 E01006 E01008 E00600 P37660 | Deputy Director General Executive Group Manager Public Transport Operations Director Light Rail Operations Executive Branch Manager Public Transport Operations Director Field Operations and Flexible Transport |
| Section 31B (1), Part 3, <i>Road Transport (General) Act 1999</i> | Allow or refuse an application for an infringement notice management plan | E00867 E01006 E01008 E00600 P37660 | Deputy Director General Executive Group Manager Public Transport Operations Director Light Rail Operations Executive Branch Manager Public Transport Operations Director Field Operations and Flexible Transport |
| Section 31B (2), Part 3, <i>Road Transport (General) Act 1999</i> | May seek further information relating to an application for an infringement notice management plan | E00867 E01006 E01008 E00600 P37660 | Deputy Director General Executive Group Manager Public Transport Operations Director Light Rail Operations Executive Branch Manager Public Transport Operations Director Field Operations and Flexible Transport |
| Section 31B (3), Part 3, <i>Road Transport (General) Act 1999</i> | Allow for payment by instalments in prescribed circumstances | E00867 E01006 E01008 E00600 P37660 | Deputy Director General Executive Group Manager Public Transport Operations Director Light Rail Operations Executive Branch Manager Public Transport Operations Director Field Operations and Flexible Transport |

| Column 1 | Column 2 | Column 3 | Column 4 |
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| Section | Function | Position No | Position description |
| Section 31B (4), Part 3, <i>Road Transport (General) Act 1999</i> | Allow participation in a community work or social development program | E00867 E01006 E01008 E00600 | Deputy Director General Executive Group Manager Public Transport Operations Director Light Rail Operations Executive Branch Manager Public Transport Operations |
| Section 31B (5), Part 3, <i>Road Transport (General) Act 1999</i> | May decide the amount of instalments that must be paid under infringement notice management plan | E00867 E01006 E01008 E00600 P37660 | Deputy Director General Executive Group Manager Public Transport Operations Director Light Rail Operations Executive Branch Manager Public Transport Operations Director Field Operations and Flexible Transport |
| Section 31B (6), Part 3, <i>Road Transport (General) Act 1999</i> | 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 | E00867 E01006 E01008 E00600 P37660 | Deputy Director General Executive Group Manager Public Transport Operations Director Light Rail Operations Executive Branch Manager Public Transport Operations Director Field Operations and Flexible Transport |
| Section 31C (1), Part 3, <i>Road Transport (General) Act 1999</i> | Seek approval from responsible director-general to applicant participating in an approved community work or social development program | E00867 E01006 E01008 E00600 | Deputy Director General Executive Group Manager Public Transport Operations Director Light Rail Operations Executive Branch Manager Public Transport Operations |
| Section 31G (1), Part 3, <i>Road Transport (General) Act 1999</i> | Allow or refuse application for waiver of penalty | E00867 E01006 E01008 E00600 P37660 | Deputy Director General Executive Group Manager Public Transport Operations Director Light Rail Operations Executive Branch Manager Public Transport Operations Director Field Operations and Flexible Transport |

| Column 1 | Column 2 | Column 3 | Column 4 |
|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Section | Function | Position No | Position description |
| Section 31G (2), Part 3, <i>Road Transport (General) Act 1999</i> | Request information to determine application for waiver | E00867 E01006 E01008 E00600 P37660 | Deputy Director General Executive Group Manager Public Transport Operations Director Light Rail Operations Executive Branch Manager Public Transport Operations Director Field Operations and Flexible Transport |
| Section 31G (4), Part 3, <i>Road Transport (General) Act 1999</i> | Consult with director-general responsible for the <i>Crimes (Sentence Administration) Act 2005, part 6.2 (Good behaviour – community service work)</i> . | E00867 E01006 E01008 E00600 P37660 | Deputy Director General Executive Group Manager Public Transport Operations Director Light Rail Operations Executive Branch Manager Public Transport Operations Director Field Operations and Flexible Transport |
| Section 31G (5), Part 3, <i>Road Transport (General) Act 1999</i> | Inform applicant in writing of decision on application for waiver. If refuse must include reasons for refusal | E00867 E01006 E01008 E00600 P37660 | Deputy Director General Executive Group Manager Public Transport Operations Director Light Rail Operations Executive Branch Manager Public Transport Operations Director Field Operations and Flexible Transport |
| Section 35, Part 3, <i>Road Transport (General) Act 1999</i> | 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 <i>Road Transport (General) Act 1999</i> | E00867 E01006 E01008 E00600 P37660 | Deputy Director General Executive Group Manager Public Transport Operations Director Light Rail Operations Executive Branch Manager Public Transport Operations Director Field Operations and Flexible Transport |
| Section 36, Part 3, <i>Road Transport (General) Act 1999</i> | Withdraw infringement notice | E00867 E01006 E01008 E00600 P37660 | Deputy Director General Executive Group Manager Public Transport Operations Director Light Rail Operations Executive Branch Manager Public Transport Operations Director Field Operations and Flexible Transport |

| Column 1 | Column 2 | Column 3 | Column 4 |
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| Section | Function | Position No | Position description |
| Section 36A, Part 3, <i>Road Transport (General) Act 1999</i> | Cancel or amend infringement notice plan following decision on application for withdrawal | E00867 E01006 E01008 E00600 P37660 | Deputy Director General Executive Group Manager Public Transport Operations Director Light Rail Operations Executive Branch Manager Public Transport Operations Director Field Operations and Flexible Transport |
| Section 44A, Part 3, <i>Road Transport (General) Act 1999</i> | Inform road transport authority of non-compliance with infringement notice management plan | E00867 E01006 E01008 E00600 P37660 | Deputy Director General Executive Group Manager Public Transport Operations Director Light Rail Operations Executive Branch Manager Public Transport Operations Director Field Operations and Flexible Transport |
| Section 47A(2), Part 3, <i>Road Transport (General) Act 1999</i> | Inform road transport authority of the infringement notice management plan or compliance with infringement notice management plan following suspension | E00867 E01006 E01008 E00600 | Deputy Director General Executive Group Manager Public Transport Operations Director Light Rail Operations Executive Branch Manager Public Transport Operations |
| Section 53, <i>Road Transport (General) Act 1999</i> | Take action where a person disputes liability for an infringement notice offence | E00867 E01006 E01008 E00600 P37660 | Deputy Director General Executive Group Manager Public Transport Operations Director Light Rail Operations Executive Branch Manager Public Transport Operations Director Field Operations and Flexible Transport |
| Section 53A, Part 3, <i>Road Transport (General) Act 1999</i> | Appoint authorised persons for infringement notice offences | E00867 E01006 E01008 E00600 | Deputy Director General Executive Group Manager Public Transport Operations Director Light Rail Operations Executive Branch Manager Public Transport Operations |
| Section 56, Part 3, <i>Road Transport (General) Act 1999</i> | Provide evidentiary certificates for proceedings for infringement notice offences | E00867 E01006 E01008 E00600 P37660 | Deputy Director General Executive Group Manager Public Transport Operations Director Light Rail Operations Executive 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, <i>Road Transport (Offences) Regulation 2005</i> | Issue an authorised person with a unique number | E00867 E01006 E01008 E00600 | Deputy Director General Executive Group Manager Public Transport Operations Director Light Rail Operations Executive Branch Manager Public Transport Operations |
| Section 14, <i>Road Transport (Offences) Regulation 2005</i> | Serve infringement notice on nominated person | E00867 E01006 E01008 E00600 P37660 | Deputy Director General Executive Group Manager Public Transport Operations Director Light Rail Operations Executive Branch Manager Public Transport Operations Director Field Operations and Flexible Transport |
| Section 14A, <i>Road Transport (Offences) Regulation 2005</i> | Determine additional information the administering authority considers appropriate to include in infringement notice | E00867 E01006 E01008 E00600 | Deputy Director General Executive Group Manager Public Transport Operations Director Light Rail Operations Executive Branch Manager Public Transport Operations |
| Section 14B, <i>Road Transport (Offences) Regulation 2005</i> | Determine additional information the administering authority considers appropriate to include in reminder notice | E00867 E01006 E01008 E00600 | Deputy Director General Executive Group Manager Public Transport Operations Director Light Rail Operations Executive Branch Manager Public Transport Operations |
| Section 14D, <i>Road Transport (Offences) Regulation 2005</i> | Allow application out of time if reasonably believe special circumstances justify | E00867 E01006 E01008 E00600 P37660 | Deputy Director General Executive Group Manager Public Transport Operations Director Light Rail Operations Executive Branch Manager Public Transport Operations Director Field Operations and Flexible Transport |
| Section 16B, <i>Road Transport (Offences) Regulation 2005</i> | Defer payment under an infringement notice management plan | E00867 E01006 E01008 E00600 P37660 | Deputy Director General Executive Group Manager Public Transport Operations Director Light Rail Operations Executive Branch Manager Public Transport Operations Director Field Operations and Flexible Transport |