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). |  | E218P35718P36222P41143P21223P32923P02424P38063P00900P01127P03184 | Executive Branch ManagerSenior DirectorSenior DirectorSenior DirectorDirectorAssistant DirectorTechnical OfficerTechnical OfficerTechnical OfficerTechnical OfficerTechnical 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). |  | E218P35718P36222P41143P21223P00867P32923P02424P38063P00900P01127P03184P03178P03179P03180P03181P03182P03183P03185P26693P26695P26698P26699P26701P20359 | Executive Branch ManagerSenior DirectorSenior DirectorSenior DirectorDirectorDirectorAssistant DirectorTechnical OfficerTechnical OfficerTechnical OfficerTechnical OfficerTechnical OfficerVehicle InspectorVehicle InspectorVehicle InspectorVehicle InspectorVehicle InspectorVehicle InspectorVehicle InspectorVehicle InspectorVehicle InspectorVehicle InspectorVehicle InspectorVehicle InspectorVehicle 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. |  | E218P35718P36222P41143P21223P00867P32923 | Executive Branch ManagerSenior DirectorSenior DirectorSenior DirectorDirectorDirectorAssistant 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. | E218P35718P36222P41143P21223P00867P32923 | Executive Branch ManagerSenior DirectorSenior DirectorSenior DirectorDirectorDirectorAssistant 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. |  | E218P35718P36222P41143P21223P00867P32923 | Executive Branch ManagerSenior DirectorSenior DirectorSenior DirectorDirectorDirectorAssistant Director |
| Chapter 12 Section 659(2)(b), *Heavy Vehicle National Law (ACT)* | **Functions of Regulator -**Monitor compliance with this Law. |  | E218P35718P36222P41143P21223P00867P32923 | Executive Branch ManagerSenior DirectorSenior DirectorSenior DirectorDirectorDirectorAssistant 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. |  | E218P35718P36222P41143P21223P00867P32923 | Executive Branch ManagerSenior DirectorSenior DirectorSenior DirectorDirectorDirectorAssistant 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. |  | E218P35718P36222P41143P21223P00867P32923 | Executive Branch ManagerSenior DirectorSenior DirectorSenior DirectorDirectorDirectorAssistant 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. | E218P35718P36222P41143P21223P32923 | Executive Branch ManagerSenior DirectorSenior DirectorSenior DirectorDirectorAssistant 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. | E218P35718P36222P41143P21223P00867 | Executive Branch ManagerSenior DirectorSenior DirectorSenior DirectorDirectorDirector |
| 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. | E218P35718P36222P41143P21223P32923 | Executive Branch ManagerSenior DirectorSenior DirectorSenior DirectorDirectorAssistant 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. | E218P35718P36222P41143P21223P32923 | Executive Branch ManagerSenior DirectorSenior DirectorSenior DirectorDirectorAssistant 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 CAdministrative Service Officer 6Administrative Service Officer 5Administrative Service Officer 4Administrative 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 CAdministrative Service Officer 6Administrative Service Officer 5Administrative Service Officer 4Administrative 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 CAdministrative Service Officer 6Administrative Service Officer 5Administrative Service Officer 4Administrative Service Officer 3 | Access Canberra Service Centres and Shopfronts  |