Australian Capital Territory

Road Transport (General) Road Transport Authority (Infringement Notice Functions) Delegation 2021 (No 1)\*

**Notifiable instrument NI2021–194**

made under the

*Road Transport (General) Act 1999*, s17 (1) (Delegation of road transport authority’s functions) and s54 (1) (Delegation of administering authority’s functions)

**1 Name of instrument**

This instrument is the *Road Transport (General) Road Transport Authority (Infringement Notice Functions) Delegation 2021 (No 1)*.

**2 Commencement**

This instrument commences on the day after it is signed.

**3 Delegation**

1) I, Director-General of the Transport Canberra and City Services Directorate, in my capacities as both a road transport authority and an administering authority, for the purposes of certain infringement notice offences under the *Road Transport (General) Act 1999,* delegate all my powers and functions under:

1. part 3 – Infringement Notices for certain offences of the *Road Transport (General) Act 1999* (except in relation to infringement notices issued to a police vehicle or emergency vehicle); and
2. sections 11, 14, 14A, 14B, 14D, 16B and 16BA of the *Road Transport (Offences) Regulation 2005*

to the:

1. head of Access Canberra,
2. Executive Group Manager (position number E847), Access Canberra, and
3. police officers.

1) I, Director-General of the Transport Canberra and City Services Directorate, in my capacities as both a road transport authority and an administering authority, delegate those of my powers and functions under sections 92A and 93 of the *Road Transport (General) Act 1999;* to the:

1. head of Access Canberra, and
2. Executive Group Manager (position number E847), Access Canberra.

5) I, Director-General of the Transport Canberra and City Services Directorate, in my capacity as a road transport authority and an administering authority, delegate those of my powers and functions 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.

6) I, Director-General of the Transport Canberra and City Services Directorate, in both my capacities as a road transport authority and as an administering authority for the purposes of certain infringement notice offences under the *Road Transport (General) Act 1999*, delegate those of my powers and functions under Part 3 – Infringement Notices for certain offences of the *Road Transport (General) Act 1999* (except in relation to infringement notices issued to a police vehicle or emergency vehicle) 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 to this instrument.

7) I, Director-General of the Transport Canberra and City Services Directorate, in both my capacities as a road transport authority and as an administering authority for the purposes of certain infringement notice offences under the *Road Transport (General) Act* 1999, delegate those of my powers and functions under sections 11, 14, 14A, 14B, 14D, 16B and 16BA of the *Road Transport (Offences) Regulation 2005* specified in column 1 of schedule 3 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 3 to this instrument.

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

Section 16 (3) of the *Road Transport (General) Act 1999* defines the road transport authority. This section in conjunction with the *Administrative Arrangements* determines which Director-General is the road transport authority for certain provisions of the road transport legislation.

The road transport authority is an administering authority pursuant to section 8 (1) of the *Road Transport (Offences) Regulation 2005*.

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 police officer.

**4 Definitions**

In this instrument:

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

 ***Executive Group Manager*** means the public employee occupying, from time to time, position number E847, however described.

 ***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 the:

1. *Road Transport (General) (Infringement Notice Offences) Delegation 2010 (No 2)*, NI2010-108;
2. *Road Transport (General) Road Transport (Authority) Delegation 2019 (No 1),* NI2019-568;
3. *Road Transport (General) Transport Canberra and City Services Delegation 2019 (No 1)*, NI2019-639; and
4. *Road Transport (General) Access Canberra Parking Delegation 2020 (No 1),* NI2020-125.

Alison Playford

Director-General, Transport Canberra and City Services Directorate as a road transport authority and an administering authority

 24 March 2021

**Schedule 1**

***Road Transport (General) Act 1999***

| **Column 1** | **Column 2** | **Column 3** | **Column 4** |
| --- | --- | --- | --- |
| **Section** | **Function** | **Position No** | **Position description** |
| Section 92A*,* Part 7, *Road Transport (General) Act 1999* | Arrange for a person to review an internally reviewable decision | E00867E01006E01008E00600 | Deputy Director-GeneralExecutive Group Manager Transport CanberraExecutive Branch Manager, Light Rail OperationsExecutive Branch Manager Bus Operations |
| Section 93, Part 7, *Road Transport (General) Act 1999* | Review an internally reviewable decision | E00867E01006E01008E00600 | Deputy Director-GeneralExecutive Group Manager Transport Canberra Executive Branch Manager, Light Rail OperationsExecutive Branch Manager Bus Operations |

**Schedule 2**

***Road Transport (General) Act 1999***

| **Column 1** | **Column 2** | **Column 3** | **Column 4** |
| --- | --- | --- | --- |
| **Section** | **Function** | **Position No** | **Position description** |
| Section 27**,** Part 3, *Road Transport (General) Act 1999* | Arrange for service of a reminder notice | E00867E01006E01008E00600P37660 | Deputy Director-GeneralExecutive Group Manager Transport Canberra Executive Branch Manager, Light Rail OperationsExecutive Branch Manager Bus OperationsSenior Director Field Operations and Flexible Transport |
| Section 29, Part 3, *Road Transport (General) Act 1999* | Allow or refuse an application for extension of time to do things | E00867E01006E01008E00600P37660 | Deputy Director-GeneralExecutive Group Manager Transport CanberraExecutive Branch Manager, Light Rail OperationsExecutive Branch Manager Bus OperationsSenior Director Field Operations and Flexible Transport |
| Section 31B (1), Part 3, *Road Transport (General) Act 1999* | Allow or refuse an application for an infringement notice management plan | E00867E01006E01008E00600P37660 | Deputy Director-GeneralExecutive Group Manager Transport CanberraExecutive Branch Manager, Light Rail OperationsExecutive Branch Manager Bus OperationsSenior Director Field Operations and Flexible Transport |
| Section 31B (2), Part 3, *Road Transport (General) Act 1999* | May seek further information relating to an application for an infringement notice management plan | E00867E01006E01008E00600P37660 | Deputy Director-GeneralExecutive Group Manager Transport Canberra Executive Branch Manager, Light Rail OperationsExecutive Branch Manager Bus OperationsSenior Director Field Operations and Flexible Transport |
| Section 31B (3), Part 3, *Road Transport (General) Act 1999* | Allow for payment by instalments in prescribed circumstances | E00867E01006E01008E00600P37660 | Deputy Director-GeneralExecutive Group Manager Transport Canberra Executive Branch Manager, Light Rail OperationsExecutive Branch Manager Bus OperationsSenior Director Field Operations and Flexible Transport |
| Section 31B (4), Part 3, *Road Transport (General) Act 1999* | Allow participation in a community work or social development program | E00867E01006E01008E00600 | Deputy Director-GeneralExecutive Group Manager Transport Canberra Executive Branch Manager, Light Rail OperationsExecutive Branch Manager Bus Operations |
| Section 31B (5), Part 3, *Road Transport (General) Act 1999* | May decide the amount of instalments that must be paid under infringement notice management plan | E00867E01006E01008E00600P37660 | Deputy Director-GeneralExecutive Group Manager Transport Canberra Executive Branch Manager, Light Rail OperationsExecutive Branch Manager Bus OperationsSenior Director Field Operations and Flexible Transport |
| Section 31B (6), Part 3, *Road Transport (General) Act 1999* | If the application is allowed, tell an applicant for an infringement notice management plan about the arrangements for paying the infringement notice penalty by instalments; and if application is refused – tell the applicant in writing about the refusal and the reasons for the refusal | E00867E01006E01008E00600P37660 | Deputy Director-GeneralExecutive Group Manager Transport Canberra Executive Branch Manager, Light Rail OperationsExecutive Branch Manager Bus OperationsSenior Director Field Operations and Flexible Transport |
| Section 31C (1), *Part 3, Road Transport (General) Act 1999* | Seek approval from responsible director-general to applicant participating in an approved community work or social development program | E00867E01006E01008E00600 | Deputy Director-GeneralExecutive Group Manager Transport Canberra Executive Branch Manager, Light Rail OperationsExecutive Branch Manager Bus Operations |
| Section 31G (1), Part 3, *Road Transport (General) Act 1999* | Allow or refuse application for waiver of penalty | E00867E01006E01008E00600P37660 | Deputy Director-GeneralExecutive Group Manager Transport Canberra Executive Branch Manager, Light Rail OperationsExecutive Branch Manager Bus OperationsSenior Director Field Operations and Flexible Transport |
| Section 31G (2), Part 3, *Road Transport (General) Act 1999* | Request information to determine application for waiver | E00867E01006E01008E00600P37660 | Deputy Director-GeneralExecutive Group Manager Transport CanberraExecutive Branch Manager, Light Rail OperationsExecutive Branch Manager Bus OperationsSenior Director Field Operations and Flexible Transport |
| Section 31G (4), Part 3, *Road Transport (General) Act 1999* | Consult with director-general responsible for the *Crimes (Sentence Administration) Act 2005, part 6.2 (Good behaviour – community service work).*  | E00867E01006E01008E00600P37660 | Deputy Director-GeneralExecutive Group Manager Transport CanberraExecutive Branch Manager, Light Rail OperationsExecutive Branch Manager Bus OperationsSenior Director Field Operations and Flexible Transport |
| 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 | E00867E01006E01008E00600P37660 | Deputy Director-GeneralExecutive Group Manager Transport Canberra Executive Branch Manager, Light Rail OperationsExecutive Branch Manager Bus OperationsSenior Director Field Operations and Flexible Transport |
| Section 35, Part 3, *Road Transport (General) Act 1999* | Withdraw the infringement notice or refuse to withdraw the infringement notice or ask for further information to assist in making a decision under section 35 of the *Road Transport (General) Act 1999*  | E00867E01006E01008E00600P37660 | Deputy Director-GeneralExecutive Group Manager Transport Canberra Executive Branch Manager, Light Rail OperationsExecutive Branch Manager Bus OperationsSenior Director Field Operations and Flexible Transport |
| Section 36, Part 3, *Road Transport (General) Act 1999* | Withdraw infringement notice | E00867E01006E01008E00600P37660 | Deputy Director-GeneralExecutive Group Manager Transport CanberraExecutive Branch Manager, Light Rail OperationsExecutive Branch Manager Bus OperationsSenior Director Field Operations and Flexible Transport |
| Section 36A, Part 3, *Road Transport (General) Act 1999* | Cancel or amend infringement notice plan following decision on application for withdrawal | E00867E01006E01008E00600P37660 | Deputy Director-GeneralExecutive Group Manager Transport CanberraExecutive Branch Manager, Light Rail OperationsExecutive Branch Manager Bus OperationsSenior Director Field Operations and Flexible Transport |
| Section 44A, Part 3, *Road Transport (General) Act 1999* | Inform road transport authority of non-compliance with infringement notice management plan | E00867E01006E01008E00600P37660 | Deputy Director-GeneralExecutive Group Manager Transport CanberraExecutive Branch Manager, Light Rail OperationsExecutive Branch Manager Bus OperationsSenior Director Field Operations and Flexible Transport |
| Section 47A(2), Part 3, *Road Transport (General) Act 1999* | Inform road transport authority of the infringement notice management plan or compliance with infringement notice management plan following suspension | E00867E01006E01008E00600 | Deputy Director-GeneralExecutive Group Manager Transport CanberraExecutive Branch Manager, Light Rail OperationsExecutive Branch Manager Bus Operations |
| Section 53, *Road Transport (General) Act 1999* | Take action where a person disputes liability for an infringement notice offence | E00867E01006E01008E00600P37660 | Deputy Director-GeneralExecutive Group Manager Transport CanberraExecutive Branch Manager, Light Rail OperationsExecutive Branch Manager Bus OperationsSenior Director Field Operations and Flexible Transport |
| Section 53A, Part 3, *Road Transport (General) Act 1999* | Appoint authorised persons for infringement notice offences | E00867E01006E01008E00600 | Deputy Director-GeneralExecutive Group Manager Transport Canberra Executive Branch Manager, Light Rail OperationsExecutive Branch Manager Bus Operations |
| Section 56, Part 3, *Road Transport (General) Act 1999* | Provide evidentiary certificates for proceedings for infringement notice offences | E00867E01006E01008E00600P37660 | Deputy Director-GeneralExecutive Group Manager Transport CanberraExecutive Branch Manager, Light Rail OperationsExecutive Branch Manager Bus OperationsSenior Director Field Operations and Flexible Transport |
| Section 92A*,* Part 7, *Road Transport (General) Act 1999* | Arrange for a person to review an internally reviewable decision | E00867E01006E01008E00600 | Deputy Director-GeneralExecutive Group Manager Transport CanberraExecutive Branch Manager, Light Rail OperationsExecutive Branch Manager Bus Operations |
| Section 93, Part 7, *Road Transport (General) Act 1999* | Review an internally reviewable decision | E00867E01006E01008E00600 | Deputy Director-GeneralExecutive Group Manager Transport CanberraExecutive Branch Manager, Light Rail OperationsExecutive Branch Manager Bus Operations |

**Schedule 3**

***Road Transport (Offences) Regulation 2005***

| **Column 1** | **Column 2** | **Column 3** | **Column 4** |
| --- | --- | --- | --- |
| **Section** | **Function** | **Position No** | **Position description** |
| Section 11, *Road Transport (Offences) Regulation 2005* | Issue an authorised person with a unique number | E00867E01006E01008E00600 | Deputy Director-GeneralExecutive Group Manager Transport Canberra Executive Branch Manager, Light Rail OperationsExecutive Branch Manager Bus Operations |
| Section 14, *Road Transport (Offences) Regulation 2005* | Serve infringement notice on nominated person | E00867E01006E01008E00600P37660 | Deputy Director-GeneralExecutive Group Manager Transport CanberraExecutive Branch Manager, Light Rail OperationsExecutive Branch Manager Bus OperationsSenior Director Field Operations and Flexible Transport |
| Section 14A, *Road Transport (Offences) Regulation 2005* | Determine additional information the administering authority considers appropriate to include in infringement notice | E00867E01006E01008E00600 | Deputy Director-GeneralExecutive Group Manager Transport Canberra Executive Branch Manager, Light Rail OperationsExecutive Branch Manager Bus Operations |
| Section 14B, *Road Transport (Offences) Regulation 2005* | Determine additional information the administering authority considers appropriate to include in reminder notice | E00867E01006E01008E00600 | Deputy Director-GeneralExecutive Group Manager Transport Canberra Executive Branch Manager, Light Rail OperationsExecutive Branch Manager Bus Operations |
| Section 14D, *Road Transport (Offences) Regulation 2005* | Allow application out of time if reasonably believe special circumstances justify | E00867E01006E01008E00600P37660 | Deputy Director-GeneralExecutive Group Manager Transport CanberraExecutive Branch Manager, Light Rail OperationsExecutive Branch Manager Bus OperationsSenior Director Field Operations and Flexible Transport |
| Section 16B, *Road Transport (Offences) Regulation 2005* | Defer payment under an infringement notice management plan | E00867E01006E01008E00600P37660 | Deputy Director-GeneralExecutive Group Manager Transport Canberra Executive Branch Manager, Light Rail OperationsExecutive Branch Manager Bus OperationsSenior Director Field Operations and Flexible Transport |
| Section 16BA, *Road Transport (Offences) Regulation 2005* | Vary or suspend a plan | E00867E01006E01008E00600P37660 | Deputy Director-GeneralExecutive Group Manager Transport Canberra Executive Branch Manager, Light Rail OperationsExecutive Branch Manager Bus OperationsSenior Director Field Operations and Flexible Transport |