Australian Capital Territory

Road Transport (General) Road Transport Authority (Parking Infringement Notices) Delegation 2019 (No 2)

**Notifiable instrument NI2019–557**

made under the

Road Transport (General) Act 1999, section 17 (1) (Delegation of road transport authority’s functions) and section 54 (1) (Delegation of administering authority’s functions)

**1 Name of instrument**

This instrument is the *Road Transport (General) Road Transport Authority (Parking Infringement Notices) Delegation 2019 (No 2)*.

**2 Commencement**

This instrument commences on the day after it is signed.

**3 Delegation**

1) I, Director-General of the Environment, Planning and Sustainable Development Directorate, in my capacities as both a road transport authority and an administering authority, delegate those of my powers and functions under section 92A and 93 of the *Road Transport (General) Act 1999* to the:

1. head of Access Canberra; and
2. chief operating officer of Access Canberra.

Note: Section 17 (1) (b) of the *Road Transport (General) Act 1999* provides that a road transport authority can delegate a road transport authority’s functions under the road transport legislation to a public employee.

2) I, Director-General of the Environment, Planning and Sustainable Development Directorate in my capacities as both a road transport authority and an administering authority for the purposes of certain infringement notices under the *Road Transport (General) Act 1999*, delegate all my powers and functions under Part 3 – Infringement notices for certain offences of the *Road Transport (General) Act 1999*, to the:

1. head of Access Canberra;
2. chief operating officer of Access Canberra; and
3. police officers.

3) I, Director-General of the Environment, Planning and Sustainable Development Directorate in my capacities as both a road transport authority and an administering authority for the purposes of certain infringement notices offences under the *Road Transport (General) Act 1999*, delegate all my powers and functions under section 11, 14, 14A, 14B, 14D, 16B and 16BA of the *Road Transport (Offences) Regulation 2005* to the:

1. head of Access Canberra;
2. chief operating officer of Access Canberra; and
3. police officers.

Note: Section 8 (1) (a) of the *Road Transport (Offences) Regulation 2005* provides that a road transport authority (here the Director-General of the Environment, Planning and Sustainable Development Directorate) is the administering authority for the purposes of certain offences contained in part 12 of the *Road Transport (Road Rules) Regulation 2017*,where those offences are infringement notice offences under part 1.12A of schedule 1 of the *Road Transport (Offences) Regulation 2005*. This does not extend to those specific sections of part 12 of the *Road Transport (Road Rules) Regulation 2017* listed in section 8 (1) (a) of the *Road Transport (Offences) Regulation 2005* in relation to which the Chief Police Officer is the relevant administering authority under section 8 (2) of the *Road Transport (Offences) Regulation 2005*.

Section 8 (1) (b) of the *Road Transport (Offences) Regulation 2005* provides that the road transport authority (here the Director-General of the Environment, Planning and Sustainable Development Directorate) is the administering authority for the purposes of certain offences contained in division 7.3 of the *Road Transport (Safety and Traffic Management) Regulation 2017*,where those offences are infringement notice offences under part 1.13 of schedule 1 of the *Road Transport (Offences) Regulation 2005*. This does not extend to offences in the *Road Transport (Safety and Traffic Management) Regulation 2017* (which are not contained in division 7.3) in relation to which the Chief Police Officer is the relevant administering authority under section 8 (2) of the *Road Transport (Offences) Regulation 2005*.

Which Director-General is the road transport authority is determined by section 16 (3) of the *Road Transport (General) Act 1999* read in conjunction with the Administrative Arrangements.

Section 8 (2) of the *Road Transport (Offences) Regulation 2005* provides that the Chief Police Officer is the administering authority for infringement notice offences that are not described in section 8 (1) of the *Road Transport (Offences) Regulation 2005.*

Section 54 (1) (b) of the *Road Transport (General) Act 1999* read with section 15 of the *Road Transport (Offences) Regulation 2005* provides that an administering authority can delegate an administering authority’s functions to a public employee or a police officer.

**4 Definitions**

In this instrument:

 ***Access Canberra***, means the business unit known as Access Canberra.

 ***chief operating officer,*** of Access Canberra, meansthe public employee occupying, from time to time, the position of chief operating officer of Access Canberra

***Director-General***, of the ***Environment, Planning and Sustainable Development Directorate***, means the SES employee occupying, from time to time, the position (however described) of Director-General of the Environment, Planning and Sustainable Development Directorate.

***Environment, Planning and Sustainable Development Directorate***, means the administrative unit that the Director-General is responsible for.

 ***head,*** of Access Canberra, means the public employee occupying, from time to time, the position (however described) of head of Access Canberra.

 ***police officer***, means a person either declared a member or appointed a special member of the Australian Federal Police, who occupies, from time to time, a position (however described) in the Australian Federal Police.

 ***road transport legislation*** – see section 6 of the *Road Transport (General) Act 1999.*

**5 Revocation**

This instrument revokes *Road Transport (General) Road Transport Authority (Parking Infringement Notices) Delegation 2019 (No 1)* NI2019-455.

Ben Ponton

Director-General of the Environment, Planning and Sustainable Development Directorate as a road transport authority and an administering authority

22 August 2019