

# Road Transport (General) Road Transport Authority (Infringement Notices) Delegation 2019 (No 2)

## Notifiable instrument NI2019–410

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 (Infringement Notices) Delegation 2019 (No 2)*.

### 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.

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.

## 5 Revocation

This instrument revokes the:

1. *Road Transport (General) Road Transport Authority (Infringement Notices) Delegation 2019 (No 1)* (NI2019-116); and
2. *Road Transport (General) Delegation 2019 (No 2)* (NI2019-196)

Richard Glenn

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

24 June 2019

### Schedule 1

Column 1	Column 2	Column 3	Column 4
Section	Function	Position No	Position description
Section 20, Part 2, <i>Road Transport (General) Act 1999</i>	Provide identity card to authorised person	E00867 E01006  E01008 E00600	Deputy Director-General Executive Group Manager Public Transport Operations Director, Light Rail Operations Executive Branch Manager Public Transport Operations
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 Group Manager Public Transport Operations Director, Light Rail Operations Executive Branch Manager Public Transport Operations
Section 93, Part 7, <i>Road Transport (General) Act 1999</i>	Review an internally reviewable decision	E00867 E01006  E01008 E00600	Deputy Director-General Executive Group Manager Public Transport Operations Director, Light Rail Operations Executive Branch Manager Public Transport Operations

## Schedule 2

Column 1	Column 2	Column 3	Column 4
Section	Function	Position No	Position description
Section 44, Part 3, <i>Road Transport (General) Act 1999</i>	Take suspension action for non-payment of infringement notice penalties	E218	Executive Branch Manager, Licensing and Registrations
		P36222	Senior Director
		P35718	Senior Director
		P41143	Senior Director
		P21223	Director, Transport Solutions
		P24490	Assistant Director
		P00867	Director Transport Licensing
		P04683	Assistant Director
		P33121	Assistant Director
		P33199	Assistant Director
		P37000	Assistant Director
		P02498	Manager Infringements
		P31761	Manager Infringements
		P36998	Manager Infringements
		P36999	Manager Infringements
Section 44A, Part 3, <i>Road Transport (General) Act 1999</i>	Take suspension action for non-compliance with an infringement notice management plan	E218	Executive Branch Manager, Licensing and Registrations
		P36222	Senior Director
		P35718	Senior Director
		P41143	Senior Director
		P21223	Director Transport Solutions
		P24490	Assistant Director
		P00867	Director Transport Licensing
		P04683	Assistant Director
		P33121	Assistant Director
		P33199	Assistant Director
		P37000	Assistant Director
		P02498	Manager Infringements
		P31761	Assistant Manager Infringements
		P36998	Assistant Manager Infringements
		P36999	Assistant Manager Infringements
P13861	Manager Business Development		
P19911	Manager Operations		
P32048	Manager Licensing		
P01038	Infringement Officer		
P04686	Infringement Officer		
P04986	Infringement Officer		
P11968	Infringement Officer		

Column 1	Column 2	Column 3	Column 4
Section	Function	Position No	Position description
		P11970	Infringement Officer
		P11971	Infringement Officer
		P17807	Infringement Officer
		P17811	Infringement Officer
		P17812	Infringement Officer
		P17819	Infringement Officer
		P17820	Infringement Officer
		P17821	Infringement Officer
		P21754	Infringement Officer
		P21755	Infringement Officer
		P21756	Infringement Officer
		P25954	Infringement Officer
		P32050	Infringement Officer
		P32057	Infringement Officer
		P32179	Infringement Officer
		P32187	Infringement Officer
		P34158	Infringement Officer
		P37064	Infringement Officer
		P37065	Infringement Officer
		P41099	Infringement Officer
		P41100	Infringement Officer
		P41102	Infringement Officer
		P41103	Infringement Officer
		P00354	Registration and Licence Officer
		P01913	Registration and Licence Officer
		P02098	Registration and Licence Officer
		P10837	Registration and Licence Officer
		P11160	Registration and Licence Officer
		P11433	Registration and Licence Officer
		P12565	Registration and Licence Officer
Section 92A, Part 7, <i>Road Transport (General) Act 1999</i>	Arrange for a person to review an internally reviewable decision	E218	Executive Branch Manager, Licensing and Registrations
		P36222	Senior Director
		P35718	Senior Director
		P41143	Senior Director
		P21223	Director, Transport Solutions
		P24490	Assistant Director
		P00867	Director Transport Licensing
		P04683	Assistant Director
		P33121	Assistant Director
		P37000	Assistant Director
		P02498	Manager Infringements
		P13861	Assistant Manager Infringements
		P19911	Assistant Manager Infringements

Column 1	Column 2	Column 3	Column 4
Section	Function	Position No	Position description
		P32048	Assistant Manager Infringements
Section 93, Part 7, <i>Road Transport (General) Act 1999</i>	Review an internally reviewable decision	E218 P36222 P35718 P41143 P21223 P24490 P00867 P04683 P33121 P37000 P02498 P13861 P19911 P32048	Executive Branch Manager, Licensing and Registrations Senior Director Senior Director Senior Director Director, Transport Solutions Assistant Director Director Transport Licensing Assistant Director Assistant Director Assistant Director Manager Infringements Assistant Manager Infringements Assistant Manager Infringements Assistant Manager Infringements