

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:

- a) head of Access Canberra; and
- b) 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:

- a) head of Access Canberra;
- b) chief operating officer of Access Canberra; and
- c) 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:

- a) head of Access Canberra;
- b) chief operating officer of Access Canberra; and
- c) 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, means the 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