

Road Transport (General) Chief Police Officer Delegation 2016 (No 1)

Notifiable instrument NI2016–333

made under the

Road Transport (General) Act 1999, section 18 (Delegation of chief police officer's functions) and the *Road Transport (Offences) Regulation 2005*, section 8 (2)
(Administering authority—Act, dict, def administering authority)

1 Name of instrument

This instrument is the *Road Transport (General) Chief Police Officer Delegation 2016 (No 1)*.

2 Commencement

This instrument commences on the first moment of 4 July 2016.

3 Defined terms

The dictionary in clause 8 provides definitions for this instrument.

4 Delegation of functions – infringements issued by a police officer

I, RUDI WILLIAM LAMMERS, Chief Police Officer for the Australian Capital Territory, the administering authority for infringement notices as described in subsection 8 (2) of the *Road Transport (Offences) Regulation 2005*, delegate all of my functions under sections 29, 35, 36, 53 and 56 of the *Road Transport (General) Act 1999* to the police officers occupying the positions in table 1 of schedule 1.

5 Delegation of functions – infringement notices for camera detected offences issued by authorised persons from TCO

(1) I, RUDI WILLIAM LAMMERS, Chief Police Officer for the Australian Capital Territory, the administering authority for infringement notices as described in sub-

section 8 (2) of the *Road Transport (Offences) Regulation 2005*, delegate all of my functions under sections 29, 35, 36, and 53 of the *Road Transport (General) Act 1999* to the police officers occupying the positions in table 2 of schedule 1 subject to the provisions detailed in clause 5 (2) and 5 (3).

(2) The functions may only be exercised in relation to infringement notices that have been issued to a police vehicle or emergency vehicle.

(3) The functions may only be exercised:

(a) following appropriate internal review according to governance of the relevant police or emergency service agency; and

(b) in accordance with the findings of the internal review relating to the legislative exemptions under road transport legislation.

6 Delegation of functions – infringement notices issued by authorised persons from VITU

(1) I, RUDI WILLIAM LAMMERS, Chief Police Officer for the Australian Capital Territory, the administering authority for infringement notices as described in subsection 8 (2) of the *Road Transport (Offences) Regulation 2005*, delegate all of my functions under sections 29, 35, 36, and 53 of the *Road Transport (General) Act 1999* to the police officers occupying the positions in table 3 of schedule 1 subject to the provisions detailed in clause 6 (2) and 6 (3).

(2) The functions may only be exercised in relation to infringement notices that have been issued to a police vehicle or emergency vehicle.

(3) The functions may only be exercised:

(a) following appropriate internal review according to governance of the relevant police or emergency service agency; and

(b) in accordance with the findings of the internal review relating to the legislative exemptions under road transport legislation.

7 Transitional provisions

I, RUDI WILLIAM LAMMERS, Chief Police Officer for the Australian Capital Territory, the administering authority for infringement notices as described in subsection 8 (2) of the *Road Transport (Offences) Regulation 2005*, delegate all of my

functions under sections 29, 35, 36, and 53 of the *Road Transport (General) Act 1999* in relation to infringement notices issued by the TCO and the VITU to the police officers occupying the positions in table 3 of schedule 1 subject to the following provisions:

(a) the powers may only be exercised in relation to an infringement where representations have been received by ACT Policing Traffic Representations, Judicial Operations prior to the first moment of 4 July 2016; or

(b) the powers may only be exercised in relation to an infringement where representations are dated prior to 4 July 2016, have been received by the RTA prior to the first moment of 4 July 2016 and have been forwarded to ACT Policing Traffic Representations, Judicial Operations for action.

8 Dictionary

In this instrument:

emergency vehicle, means any vehicle driven by a person who is:

- (a) an emergency worker for the provision; and
- (b) driving the vehicle in the course of his or her duties as an emergency worker.

emergency worker, means a person who is an emergency worker for the Rules, or the provision, under another law of this jurisdiction.

police officer, means a person who is a police officer for the Rules, or the provision, under another law of this jurisdiction.

police vehicle, means any vehicle driven by a person who is:

- (a) a police officer for the provision; and
- (b) driving the vehicle in the course of his or her duties as a police officer.

RTA means the Road Transport Authority of the Australian Capital Territory

TCO means the Traffic Camera Office of the Australian Capital Territory

VITU means the Vehicle Inspection and Technical Unit of the Road Transport Authority

9 Revocation

I revoke NI2015-77, dated 13 February 2015, effective from the first moment of 4 July 2016.

Rudi William Lammers APM
Chief Police Officer
for the Australian Capital Territory

29 June 2016

Road Transport (General) Chief Police Officer Delegation 2016 (No 1) – Schedule 1

Delegations in relation to functions under the Road Transport (General) Act relating to infringement notice offences mentioned in sections 8 (2) of the Road Transport (Offences) Regulation 2005

Table 1 – General Delegations

	Column 1	Column 2
Item number	Position number	Position description
1.01	50002142	Coordinator Judicial Operations
1.02	50009883	Officer-in-Charge Judicial Operations
1.03	50001962	Team Leader, Traffic Representations
1.04	50002597	Team Member, Traffic Representations
1.05	50001964	Team Leader, Brief Management

Note: Section 185 of the *Legislation Act 2001* - a reference to the occupant of a position (however expressed) includes a reference to anyone for the time being occupying the position.

Table 2 – General Delegations

	Column 1	Column 2
Item number	Position number	Position description
1.01	50002142	Coordinator Judicial Operations
1.02	50009883	Officer-in-Charge Judicial Operations
1.03	50001962	Team Leader, Traffic Representations
1.04	50002597	Team Member, Traffic Representations
1.05	50001964	Team Leader, Brief Management

Note: Section 185 of the *Legislation Act 2001* - a reference to the occupant of a position (however expressed) includes a reference to anyone for the time being occupying the position.

Table 3 – General Delegations

	Column 1	Column 2
Item number	Position number	Position description
1.01	50002142	Coordinator Judicial Operations
1.02	50009883	Officer-in-Charge Judicial Operations
1.03	50001962	Team Leader, Traffic Representations
1.04	50002597	Team Member, Traffic Representations
1.05	50001964	Team Leader, Brief Management

Note: Section 185 of the *Legislation Act 2001* - a reference to the occupant of a position (however expressed) includes a reference to anyone for the time being occupying the position.
