

# Heavy Vehicle National Law (ACT) Access Canberra Delegation 2017 (No 1)\*

Notifiable instrument NI2017-108

made under the

**Heavy Vehicle National Law (ACT) section 661**

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## 1. Name of Instrument

This instrument is the *Heavy Vehicle National Law (ACT) Access Canberra Delegation 2017 (No 1)*.

## 2. Commencement

This instrument commences on 1 March 2017.

## 3. Delegation

- 1) I exercise the functions delegated to me under the National Heavy Vehicle Regulator Legislative Delegations, Delegation of Regulator's Functions Under the Heavy Vehicle National Law to the Director-General of Transport Canberra and City Services, Director-General of the Justice and Community Safety Directorate, and the Chief Operating Officer of Access Canberra, Australian Capital Territory, dated 20 February 2017.
- 2) For the purpose of giving effect to the Heavy Vehicle National Law in the Australian Capital Territory, I sub-delegate each function identified in column 4 of Schedule 1 to the persons holding or occupying from time to time the positions identified in column 2 of the Schedule, subject to the conditions (if any) specified in the corresponding column 5 of the Schedule.

*Note: the persons identified are appropriately qualified employees of the Australian Capital Territory Public Service.*

## 4. Defined terms

The Dictionary in section 5 of the Heavy Vehicle National Law (Qld) provides definitions for this instrument.

David Snowden

Chief Operating Officer

Access Canberra

28 February 2017

\*Name amended under Legislation Act, s 60

## Schedule 1: Delegations

Column 1	Column 2	Column 3	Column 4	Column 5
Act / Section	Position Number	Designation	Function	Conditions
<b>Chapter 3: Vehicle Operations – Standards and safety</b>				
<i>Heavy Vehicle National Law (ACT) 2014</i> <b>s87</b>	E346 31036 32923 02424 38063 00900 01127 03184	Director SOGA SOGC TO4  T03	<b>Approval of Modification by Regulator</b>  Issue a certificate and issue a plate or label under s87(3)	
<i>Heavy Vehicle National Law (ACT) 2014</i> <b>s175</b>	E346 31036 32923 02424 38063 00900 01127 03184	Director SOGA SOGC TO4  T03	<b>Immediate suspension of a mass or dimension authority (notice) by Regulator</b>  Suspend a mass or dimension authority issued by notice	The delegate may only suspend a mass or dimension authority where the authority has effect entirely within the participating jurisdiction
<i>Heavy Vehicle National Law (ACT) 2014</i> <b>s179</b>	E346 31036 32923 02424 38063 00900 01127 03184	Director SOGA SOGC TO4  T03	<b>Immediate suspension of a mass or dimension authority (permit) by Regulator</b>  Suspend a mass or dimension authority issued by permit	The delegate may only suspend a mass or dimension authority where the authority has effect entirely within the participating jurisdiction

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<b>Chapter 4: Vehicle Operations – Mass, dimension and loading</b>				
<i>Heavy Vehicle National Law (ACT) 2014</i> <b>s197</b>	E346	Director	<b>Exemption from 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 exercisable in relation to an area or route in the ACT jurisdiction
<b>Chapter 9: Enforcement</b>				
<i>Heavy Vehicle National Law (ACT) 2014</i> <b>s482</b>	E346 31036 21223 32923	Director SOGA SOGB SOGC	<b>Appointment conditions and limit on powers</b>  Limit an authorised officer's powers under s482(1)(b)	The notice may be issued under this section to an authorised officer who is employed in the ACT Public Service
<i>Heavy Vehicle National Law (ACT) 2014</i> <b>s484</b>	E346 31036 21223	Director SOGA SOGB	<b>Resignation</b>  Accept the resignation of an authorised officer	This function may only be exercised with respect to an authorised officer who is employed in the ACT Public Service
<i>Heavy Vehicle National Law (ACT) 2014</i> <b>S486</b>	E346 31036 21223 32923	Director SOGA SOGB SOGC	<b>Issue of identity card</b>  Issue an identity card to each authorised officer under s486(1)	This function may only be exercised with respect to an authorised officer who is employed in the ACT Public Service

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<i>Heavy Vehicle National Law (ACT) 2014 S488</i>	E346 31036 21223 32923	Director SOGA SOGB SOGC	<b>Return of identity card</b>  Accept the return of an identity card under this section	This function may only be exercised with respect to an authorised officer who is employed in the ACT Public Service
<i>Heavy Vehicle National Law (ACT) 2014 s530</i>	E346 31036 00867 21223 32923 02424 38063 00900 01127 03184 03178 03179 03180 03181 03182 03183 03185 26693 26695 26698 26699 26701 20359	Director SOGA SOGB  SOGC TO4  T03   GSO8	<b>Clearance of vehicle defect notices</b>  Clear a defect notice under s 530(1); and arrange for a label to be removed under s530(2)	

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<i>Heavy Vehicle National Law (ACT) 2014 s531</i>	E346 31036 21223 32923 38063	Director SOGA SOGB SOGC TO4	<p><b>Amendment or withdrawal of vehicle defect notices</b></p> <p>Approve:</p> <ul style="list-style-type: none"> <li>• for the purposes of s531(1)(c), a class of authorised officers, not being police officers, to amend or withdraw a vehicle defect notice issued in this jurisdiction by an authorised officer who is a police officer; and</li> <li>• for the purposes of s531(2), a class of authorised officers, not being police officers, to amend or withdraw a vehicle defect notice issued in this jurisdiction by an authorised officer who is <u>not</u> a police officer</li> </ul>	
<i>Heavy Vehicle National Law (ACT) 2014 s556</i>	E346 31036 00867 21223 32923	Director SOGA SOGB  SOGC	<p><b>Return of seized things or samples</b></p> <p>Return a thing or sample to its owners in accordance with s556(7)</p>	

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<i>Heavy Vehicle National Law (ACT) 2014 s557(2)</i>	E346 31036 00867 21223 32923	Director SOGA SOGB  SOGC	<b>Power to issue embargo notice</b>  Provide written consent enabling a person to deal with a thing subject to an embargo notice	
<i>Heavy Vehicle National Law (ACT) 2014 s561</i>	E346 31036 00867 21223 32923	Director SOGA SOGB  SOGC	<b>Power to forfeit particular things or samples</b>  Decide a thing or sample is forfeited under this section	
<i>Heavy Vehicle National Law (ACT) 2014 s562</i>	E346 31036 00867 21223 32923	Director SOGA SOGB  SOGC	<b>Information notice for forfeiture decision</b>  Provide an information notice under s562(1)	
<i>Heavy Vehicle National Law (ACT) 2014 s563</i>	E346 31036 00867 21223 32923	Director SOGA SOGB  SOGC	<b>Forfeited or transferred thing or sample becomes property of the Regulator</b>  Accept transfer of ownership of a thing or sample under this section	
<i>Heavy Vehicle National Law (ACT) 2014 s564</i>	E346 31036 00867 21223 32923	Director SOGA SOGB  SOGC	<b>How property may be dealt with</b>  Take action under s564 to deal with a thing or sample	

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<i>Heavy Vehicle National Law (ACT) 2014 s565</i>	E346 31036 00867 21223 32923	Director SOGA SOGB  SOGC	<b>Third party protection</b>  Act on behalf of the Regulator in relation to proceedings under s565	
<i>Heavy Vehicle National Law (ACT) 2014 s575</i>	E346 31036 00867 21223 32923 02424 38063 00900 01127 03184 03178 03179 03180 03181 03182 03183 03185 26693 26695 26698 26699 26701 20359	Director SOGA SOGB  SOGC TO4  T03  GS08	<b>Revocation of an improvement notice</b>  The sub delegate may revoke an improvement notice given to a person by an authorised officer who is not a police officer under s575(2)	

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<i>Heavy Vehicle National Law (ACT) 2014 s592</i>	E346 31036 00867 21223 04683 32923	Director SOGA SOGB  SOGC	<b>Recording information about infringement penalties</b>  Keep a record of: <ul style="list-style-type: none"> <li>each infringement notice issued for the purposes of this Law; and</li> </ul> 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.	
<i>Heavy Vehicle National Law (ACT) 2014 s598</i>	E346 31036 00867 21223 04683 32923	Director SOGA SOGB  SOGC	<b>Power to cancel or suspend vehicle registration</b>  Receive notification under 598(5) of a decision made by a Court under 598(2) and (3).	Limited to receiving notification of decisions made concerning vehicles registered in Queensland.
<i>Heavy Vehicle National Law (ACT) 2014 s639</i>	E346 31036 00867 21223 04683 32923	Director SOGA SOGB  SOGC	<b>Liability of registered operator</b>  Receive an operator declaration under s639(4)	The declaration may be received for an infringement notice issued by an authorised officer in this jurisdiction for an offence under the <i>Heavy Vehicle National Law (ACT)</i> .



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<b>Chapter 11: Reviews and Appeals</b>				
<i>Heavy Vehicle National Law (ACT) 2014 s641</i>	E346 31036 00867 21223 04683 32923	Director SOGA SOGB  SOGC	<b>Applying for internal review</b> <ul style="list-style-type: none"> <li>Accept an application for review of a reviewable decisions;</li> <li>extend the time for making a review application;</li> <li>provide a statement of reasons.</li> </ul>	
<i>Heavy Vehicle National Law (ACT) 2014 s642(5)</i>	E346 31036 00867 21223 04683 32923	Director SOGA SOGB  SOGC	<b>Stay of reviewable decisions made by Regulator or authorised officer</b>  Be a party to an application made in relation to a reviewable decision	The function is limited to a decision made by a sub delegate in this jurisdiction
<i>Heavy Vehicle National Law (ACT) 2014 s644 and 645</i>	E346 31036 00867 21223 04683 32923	Director SOGA SOGB  SOGC	<b>Internal review</b>  Conduct a review of a reviewable decision and make a review decision	

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<b>Chapter 12 Administration</b>				
<i>Heavy Vehicle National Law (ACT) 2014 s659(2)(a)(ii)</i>	E346 31036 00867 21223 04683 32923	Director SOGA SOGB  SOGC	<b>Functions of Regulator</b> <ul style="list-style-type: none"> <li>• Provide the administrative services necessary for any functions delivered by the delegate; and</li> <li>• collect fees, charges and other amounts payable under this Law</li> </ul>	
<i>Heavy Vehicle National Law (ACT) 2014 s659(2)(b)</i>	E346 31036 00867 21223 04683 32923	Director SOGA SOGB  SOGC	<b>Functions of Regulator</b>  Monitor compliance with this Law	
<i>Heavy Vehicle National Law (ACT) 2014 s659(2)(c)</i>	E346 31036 00867 21223 04683 32923	Director SOGA SOGB  SOGC	<b>Functions of Regulator</b>  Investigate contraventions or possible contraventions of provisions of this Law, including offences against this Law	
<i>Heavy Vehicle National Law (ACT) 2014 s659(2)(f)</i>	E346 31036 00867 21223 04683 32923	Director SOGA SOGB  SOGC	Conduct reviews of particular decisions made under this Law	The function is limited to decisions made by a sub delegate in this jurisdiction or an authorised officer of this jurisdiction
<i>Heavy Vehicle National Law (ACT) 2014 s659(2)(g)</i>	E346 31036 00867 21223 04683 32923	Director SOGA SOGB  SOGC	Conduct and defend appeals from decisions on reviews mentioned in paragraph s659(2)(f)	The function is limited to decisions made by a subdelegate in this jurisdiction or an authorised officer of this jurisdiction

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<b>Chapter 13: General</b>				
<i>Heavy Vehicle National Law (ACT) 2014 s711</i>	E346 31036 00867 21223 04683 32923	Director SOGA SOGB  SOGC	<b>Evidence by certificate by Regulator generally</b>  Issue a certificate with respect to the matter specified in this section	
<i>Heavy Vehicle National Law (ACT) 2014 s735</i>	E346 31036 21223 32923	Director SOGA SOGB SOGC	<b>Approved forms</b>  Approve forms for the national law	The forms that may be approved will be limited in their operation to this jurisdiction. The forms must be notified to the Regulator for publication on its website prior to coming into use.
<i>Heavy Vehicle National Law (ACT) 2014 s741</i>	E346 31036 00867 21223 04683 32923	Director SOGA SOGB  SOGC	<b>Recovery of amounts payable under Law</b>  Recover any fee, charge or other amount payable under this Law	The function is exercisable in relation to a fee, charge or other amount payable in relation to a service performed in this jurisdiction
<i>Heavy Vehicle National Law (ACT) 2014 s752</i>	E346 31036 00867 21223 04683 32923	Director SOGA SOGB  SOGC	<b>Pending matters</b>  Deal with a pending matter mentioned in s752(1)	