

# 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)

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## 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, <i>Heavy Vehicle National Law (ACT)</i>	<b>Approval of modification by Regulator</b> -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, <i>Heavy Vehicle National Law (ACT)</i>	<b>Exemption of compliance with particular requirements in emergency</b> – 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, <i>Heavy Vehicle National Law (ACT)</i>	<b>Clearance of vehicle defect notices</b> - 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

Column 1	Column 2	Column 3	Column 4	Column 5
Section	Function	Limitation	Position	Position description
Chapter 9 Section 592, <i>Heavy Vehicle National Law (ACT)</i>	<b>Recording information about infringement penalties</b> - 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, <i>Heavy Vehicle National Law (ACT)</i>	<b>Liability of registered operator</b> - 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), <i>Heavy Vehicle National Law (ACT)</i>	<b>Functions of Regulator</b> - 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), <i>Heavy Vehicle National Law (ACT)</i>	<b>Functions of Regulator</b> - 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), <i>Heavy Vehicle National Law (ACT)</i>	<b>Functions of Regulator</b> - 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, <i>Heavy Vehicle National Law (ACT)</i>	<b>Evidence by certificate by Regulator generally</b> - 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

Column 1	Column 2	Column 3	Column 4	Column 5
Section	Function	Limitation	Position	Position description
Chapter 13 Section 735, <i>Heavy Vehicle National Law (ACT)</i>	<b>Approved forms -</b> 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), <i>Heavy Vehicle National Law (ACT)</i>	<b>Fees -</b> 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, <i>Heavy Vehicle National Law (ACT)</i>	<b>Recovery of amounts payable under Law -</b> 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, <i>Heavy Vehicle National Law (ACT)</i>	<b>Pending matters -</b> 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

Column 1	Column 2	Column 3	Column 4
Section	Function	Position Classification	Access Business Unit
Chapter 6 Section 339(1), <i>Heavy Vehicle National Law (ACT)</i>	<b>Application for work written diary</b> – 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), <i>Heavy Vehicle National Law (ACT)</i>	<b>Power to cancel unused daily sheets in work diary</b> - 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, <i>Heavy Vehicle National Law (ACT)</i>	<b>Issue of a written work diary</b> - 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