Australian Capital Territory

Heavy Vehicle National Law (ACT) Access Canberra Delegation 2019 (No 1)

**Notifiable instrument NI2019–583**

made under the

*Heavy Vehicle National Law (ACT)*, section 661(2) (Delegation of the regulators functions)

**1 Name of instrument**

This instrument is the *Heavy Vehicle National Law (ACT) Access Canberra Delegation 2019 (No 1).*

**2 Commencement**

This instrument commences on the day after it is signed.

**3 Delegation**

1. I, chief operating officer of Access Canberra, in my capacity as a delegate of the National Heavy Vehicle Regulator, delegate those of my delegated functions and powers under *Heavy Vehicle National Law (ACT)* specified in column 1 of schedule 1, subject to any limitation specified in the corresponding row of column 3 of schedule 1 to each person, occupying or performing the duties, from time to time, of a position specified in the corresponding row of column 4 of schedule 1 of this instrument.
2. I, chief operating officer of Access Canberra, in my capacity as a delegate of the National Heavy Vehicle Regulator, delegate those of my delegated functions and powers under *Heavy Vehicle National Law (ACT)* specified in column 1 of schedule 2 to each person occupying or performing the duties, from time to time of positions at the classifications identified in the corresponding row of column 3 of schedule 2 in the Access Canberra business unit listed in the corresponding row of column 4 of schedule 2 of this instrument

**4 Revocation**

This instrument revokes *Heavy Vehicle National Law (ACT) Access Canberra Delegation 2017 (No 1)* NI2017-108.

David Snowden

Chief Operating Officer of Access Canberra

Delegate of the National Heavy Vehicle Regulator

06 September 2019

Note: The National Heavy Vehicle Regulator has delegated the Regulators functions under section 661 of the *Heavy Vehicle National Law (ACT)* to the Chief Operating Officer, Access Canberra.

Section 661(2) of the *Heavy Vehicle National Law (ACT)* read in conjunction with the *National Heavy vehicle Regulator Legislative Delegations* made on 1 August 2019 provides the Chief Operating Officer, Access Canberra can delegate the Regulators functions delegated to an appropriate qualified person.

**Schedule 1**

| **Column 1** | **Column 2** | **Column 3** | **Column 4** | **Column 5** |
| --- | --- | --- | --- | --- |
| **Section** | **Function** | **Limitation** | **Position** | **Position description** |
| Chapter 3 Section 87, *Heavy Vehicle National Law (ACT)* | **Approval of modification by Regulator -**issue certificate under s87(3) and issue plate label in accordance with s87(3). |  | E218  P35718  P36222  P41143  P21223  P32923  P02424  P38063  P00900  P01127  P03184 | Executive Branch Manager  Senior Director  Senior Director  Senior Director  Director  Assistant Director  Technical Officer  Technical Officer  Technical Officer  Technical Officer  Technical Officer |
| Chapter 4 Section 197, *Heavy Vehicle National Law (ACT)* | **Exemption of compliance with particular requirements in emergency –** exempt a heavy vehicle, or the driver or operator of a heavy vehicle, from a prescribed requirement. | The function is only exercisable in relation to an area or route in the ACT. | E218 | Executive Branch Manager |
| Chapter 9 Section 530, *Heavy Vehicle National Law (ACT)* | **Clearance of vehicle defect notices -**  may clear a defect notice under s 530(1); and arrange for a label to be removed under s 530(2). |  | E218  P35718  P36222  P41143  P21223  P00867  P32923  P02424  P38063  P00900  P01127  P03184  P03178  P03179  P03180  P03181  P03182  P03183  P03185  P26693  P26695  P26698  P26699  P26701  P20359 | Executive Branch Manager  Senior Director  Senior Director  Senior Director  Director  Director  Assistant Director  Technical Officer  Technical Officer  Technical Officer  Technical Officer  Technical Officer  Vehicle Inspector  Vehicle Inspector  Vehicle Inspector  Vehicle Inspector  Vehicle Inspector  Vehicle Inspector  Vehicle Inspector  Vehicle Inspector  Vehicle Inspector  Vehicle Inspector  Vehicle Inspector  Vehicle Inspector  Vehicle Inspector |
| Chapter 9 Section 592, *Heavy Vehicle National Law (ACT)* | **Recording information about infringement penalties -** may keep a record of: each infringement notice issued for the purposes of this Law; and the payment of a fine sought by an infringement notice by a person to whom the notice is issued for the purposes of this Law. |  | E218  P35718  P36222  P41143  P21223  P00867  P32923 | Executive Branch Manager  Senior Director  Senior Director  Senior Director  Director  Director  Assistant Director |
| Chapter 9 Section 639, *Heavy Vehicle National Law (ACT)* | **Liability of registered operator -**  may receive an operator declaration under s639(4). | The declaration may only be received for an infringement notice issued by an authorised officer in the ACT. | E218  P35718  P36222  P41143  P21223  P00867  P32923 | Executive Branch Manager  Senior Director  Senior Director  Senior Director  Director  Director  Assistant Director |
| Chapter 12 Section 659(2)(a), *Heavy Vehicle National Law (ACT)* | **Functions of Regulator** - may provide the administrative services necessary for any functions delivered by the delegate and collect fees, charges and other amounts payable under this Law. |  | E218  P35718  P36222  P41143  P21223  P00867  P32923 | Executive Branch Manager  Senior Director  Senior Director  Senior Director  Director  Director  Assistant Director |
| Chapter 12 Section 659(2)(b), *Heavy Vehicle National Law (ACT)* | **Functions of Regulator -**  Monitor compliance with this Law. |  | E218  P35718  P36222  P41143  P21223  P00867  P32923 | Executive Branch Manager  Senior Director  Senior Director  Senior Director  Director  Director  Assistant Director |
| Chapter 12 Section 659(2)(c), *Heavy Vehicle National Law (ACT)* | **Functions of Regulator -**  Investigate contraventions or possible contraventions of provisions of this Law, including offences against this Law. |  | E218  P35718  P36222  P41143  P21223  P00867  P32923 | Executive Branch Manager  Senior Director  Senior Director  Senior Director  Director  Director  Assistant Director |
| Chapter 13 Section 711, *Heavy Vehicle National Law (ACT)* | **Evidence by certificate by Regulator generally -**  The delegate may issue a certificate with respect to the matter specified in this section. |  | E218  P35718  P36222  P41143  P21223  P00867  P32923 | Executive Branch Manager  Senior Director  Senior Director  Senior Director  Director  Director  Assistant Director |
| Chapter 13 Section 735, *Heavy Vehicle National Law (ACT)* | **Approved forms -**  may approve forms for use under the national law | May only approve forms that are limited in their operation to the ACT and that have been notified to the Regulator for publication on its website. | E218  P35718  P36222  P41143  P21223  P32923 | Executive Branch Manager  Senior Director  Senior Director  Senior Director  Director  Assistant Director |
| Chapter 13 Section 740(6), *Heavy Vehicle National Law (ACT)* | **Fees -** may waive payment of the whole, or part of, the fee payable in circumstances, or in circumstances of a kind, prescribed by the national regulations. | The function is exercisable only in relation to a fee, charge or other amount payable in relation to a service performed in the ACT. | E218  P35718  P36222  P41143  P21223  P00867 | Executive Branch Manager  Senior Director  Senior Director  Senior Director  Director  Director |
| Chapter 13 Section 741, *Heavy Vehicle National Law (ACT)* | **Recovery of amounts payable under Law -**  may recover any fee, charge or other amount payable under this Law | The function is exercisable only in relation to a fee, charge or other amount payable in relation to a service performed in the ACT. | E218  P35718  P36222  P41143  P21223  P32923 | Executive Branch Manager  Senior Director  Senior Director  Senior Director  Director  Assistant Director |
| Chapter 13 Section 752, *Heavy Vehicle National Law (ACT)* | **Pending matters -**  may deal with a pending matter mentioned in s 752(1) | The function is limited to matters pending in the ACT. | E218  P35718  P36222  P41143  P21223  P32923 | Executive Branch Manager  Senior Director  Senior Director  Senior Director  Director  Assistant Director |

**Schedule 2**

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| **Column 1** | **Column 2** | **Column 3** | **Column 4** |
| **Section** | **Function** | **Position Classification** | **Access Business Unit** |
| Chapter 6 Section 339(1), *Heavy Vehicle National Law (ACT)* | **Application for work written diary –** may receive an application for a work diary under s339(1). | Senior Officer Grade C  Administrative Service Officer 6  Administrative Service Officer 5  Administrative Service Officer 4  Administrative Service Officer 3 | Access Canberra Service Centres and Shopfronts |
| Chapter 6 Section 339(4), *Heavy Vehicle National Law (ACT)* | **Power to cancel unused daily sheets in work diary -** may cancel any unused sheets in a work diary and return the work diary to the driver on issue of a replacement work diary**.** | Senior Officer Grade C  Administrative Service Officer 6  Administrative Service Officer 5  Administrative Service Officer 4  Administrative Service Officer 3 | Access Canberra Service Centres and Shopfronts |
| Chapter 6 Section 340, *Heavy Vehicle National Law (ACT)* | **Issue of a written work diary -** may issue a work diary in accordance with this section. | Senior Officer Grade C  Administrative Service Officer 6  Administrative Service Officer 5  Administrative Service Officer 4  Administrative Service Officer 3 | Access Canberra Service Centres and Shopfronts |