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,	Arrange for service of a reminder	E00867	Deputy Director General
Road Transport	notice	E01006	Executive Group Manager Public
(General) Act 1999			Transport Operations
		E01008	Director Light Rail Operations
		E00600	Executive Branch Manager Public
		D27.660	Transport Operations
		P37660	Director Field Operations and Flexible
G .: 20 D .: 2	A11 C 1: .: C	E00067	Transport
Section 29, Part 3,	Allow or refuse an application for	E00867	Deputy Director General
Road Transport	extension of time to do things	E01006	Executive Group Manager Public
(General) Act 1999		E01000	Transport Operations
		E01008	Director Light Rail Operations
		E00600	Executive Branch Manager Public
		D27660	Transport Operations
		P37660	Director Field Operations and Flexible
G (1) 21D (1) D (A11 C 1' 'C	E00067	Transport
Section 31B (1), Part	Allow or refuse an application for	E00867	Deputy Director General
3, Road Transport	an infringement notice	E01006	Executive Group Manager Public
(General) Act 1999	management plan	E01000	Transport Operations
		E01008	Director Light Rail Operations
		E00600	Executive Branch Manager Public
		D27660	Transport Operations
		P37660	Director Field Operations and Flexible
Cartier 21D (2) David	Manage of Court on the Court of	E009.67	Transport
Section 31B (2), Part	May seek further information	E00867	Deputy Director General
3, Road Transport	relating to an application for an	E01006	Executive Group Manager Public
(General) Act 1999	infringement notice management	E01009	Transport Operations
	plan	E01008	Director Light Rail Operations
		E00600	Executive Branch Manager Public
		P37660	Transport Operations
		P3/000	Director Field Operations and Flexible
Castion 21D (2) Dout	Allow for normant by instalments	E00867	Transport Deputy Director General
Section 31B (3), Part 3, Road Transport	Allow for payment by instalments in prescribed circumstances	E00867 E01006	Executive Group Manager Public
(General) Act 1999	in prescribed circumstances	E01000	Transport Operations
(General) Act 1999		E01008	Director Light Rail Operations
		E00600	Executive Branch Manager Public
		E00000	Transport Operations
		P37660	Director Field Operations and Flexible
		13/000	Transport
			Transport

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

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

Column 1	Column 2	Column 3	Column 4
Section	Function	Position No	Position description
Section 36A, Part 3,	Cancel or amend infringement	E00867	Deputy Director General
Road Transport	notice plan following decision on	E01006	Executive Group Manager Public
(General) Act 1999	application for withdrawal		Transport Operations
		E01008	Director Light Rail Operations
		E00600	Executive Branch Manager Public
			Transport Operations
		P37660	Director Field Operations and Flexible
			Transport
Section 44A, Part 3,	Inform road transport authority of	E00867	Deputy Director General
Road Transport	non-compliance with infringement	E01006	Executive Group Manager Public
(General) Act 1999	notice management plan		Transport Operations
		E01008	Director Light Rail Operations
		E00600	Executive Branch Manager Public
			Transport Operations
		P37660	Director Field Operations and Flexible
			Transport
Section 47A(2), Part	Inform road transport authority of	E00867	Deputy Director General
3, Road Transport	the infringement notice	E01006	Executive Group Manager Public
(General) Act 1999	management plan or compliance		Transport Operations
	with infringement notice	E01008	Director Light Rail Operations
	management plan following	E00600	Executive Branch Manager Public
	suspension		Transport Operations
Section 53, Road	Take action where a person	E00867	Deputy Director General
Transport (General)	disputes liability for an	E01006	Executive Group Manager Public
Act 1999	infringement notice offence		Transport Operations
		E01008	Director Light Rail Operations
		E00600	Executive Branch Manager Public
			Transport Operations
		P37660	Director Field Operations and Flexible
			Transport
Section 53A, Part 3,	Appoint authorised persons for	E00867	Deputy Director General
Road Transport	infringement notice offences	E01006	Executive Group Manager Public
(General) Act 1999			Transport Operations
		E01008	Director Light Rail Operations
		E00600	Executive Branch Manager Public
			Transport Operations
Section 56, Part 3,	Provide evidentiary certificates	E00867	Deputy Director General
Road Transport	for proceedings for infringement	E01006	Executive Group Manager Public
(General) Act 1999	notice offences	704055	Transport Operations
		E01008	Director Light Rail Operations
		E00600	Executive Branch Manager Public
			Transport Operations
		P37660	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	E00867 E01006 E01008 E00600	Deputy Director General Executive Group Manager Public Transport Operations Director Light Rail Operations Executive Branch Manager Public Transport
Section 14, Road Transport (Offences) Regulation 2005	Serve infringement notice on nominated person	E00867 E01006 E01008 E00600	Operations Deputy Director General Executive Group Manager Public Transport Operations Director Light Rail Operations Executive Branch Manager Public Transport Operations
Section 14A, Road Transport (Offences) Regulation 2005	Determine additional information the administering authority considers appropriate to include in infringement notice	P37660 E00867 E01006 E01008 E00600	Director Field Operations and Flexible Transport Deputy Director General Executive Group Manager Public Transport Operations Director Light Rail Operations Executive 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	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, Road Transport (Offences) Regulation 2005	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, Road Transport (Offences) Regulation 2005	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