Australian Capital Territory

Road Transport (General) Road Transport Authority (JACS) Delegation 2019 (No 1)\*

**Notifiable instrument NI2019–568**

made under the

*Road Transport (General) Act 1999*, s17 (1) (Delegation of road transport authority’s functions) and s54 (1) (Delegation of administering authority’s functions)

**1 Name of instrument**

This instrument is the *Road Transport (Genera) Road Transport Authority (JACS) Delegation 2019 (No 1)*.

**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 capacity as a road transport authority, delegate those of my powers and functions as described under section 20 of the *Road Transport (General) Act 1999* to the Director-General of the Transport Canberra and City Services Directorate.

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 as described under sections 92A and 93 of the *Road Transport (General) Act 1999* to the Director-General of the Transport Canberra and City Services Directorate.

3) 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 as described under sections 44, 44A, 92A and 93 of the *Road Transport (General) Act 1999* to the:

1. head of Access Canberra; and
2. chief operating officer of Access Canberra.

4) I, Director-General of the Justice and Community Safety Directorate, in both my capacities as a road transport authority and as an administering authority for the purposes of certain infringement notice offences under the *Road Transport (General) Act 1999*, delegate all my powers and functions under Part 3 – Infringement Notices for certain offences of the *Road Transport (General) Act 1999* (except in relation to infringement notices issued to a police vehicle or emergency vehicle) to the:

1. Director-General of the Transport Canberra and City Services Directorate;
2. head of Access Canberra;
3. chief operating officer of Access Canberra; and
4. police officers.

5) I, Director-General of the Justice and Community Safety Directorate, in both my capacities as a road transport authority and as an administering authority for the purposes of certain infringement notice offences under the *Road Transport (General) Act* 1999, delegate all my powers and functions under sections 11, 14, 14A, 14B, 14D, 16B and 16BA of the *Road Transport (Offences) Regulation 2005* to the:

1. Director-General of the Transport Canberra and City Services Directorate;
2. head of Access Canberra;
3. chief operating officer of Access Canberra; and
4. police officers.

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.

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 2019* *(No 1)* 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 *Road Transport (General) Road Transport Authority (Infringement Notices) Delegation 2019*, NI2019-410.

Richard Glenn

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

29 August 2019