

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 (General) 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:

- a) head of Access Canberra; and
- b) 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*

*Name amended under Legislation Act, s 60

(General) Act 1999 (except in relation to infringement notices issued to a police vehicle or emergency vehicle) to the:

- a) Director-General of the Transport Canberra and City Services Directorate;
- b) head of Access Canberra;
- c) chief operating officer of Access Canberra; and
- d) 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:

- a) Director-General of the Transport Canberra and City Services Directorate;
- b) head of Access Canberra;
- c) chief operating officer of Access Canberra; and
- d) 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