

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:

- a) 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
- b) sections 11, 14, 14A, 14B, 14D, 16B and 16BA of the *Road Transport (Offences) Regulation 2005*

to the:

- a) head of Access Canberra,
- b) Executive Group Manager (position number E847), Access Canberra, and
- c) 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

*Name amended under Legislation Act, s 60

administering authority, delegate those of my powers and functions under sections 92A and 93 of the *Road Transport (General) Act 1999*; to the:

- a) head of Access Canberra, and
- b) 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, <i>Road Transport (General) Act 1999</i>	Arrange for a person to review an internally reviewable decision	E00867 E01006 E01008 E00600	Deputy Director-General Executive Group Manager Transport Canberra Executive Branch Manager, Light Rail Operations Executive Branch Manager Bus Operations
Section 93, Part 7, <i>Road Transport (General) Act 1999</i>	Review an internally reviewable decision	E00867 E01006 E01008 E00600	Deputy Director-General Executive Group Manager Transport Canberra Executive Branch Manager, Light Rail Operations Executive 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, <i>Road Transport (General) Act 1999</i>	Arrange for service of a reminder notice	E00867 E01006 E01008 E00600 P37660	Deputy Director-General Executive Group Manager Transport Canberra Executive Branch Manager, Light Rail Operations Executive Branch Manager Bus Operations Senior Director Field Operations and Flexible Transport
Section 29, Part 3, <i>Road Transport (General) Act 1999</i>	Allow or refuse an application for extension of time to do things	E00867 E01006 E01008 E00600 P37660	Deputy Director-General Executive Group Manager Transport Canberra Executive Branch Manager, Light Rail Operations Executive Branch Manager Bus Operations Senior Director Field Operations and Flexible Transport
Section 31B (1), Part 3, <i>Road Transport (General) Act 1999</i>	Allow or refuse an application for an infringement notice management plan	E00867 E01006 E01008 E00600 P37660	Deputy Director-General Executive Group Manager Transport Canberra Executive Branch Manager, Light Rail Operations Executive Branch Manager Bus Operations Senior Director Field Operations and Flexible Transport
Section 31B (2), Part 3, <i>Road Transport (General) Act 1999</i>	May seek further information relating to an application for an infringement notice management plan	E00867 E01006 E01008 E00600 P37660	Deputy Director-General Executive Group Manager Transport Canberra Executive Branch Manager, Light Rail Operations Executive Branch Manager Bus Operations Senior Director Field Operations and Flexible Transport
Section 31B (3), Part 3, <i>Road Transport (General) Act 1999</i>	Allow for payment by instalments in prescribed circumstances	E00867 E01006 E01008 E00600 P37660	Deputy Director-General Executive Group Manager Transport Canberra Executive Branch Manager, Light Rail Operations Executive Branch Manager Bus Operations Senior Director Field Operations and Flexible Transport
Section 31B (4), Part 3, <i>Road Transport (General) Act 1999</i>	Allow participation in a community work or social development program	E00867 E01006 E01008 E00600	Deputy Director-General Executive Group Manager Transport Canberra Executive Branch Manager, Light Rail Operations Executive Branch Manager Bus Operations

Column 1	Column 2	Column 3	Column 4
Section	Function	Position No	Position description
Section 31B (5), Part 3, <i>Road Transport (General) Act 1999</i>	May decide the amount of instalments that must be paid under infringement notice management plan	E00867 E01006 E01008 E00600 P37660	Deputy Director-General Executive Group Manager Transport Canberra Executive Branch Manager, Light Rail Operations Executive Branch Manager Bus Operations Senior Director Field Operations and Flexible Transport
Section 31B (6), Part 3, <i>Road Transport (General) Act 1999</i>	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	E00867 E01006 E01008 E00600 P37660	Deputy Director-General Executive Group Manager Transport Canberra Executive Branch Manager, Light Rail Operations Executive Branch Manager Bus Operations Senior Director Field Operations and Flexible Transport
Section 31C (1), Part 3, <i>Road Transport (General) Act 1999</i>	Seek approval from responsible director-general to applicant participating in an approved community work or social development program	E00867 E01006 E01008 E00600	Deputy Director-General Executive Group Manager Transport Canberra Executive Branch Manager, Light Rail Operations Executive Branch Manager Bus Operations
Section 31G (1), Part 3, <i>Road Transport (General) Act 1999</i>	Allow or refuse application for waiver of penalty	E00867 E01006 E01008 E00600 P37660	Deputy Director-General Executive Group Manager Transport Canberra Executive Branch Manager, Light Rail Operations Executive Branch Manager Bus Operations Senior Director Field Operations and Flexible Transport
Section 31G (2), Part 3, <i>Road Transport (General) Act 1999</i>	Request information to determine application for waiver	E00867 E01006 E01008 E00600 P37660	Deputy Director-General Executive Group Manager Transport Canberra Executive Branch Manager, Light Rail Operations Executive Branch Manager Bus Operations Senior Director Field Operations and Flexible Transport

Column 1	Column 2	Column 3	Column 4
Section	Function	Position No	Position description
Section 31G (4), Part 3, <i>Road Transport (General) Act 1999</i>	Consult with director-general responsible for the <i>Crimes (Sentence Administration) Act 2005, part 6.2 (Good behaviour – community service work)</i> .	E00867 E01006 E01008 E00600 P37660	Deputy Director-General Executive Group Manager Transport Canberra Executive Branch Manager, Light Rail Operations Executive Branch Manager Bus Operations Senior Director Field Operations and Flexible Transport
Section 31G (5), Part 3, <i>Road Transport (General) Act 1999</i>	Inform applicant in writing of decision on application for waiver. If refuse must include reasons for refusal	E00867 E01006 E01008 E00600 P37660	Deputy Director-General Executive Group Manager Transport Canberra Executive Branch Manager, Light Rail Operations Executive Branch Manager Bus Operations Senior Director Field Operations and Flexible Transport
Section 35, Part 3, <i>Road Transport (General) Act 1999</i>	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 <i>Road Transport (General) Act 1999</i>	E00867 E01006 E01008 E00600 P37660	Deputy Director-General Executive Group Manager Transport Canberra Executive Branch Manager, Light Rail Operations Executive Branch Manager Bus Operations Senior Director Field Operations and Flexible Transport
Section 36, Part 3, <i>Road Transport (General) Act 1999</i>	Withdraw infringement notice	E00867 E01006 E01008 E00600 P37660	Deputy Director-General Executive Group Manager Transport Canberra Executive Branch Manager, Light Rail Operations Executive Branch Manager Bus Operations Senior Director Field Operations and Flexible Transport
Section 36A, Part 3, <i>Road Transport (General) Act 1999</i>	Cancel or amend infringement notice plan following decision on application for withdrawal	E00867 E01006 E01008 E00600 P37660	Deputy Director-General Executive Group Manager Transport Canberra Executive Branch Manager, Light Rail Operations Executive Branch Manager Bus Operations Senior Director Field Operations and Flexible Transport
Section 44A, Part 3, <i>Road Transport (General) Act 1999</i>	Inform road transport authority of non-compliance with infringement notice management plan	E00867 E01006 E01008 E00600 P37660	Deputy Director-General Executive Group Manager Transport Canberra Executive Branch Manager, Light Rail Operations Executive Branch Manager Bus Operations Senior Director Field Operations and Flexible Transport

Column 1	Column 2	Column 3	Column 4
Section	Function	Position No	Position description
Section 47A(2), Part 3, <i>Road Transport (General) Act 1999</i>	Inform road transport authority of the infringement notice management plan or compliance with infringement notice management plan following suspension	E00867 E01006 E01008 E00600	Deputy Director-General Executive Group Manager Transport Canberra Executive Branch Manager, Light Rail Operations Executive Branch Manager Bus Operations
Section 53, <i>Road Transport (General) Act 1999</i>	Take action where a person disputes liability for an infringement notice offence	E00867 E01006 E01008 E00600 P37660	Deputy Director-General Executive Group Manager Transport Canberra Executive Branch Manager, Light Rail Operations Executive Branch Manager Bus Operations Senior Director Field Operations and Flexible Transport
Section 53A, Part 3, <i>Road Transport (General) Act 1999</i>	Appoint authorised persons for infringement notice offences	E00867 E01006 E01008 E00600	Deputy Director-General Executive Group Manager Transport Canberra Executive Branch Manager, Light Rail Operations Executive Branch Manager Bus Operations
Section 56, Part 3, <i>Road Transport (General) Act 1999</i>	Provide evidentiary certificates for proceedings for infringement notice offences	E00867 E01006 E01008 E00600 P37660	Deputy Director-General Executive Group Manager Transport Canberra Executive Branch Manager, Light Rail Operations Executive Branch Manager Bus Operations Senior Director Field Operations and Flexible Transport
Section 92A, Part 7, <i>Road Transport (General) Act 1999</i>	Arrange for a person to review an internally reviewable decision	E00867 E01006 E01008 E00600	Deputy Director-General Executive Group Manager Transport Canberra Executive Branch Manager, Light Rail Operations Executive Branch Manager Bus Operations
Section 93, Part 7, <i>Road Transport (General) Act 1999</i>	Review an internally reviewable decision	E00867 E01006 E01008 E00600	Deputy Director-General Executive Group Manager Transport Canberra Executive Branch Manager, Light Rail Operations Executive 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, <i>Road Transport (Offences) Regulation 2005</i>	Issue an authorised person with a unique number	E00867 E01006 E01008 E00600	Deputy Director-General Executive Group Manager Transport Canberra Executive Branch Manager, Light Rail Operations Executive Branch Manager Bus Operations
Section 14, <i>Road Transport (Offences) Regulation 2005</i>	Serve infringement notice on nominated person	E00867 E01006 E01008 E00600 P37660	Deputy Director-General Executive Group Manager Transport Canberra Executive Branch Manager, Light Rail Operations Executive Branch Manager Bus Operations Senior Director Field Operations and Flexible Transport
Section 14A, <i>Road Transport (Offences) Regulation 2005</i>	Determine additional information the administering authority considers appropriate to include in infringement notice	E00867 E01006 E01008 E00600	Deputy Director-General Executive Group Manager Transport Canberra Executive Branch Manager, Light Rail Operations Executive Branch Manager Bus Operations
Section 14B, <i>Road Transport (Offences) Regulation 2005</i>	Determine additional information the administering authority considers appropriate to include in reminder notice	E00867 E01006 E01008 E00600	Deputy Director-General Executive Group Manager Transport Canberra Executive Branch Manager, Light Rail Operations Executive Branch Manager Bus Operations
Section 14D, <i>Road Transport (Offences) Regulation 2005</i>	Allow application out of time if reasonably believe special circumstances justify	E00867 E01006 E01008 E00600 P37660	Deputy Director-General Executive Group Manager Transport Canberra Executive Branch Manager, Light Rail Operations Executive Branch Manager Bus Operations Senior Director Field Operations and Flexible Transport
Section 16B, <i>Road Transport (Offences) Regulation 2005</i>	Defer payment under an infringement notice management plan	E00867 E01006 E01008 E00600 P37660	Deputy Director-General Executive Group Manager Transport Canberra Executive Branch Manager, Light Rail Operations Executive Branch Manager Bus Operations Senior Director Field Operations and Flexible Transport

Column 1	Column 2	Column 3	Column 4
Section	Function	Position No	Position description
Section 16BA, <i>Road Transport (Offences) Regulation 2005</i>	Vary or suspend a plan	E00867 E01006 E01008 E00600 P37660	Deputy Director-General Executive Group Manager Transport Canberra Executive Branch Manager, Light Rail Operations Executive Branch Manager Bus Operations Senior Director Field Operations and Flexible Transport