Australian Capital Territory

Road Transport (General) Access Canberra (Heavy Vehicle Infringement Notice functions) Delegation 2019 (No 1)

**Notifiable instrument NI2019–419**

made under the

*Road Transport (General) Act 1999*, section 54 (2) (Delegation of administering authority functions delegated to the chief operating officer of Access Canberra)

**1 Name of instrument**

This instrument is the *Road Transport (General) Access Canberra (Heavy Vehicle Infringement Notice functions) 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 as an administering authority, delegate those of my delegated functions and powers under Part 3 – Infringement notices for certain offences of the *Road Transport (General) Act 1999* specified in column 1 of schedule 1 to this instrument, to each person, occupying or performing the duties, from time to time, of a position specified in the corresponding row of column 3 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 as an administering authority, delegate those of my delegated functions and powers under the *Road Transport (Offences) Regulation 2005* specified in column 1 of schedule 2 to this instrument, to each person, occupying or performing the duties, from time to time, of a position specified in the corresponding row of column 3 of schedule 2 of this instrument.

Note: Section 8 (3) of the *Road Transport (Offences) Regulation 2005* provides that the Regulator under the *Heavy Vehicle National Law (ACT)* is the administering authority for heavy vehicle infringement notice offences.

The Regulator in that entity’s capacity as an administering authority, has delegated certain administering authority functions under Part 3 – Infringement notices for certain offences of the *Road Transport (General) Act 1999* and under sections 14B and 14D of the *Road Transport (Offences) Regulation 2005*, to the chief operating officer of Access Canberra.

The chief operating officer of Access Canberra is a public employee and so a delegate of the administering authority described by section 54 (1) (b) of the *Road Transport (General) Act 1999* read with section 15 of the *Road Transport (Offences) Regulation* 2005. Consequently, pursuant to section 54 (2) of the *Road Transport (General) Act 1999*, the chief operating officer of Access Canberra can delegate the administering authority functions delegated “to anyone else”.

Josh Rynehart

A/g Chief Operating Officer of Access Canberra

Delegate of the National Heavy Vehicle Regulator as an administering authority

28 June 2019

**Schedule 1**

| **Column 1** | **Column 2** | **Column 3** | **Column 4** |
| --- | --- | --- | --- |
| **Section** | **Function** | **Position No** | **Position description** |
| Section 27, Part 3, *Road Transport (General) Act 1999* | Serve a reminder notice | P21223P24490P00867P37000P02498P31761P36998P36999P13861P19911P32048 | DirectorManager Public Transport and AuditDirectorSenior Manager InfringementsManager InfringementsManager InfringementsManager InfringementsManager InfringementsAssistant Manager InfringementsAssistant Manager InfringementsAssistant Manager Infringements |
| Section 29, Part 3, *Road Transport (General) Act 1999* | Allow or refuse an application for extension of time to do things | P21223P24490P00867P37000P02498P31761P36998P36999P13861P19911P32048P33199P04683P33121P01038P04686P04986P11968P11970P11971P17807P17811P17812P17819P17820P17821P21754P21755P21756P25954P32050P32057P32179P32187P34158P37064P37065P41099P41100P41102P41103P00354P01913P02098P10837P11160P11433P12565 | DirectorManager Public Transport and AuditDirectorSenior Manager InfringementsManager InfringementsManager InfringementsManager InfringementsManager InfringementsAssistant Manager InfringementsAssistant Manager InfringementsAssistant Manager InfringementsManager Business DevelopmentManager OperationsManager LicensingInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerRegistration and Licence OfficerRegistration and Licence OfficerRegistration and Licence Officer Registration and Licence OfficerRegistration and Licence OfficerRegistration and Licence OfficerRegistration and Licence Officer |
| Section 31G (1), Part 3, *Road Transport (General) Act 1999* | Allow or refuse application for waiver of penalty | E218P36222P35718P41143P00867P37000P02498P31761P36998P36999P13861P19911P32048 | Executive Branch ManagerSenior DirectorSenior DirectorSenior DirectorDirectorSenior Manager InfringementsManager InfringementsManager InfringementsManager InfringementsManager InfringementsAssistant Manager InfringementsAssistant Manager InfringementsAssistant Manager Infringements |
| Section 31G (2), Part 3, *Road Transport (General) Act 1999* | Request information to determine application for waiver | E218P36222P35718P41143P00867P37000P02498P31761P36998P36999P13861P19911P32048 | Executive Branch ManagerSenior DirectorSenior DirectorSenior DirectorDirectorSenior Manager InfringementsManager InfringementsManager InfringementsManager InfringementsManager InfringementsAssistant Manager InfringementsAssistant Manager InfringementsAssistant Manager Infringements |
| Section 31G (3), Part 3, *Road Transport (General) Act 1999* | Grounds to be satisfied of when allowing application for waiver | E218P36222P35718P41143P00867P37000P02498P31761P36998P36999P13861P19911P32048 | Executive Branch ManagerSenior DirectorSenior DirectorSenior DirectorDirectorSenior Manager InfringementsManager InfringementsManager InfringementsManager InfringementsManager InfringementsAssistant Manager InfringementsAssistant Manager InfringementsAssistant Manager Infringements |
| Section 31G (4), Part 3, *Road Transport (General) Act 1999* | Consult with director-general | P00867P37000P02498P31761P36998P36999P13861P19911P32048 | DirectorSenior Manager InfringementsManager InfringementsManager InfringementsManager InfringementsManager InfringementsAssistant Manager InfringementsAssistant Manager InfringementsAssistant Manager Infringements |
| Section 31G (5), Part 3, *Road Transport (General) Act 1999* | Inform applicant in writing of decision on application for waiver. If refuse must include reasons for refusal | P00867P37000P02498P31761P36998P36999P13861P19911P32048 | DirectorSenior Manager InfringementsManager InfringementsManager InfringementsManager InfringementsManager InfringementsAssistant Manager InfringementsAssistant Manager InfringementsAssistant Manager Infringements |
| Section 35, Part 3, *Road Transport (General) Act 1999* | Take action in response to an application for withdrawal of an infringement notice | E218P36222P35718P41143P21223P24490P00867P37000P02498P31761P36998P36999P13861P19911P32048P33199P04683P33121P01038P04686P04986P11968P11970P11971P17807P17811P17812P17819P17820P17821P21754P21755P21756P25954P32050P32057P32179P32187P34158P37064P37065P41099P41100P41102P41103P00354P01913P02098P10837P11160P11433P12565 | Executive Branch ManagerSenior DirectorSenior DirectorSenior DirectorDirectorManager Public Transport and AuditDirectorSenior Manager InfringementsManager InfringementsManager InfringementsManager InfringementsManager InfringementsAssistant Manager InfringementsAssistant Manager InfringementsAssistant Manager InfringementsManager Business DevelopmentManager OperationsManager LicensingInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerRegistration and Licence OfficerRegistration and Licence OfficerRegistration and Licence OfficerRegistration and Licence OfficerRegistration and Licence OfficerRegistration and Licence OfficerRegistration and Licence Officer |
| Section 36, Part 3, *Road Transport (General) Act 1999* | Withdraw infringement notice | P21223P24490P00867P37000P02498P31761P36998P36999P13861P19911P32048P33199P04683P33121P01038P04686P04986P11968P11970P11971P17807P17811P17812P17819P17820P17821P21754P21755P21756P25954P32050P32057P32179P32187P34158P37064P37065P41099P41100P41102P41103P00354P01913P02098P10837P11160P11433P12565 | DirectorManager Public Transport and AuditDirectorSenior Manager InfringementsManager InfringementsManager InfringementsManager InfringementsManager InfringementsAssistant Manager InfringementsAssistant Manager InfringementsAssistant Manager InfringementsManager Business DevelopmentManager OperationsManager LicensingInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerRegistration and Licence OfficerRegistration and Licence OfficerRegistration and Licence Officer Registration and Licence OfficerRegistration and Licence OfficerRegistration and Licence OfficerRegistration and Licence Officer |
| Section 44A, Part 3, *Road Transport (General) Act 1999* | Inform road transport authority of non-compliance with infringement notice management plan  | E218P36222P35718P41143P00867P37000P02498P31761P36998P36999P13861P19911P32048P33199P04683P33121P01038P04686P04986P11968P11970P11971P17807P17811P17812P17819P17820P17821P21754P21755P21756P25954P32050P32057P32179P32187P34158P37064P37065P41099P41100P41102P41103P00354P01913P02098P10837P11160P11433P12565 | Executive Branch ManagerSenior DirectorSenior DirectorSenior DirectorDirectorSenior Manager InfringementsManager InfringementsManager InfringementsManager InfringementsManager InfringementsAssistant Manager InfringementsAssistant Manager InfringementsAssistant Manager InfringementsManager Business DevelopmentManager OperationsManager LicensingInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerRegistration and Licence OfficerRegistration and Licence OfficerRegistration and Licence OfficerRegistration and Licence OfficerRegistration and Licence OfficerRegistration and Licence OfficerRegistration and Licence Officer |

**Schedule 2**

| **Column 1** | **Column 2** | **Column 3** | **Column 4** |
| --- | --- | --- | --- |
| **Section** | **Function** | **Position No** | **Position description** |
| Section 14B, *Road Transport (Offences) Regulation 2005* | Determine additional information to include in reminder notice | P00867P37000P02498P31761P36998P36999P13861P19911P32048P33199P04683P33121P01038P04686P04986P11968P11970P11971P17807P17811P17812P17819P17820P17821P21754P21755P21756P25954P32050P32057P32179P32187P34158P37064P37065P41099P41100P41102P41103P00354P01913P02098P10837P11160P11433P12565 | DirectorSenior Manager InfringementsManager InfringementsManager InfringementsManager InfringementsManager InfringementsAssistant Manager InfringementsAssistant Manager InfringementsAssistant Manager InfringementsManager Business DevelopmentManager OperationsManager LicensingInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerRegistration and Licence OfficerRegistration and Licence OfficerRegistration and Licence OfficerRegistration and Licence OfficerRegistration and Licence OfficerRegistration and Licence OfficerRegistration and Licence Officer |
| Section 14D, *Road Transport (Offences) Regulation 2005* | Allow application out of time if reasonably believe special circumstances justify | P00867P37000P02498P31761P36998P36999P13861P19911P32048P33199P04683P33121P21223P24490P01038P04686P04986P11968P11970P11971P17807P17811P17812P17819P17820P17821P21754P21755P21756P25954P32050P32057P32179P32187P34158P37064P37065P41099P41100P41102P41103P00354P01913P02098P10837P11160P11433P12565 | DirectorSenior Manager InfringementsManager InfringementsManager InfringementsManager InfringementsManager InfringementsAssistant Manager InfringementsAssistant Manager InfringementsAssistant Manager InfringementsManager Business DevelopmentManager OperationsManager LicensingDirectorManager Public Transport and AuditInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerInfringement OfficerRegistration and Licence OfficerRegistration and Licence OfficerRegistration and Licence OfficerRegistration and Licence OfficerRegistration and Licence OfficerRegistration and Licence OfficerRegistration and Licence Officer |