

Road Transport (General) National Heavy Vehicle Regulator Delegation 2019 (No 1)*

Notifiable instrument NI2019–422

made under the

Road Transport (General) Act 1999, section 54 (1) (Delegation of administering authority functions)

1 Name of instrument

This instrument is the *Road Transport (General) National Heavy Vehicle Regulator Delegation 2019 (No 1)*.

2 Commencement

This instrument commences on the day after it is signed.

3 Delegation

1) I, Duncan John Gay, **Chairperson** of the National Heavy Vehicle Regulator, pursuant to the authorisation of the National Heavy Vehicle Regulator Board, in its capacity as an administering authority for the purposes of heavy vehicle infringement notice offences, delegate those of its powers and functions under Part 3 – Infringement Notices for certain offences of the *Road Transport (General) Act 1999* specified in schedule 1 of this instrument to the head of Access Canberra and the chief operating officer of Access Canberra.

2) I, Duncan John Gay, **Chairperson** of the National Heavy Vehicle Regulator, pursuant to the authorisation of the National Heavy Vehicle Regulator Board, in its capacity as an administering authority for the purposes of heavy vehicle infringement notice offences, delegate all its powers and functions under sections 14B and 14D of the *Road Transport (Offences) Regulation 2005* to the head of Access Canberra and the chief operating officer of Access Canberra.

Note: Section 8 (3) of the *Road Transport (Offences) Regulation 2005* provides that the Regulator under the *Heavy Vehicle National Law (ACT)* is the administering authority for heavy vehicle infringement notice offences.

Section 8 (4) of the *Road Transport (Offences) Regulation 2005* provides that the Regulator is taken to have delegated the Regulator's functions in relation to the administration of infringement notice management plans (including

*Name amended under Legislation Act, s 60

applications for the plans) for heavy vehicle infringement notice offences to the road transport authority.

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.

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 of chief operating officer of Access Canberra

head, of Access Canberra, means the public employee occupying, from time to time, the position (however described) of head of Access Canberra.

heavy vehicle infringement notice offence, means an offence prescribed in Schedule 1 of the *Road Transport (Offences) Regulation 2005* as an infringement notice offence

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.

Duncan John Gay

Chairman
National Heavy Vehicle Regulator

Dated at Brisbane 26 June 2019

Schedule 1

Section	Function
Section 27, Part 3, <i>Road Transport (General) Act 1999</i>	Serve a reminder notice
Section 29, Part 3, <i>Road Transport (General) Act 1999</i>	Allow or refuse an application for extension of time to do things
Section 31G (1), Part 3, <i>Road Transport (General) Act 1999</i>	Allow or refuse application for waiver of penalty
Section 31G (2), Part 3, <i>Road Transport (General) Act 1999</i>	Request information to determine application for waiver
Section 31G (3), Part 3, <i>Road Transport (General) Act 1999</i>	Grounds to be satisfied of when allowing application for waiver
Section 31G (4), Part 3, <i>Road Transport (General) Act 1999</i>	Consult with director-general
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
Section 35, Part 3, <i>Road Transport (General) Act 1999</i>	Take action in response to an application for withdrawal of an infringement notice
Section 36, Part 3, <i>Road Transport (General) Act 1999</i>	Withdraw infringement notice
Section 44A, Part 3, <i>Road Transport (General) Act 1999</i>	Inform road transport authority of non-compliance with infringement notice management plan