Australian Capital Territory

Road Transport (General) Road Transport Authority (Parking Infringement Notices) Delegation 2019 (No 1)

**Notifiable instrument NI2019–455**

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)

**1 Name of instrument**

This instrument is the *Road Transport (General) Road Transport Authority (Parking Infringement Notices) Delegation 2019 (No 1)*.

**2 Commencement**

This instrument commences on the day after its notification day.

**3 Delegation**

1) I, Director-General of the Environment, Planning and Sustainable Development 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 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 a 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 Environment, Planning and Sustainable Development 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 the following:

(a) the head of Access Canberra;

(b) the chief operating officer of Access Canberra; and

(c) police officers.

3) I, Director-General of the Environment, Planning and Sustainable Development 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 sections 11, 14, 14A, 14B, 14D and 16B of the *Road Transport (Offences) Regulation 2005* to the following:

(a) the head of Access Canberra;

(b) the chief operating officer of Access Canberra; and

(c) police officers.

Note: Section 8 (1) (a) of the *Road Transport (Offences) Regulation 2005* provides that a road transport authority (here the Director-General of the Environment, Planning and Sustainable Development 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 (1) (b) of the *Road Transport (Offences) Regulation 2005* provides that the road transport authority (here the Director-General of the Environment, Planning and Sustainable Development Directorate) is the administering authority for the purposes of certain offences contained in division 7.3 of the *Road Transport (Safety and Traffic Management) Regulation 2017*,where those offences are infringement notice offences under part 1.13 of schedule 1 of the *Road Transport (Offences) Regulation 2005*. This does not extend to offences in the *Road Transport (Safety and Traffic Management) Regulation 2017* (which are not contained in division 7.3) in relation to which the Chief Police Officer is the relevant administering authority under section 8 (2) of the *Road Transport (Offences) Regulation 2005*.

Which Director-General is the road transport authority is determined by section 16 (3) of the *Road Transport (General) Act 1999* read in conjunction with the *Administrative Arrangements 2018 (No 2)*.

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 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 a police officer.

**4 Definitions**

In this instrument:

 ***Access Canberra***, means the business unit known as Access Canberra.

 ***chief operating officer,*** of Access Canberra, meansthe public employee occupying, from time to time, the position of chief operating officer of Access Canberra

***Director-General***, of the ***Environment, Planning and Sustainable Development Directorate***, means the SES employee occupying, from time to time, the position (however described) of Director-General of the Environment, Planning and Sustainable Development Directorate.

***Environment, Planning and Sustainable Development Directorate***, means the administrative unit that the Director-General is responsible for.

 ***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.*

**5 Revocation**

This instrument revokes the *Road Transport (General) Road Transport Authority (Parking Infringement Notices) Delegation 2018* (NI2018-735)

Ben Ponton

Director-General of the Environment, Planning and Sustainable Development Directorate

as a road transport authority and an administering authority

9 July 2019

**Schedule 1**

| **Column 1** | **Column 2** | **Column 3** | **Column 4** |
| --- | --- | --- | --- |
| **Section** | **Function** | **Position No** | **Position description** |
| Section 92A*,* Part 7, *Road Transport (General) Act 1999* | Arrange for a person to review an internally reviewable decision | E218P36222P35718P41143P00867P04683P33121P37000P02498P13861P19911P32048 | Director, Licensing and RegistrationsDeputy DirectorDeputy DirectorDeputy DirectorSenior Manager Transport LicensingManager OperationsManager LicensingSenior Manager InfringementsManager InfringementsAssistant Manager InfringementsAssistant Manager InfringementsAssistant Manager Infringements |
| Section 93, Part 7, *Road Transport (General) Act 1999* | Review an internally reviewable decision | E218P36222P35718P41143P00867P04683P33121P37000P02498P13861P19911P32048 | Director, Licensing and RegistrationsDeputy DirectorDeputy DirectorDeputy DirectorSenior Manager Transport LicensingManager OperationsManager LicensingSenior Manager InfringementsManager InfringementsAssistant Manager InfringementsAssistant Manager InfringementsAssistant Manager Infringements |