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 | P21223  P24490  P00867  P37000  P02498  P31761  P36998  P36999  P13861  P19911  P32048 | Director  Manager Public Transport and Audit  Director  Senior Manager Infringements  Manager Infringements  Manager Infringements  Manager Infringements  Manager Infringements  Assistant Manager Infringements  Assistant Manager Infringements  Assistant Manager Infringements |
| Section 29, Part 3, *Road Transport (General) Act 1999* | Allow or refuse an application for extension of time to do things | P21223  P24490  P00867  P37000  P02498  P31761  P36998  P36999  P13861  P19911  P32048  P33199  P04683  P33121  P01038  P04686  P04986  P11968  P11970  P11971  P17807  P17811  P17812  P17819  P17820  P17821  P21754  P21755  P21756  P25954  P32050  P32057  P32179  P32187  P34158  P37064  P37065  P41099  P41100  P41102  P41103  P00354  P01913  P02098  P10837  P11160  P11433  P12565 | Director  Manager Public Transport and Audit  Director  Senior Manager Infringements  Manager Infringements  Manager Infringements  Manager Infringements  Manager Infringements  Assistant Manager Infringements  Assistant Manager Infringements  Assistant Manager Infringements  Manager Business Development  Manager Operations  Manager Licensing  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Registration and Licence Officer  Registration and Licence Officer  Registration and Licence Officer Registration and Licence Officer  Registration and Licence Officer  Registration and Licence Officer  Registration and Licence Officer |
| Section 31G (1), Part 3, *Road Transport (General) Act 1999* | Allow or refuse application for waiver of penalty | E218  P36222  P35718  P41143  P00867  P37000  P02498  P31761  P36998  P36999  P13861  P19911  P32048 | Executive Branch Manager  Senior Director  Senior Director  Senior Director  Director  Senior Manager Infringements  Manager Infringements  Manager Infringements  Manager Infringements  Manager Infringements  Assistant Manager Infringements  Assistant Manager Infringements  Assistant Manager Infringements |
| Section 31G (2), Part 3, *Road Transport (General) Act 1999* | Request information to determine application for waiver | E218  P36222  P35718  P41143  P00867  P37000  P02498  P31761  P36998  P36999  P13861  P19911  P32048 | Executive Branch Manager  Senior Director  Senior Director  Senior Director  Director  Senior Manager Infringements  Manager Infringements  Manager Infringements  Manager Infringements  Manager Infringements  Assistant Manager Infringements  Assistant Manager Infringements  Assistant Manager Infringements |
| Section 31G (3), Part 3, *Road Transport (General) Act 1999* | Grounds to be satisfied of when allowing application for waiver | E218  P36222  P35718  P41143  P00867  P37000  P02498  P31761  P36998  P36999  P13861  P19911  P32048 | Executive Branch Manager  Senior Director  Senior Director  Senior Director  Director  Senior Manager Infringements  Manager Infringements  Manager Infringements  Manager Infringements  Manager Infringements  Assistant Manager Infringements  Assistant Manager Infringements  Assistant Manager Infringements |
| Section 31G (4), Part 3, *Road Transport (General) Act 1999* | Consult with director-general | P00867  P37000  P02498  P31761  P36998  P36999  P13861  P19911  P32048 | Director  Senior Manager Infringements  Manager Infringements  Manager Infringements  Manager Infringements  Manager Infringements  Assistant Manager Infringements  Assistant Manager Infringements  Assistant 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 | P00867  P37000  P02498  P31761  P36998  P36999  P13861  P19911  P32048 | Director  Senior Manager Infringements  Manager Infringements  Manager Infringements  Manager Infringements  Manager Infringements  Assistant Manager Infringements  Assistant Manager Infringements  Assistant Manager Infringements |
| Section 35, Part 3, *Road Transport (General) Act 1999* | Take action in response to an application for withdrawal of an infringement notice | E218  P36222  P35718  P41143  P21223  P24490  P00867  P37000  P02498  P31761  P36998  P36999  P13861  P19911  P32048  P33199  P04683  P33121  P01038  P04686  P04986  P11968  P11970  P11971  P17807  P17811  P17812  P17819  P17820  P17821  P21754  P21755  P21756  P25954  P32050  P32057  P32179  P32187  P34158  P37064  P37065  P41099  P41100  P41102  P41103  P00354  P01913  P02098  P10837  P11160  P11433  P12565 | Executive Branch Manager  Senior Director  Senior Director  Senior Director  Director  Manager Public Transport and Audit  Director  Senior Manager Infringements  Manager Infringements  Manager Infringements  Manager Infringements  Manager Infringements  Assistant Manager Infringements  Assistant Manager Infringements  Assistant Manager Infringements  Manager Business Development  Manager Operations  Manager Licensing  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Registration and Licence Officer  Registration and Licence Officer  Registration and Licence Officer  Registration and Licence Officer  Registration and Licence Officer  Registration and Licence Officer  Registration and Licence Officer |
| Section 36, Part 3, *Road Transport (General) Act 1999* | Withdraw infringement notice | P21223  P24490  P00867  P37000  P02498  P31761  P36998  P36999  P13861  P19911  P32048  P33199  P04683  P33121  P01038  P04686  P04986  P11968  P11970  P11971  P17807  P17811  P17812  P17819  P17820  P17821  P21754  P21755  P21756  P25954  P32050  P32057  P32179  P32187  P34158  P37064  P37065  P41099  P41100  P41102  P41103  P00354  P01913  P02098  P10837  P11160  P11433  P12565 | Director  Manager Public Transport and Audit  Director  Senior Manager Infringements  Manager Infringements  Manager Infringements  Manager Infringements  Manager Infringements  Assistant Manager Infringements  Assistant Manager Infringements  Assistant Manager Infringements  Manager Business Development  Manager Operations  Manager Licensing  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Registration and Licence Officer  Registration and Licence Officer  Registration and Licence Officer Registration and Licence Officer  Registration and Licence Officer  Registration and Licence Officer  Registration and Licence Officer |
| Section 44A, Part 3, *Road Transport (General) Act 1999* | Inform road transport authority of non-compliance with infringement notice management plan | E218  P36222  P35718  P41143  P00867  P37000  P02498  P31761  P36998  P36999  P13861  P19911  P32048  P33199  P04683  P33121  P01038  P04686  P04986  P11968  P11970  P11971  P17807  P17811  P17812  P17819  P17820  P17821  P21754  P21755  P21756  P25954  P32050  P32057  P32179  P32187  P34158  P37064  P37065  P41099  P41100  P41102  P41103  P00354  P01913  P02098  P10837  P11160  P11433  P12565 | Executive Branch Manager  Senior Director  Senior Director  Senior Director  Director  Senior Manager Infringements  Manager Infringements  Manager Infringements  Manager Infringements  Manager Infringements  Assistant Manager Infringements  Assistant Manager Infringements  Assistant Manager Infringements  Manager Business Development  Manager Operations  Manager Licensing  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Registration and Licence Officer  Registration and Licence Officer  Registration and Licence Officer  Registration and Licence Officer  Registration and Licence Officer  Registration and Licence Officer  Registration 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 | P00867  P37000  P02498  P31761  P36998  P36999  P13861  P19911  P32048  P33199  P04683  P33121  P01038  P04686  P04986  P11968  P11970  P11971  P17807  P17811  P17812  P17819  P17820  P17821  P21754  P21755  P21756  P25954  P32050  P32057  P32179  P32187  P34158  P37064  P37065  P41099  P41100  P41102  P41103  P00354  P01913  P02098  P10837  P11160  P11433  P12565 | Director  Senior Manager Infringements  Manager Infringements  Manager Infringements  Manager Infringements  Manager Infringements  Assistant Manager Infringements  Assistant Manager Infringements  Assistant Manager Infringements  Manager Business Development  Manager Operations  Manager Licensing  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Registration and Licence Officer  Registration and Licence Officer  Registration and Licence Officer  Registration and Licence Officer  Registration and Licence Officer  Registration and Licence Officer  Registration and Licence Officer |
| Section 14D, *Road Transport (Offences) Regulation 2005* | Allow application out of time if reasonably believe special circumstances justify | P00867  P37000  P02498  P31761  P36998  P36999  P13861  P19911  P32048  P33199  P04683  P33121  P21223  P24490  P01038  P04686  P04986  P11968  P11970  P11971  P17807  P17811  P17812  P17819  P17820  P17821  P21754  P21755  P21756  P25954  P32050  P32057  P32179  P32187  P34158  P37064  P37065  P41099  P41100  P41102  P41103  P00354  P01913  P02098  P10837  P11160  P11433  P12565 | Director  Senior Manager Infringements  Manager Infringements  Manager Infringements  Manager Infringements  Manager Infringements  Assistant Manager Infringements  Assistant Manager Infringements  Assistant Manager Infringements  Manager Business Development  Manager Operations  Manager Licensing  Director  Manager Public Transport and Audit  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Infringement Officer  Registration and Licence Officer  Registration and Licence Officer  Registration and Licence Officer  Registration and Licence Officer  Registration and Licence Officer  Registration and Licence Officer  Registration and Licence Officer |