



Australian Government

Minister's Interstate Road Transport Delegation Instrument 2012 (No. 1)

I, **ANTHONY NORMAN ALBANESE**, Minister for Infrastructure and Transport, make the delegations shown in this instrument under section 50 of the *Interstate Road Transport Act 1985*.

Dated 2 October 2012

Signed by Anthony Albanese

ANTHONY ALBANESE
Minister for Infrastructure and Transport

1 Name of Instrument

This instrument is the *Interstate Road Transport Delegation Instrument 2012 (No. 1)*.

2 Commencement

This instrument commences when it is signed.

3 Definitions

In this instrument:

Classification Rules means the rules issued under section 23 of the *Public Service Act 1999*.

Deputy Secretary means a Deputy Secretary in the Department.

Director means an APS employee who is classified as an Executive Level 2 employee under the Classification Rules.

Secretary means the Secretary of the Department.

SES 1 means an SES employee who is classified as a Senior Executive Band 1 employee under the Classification Rules.

SES 2 means an SES employee who is classified as a Senior Executive Band 2 employee under the Classification Rules.

Note Section 2B and subsection 46(1) (where applicable) of the *Acts Interpretation Act 1901* incorporates into this instrument the definition of SES employee from the *Public Service Act 1999*.

the Department means the Department of Infrastructure and Transport.

4 References to section or regulation

- (1) Unless a contrary intention appears, a reference to a section (or subordinate part of a section) in an item in the Schedule is a reference to the section (or subordinate part of a section) in the Act referred to in the heading immediately preceding that item.
- (2) Unless a contrary intention appears, a reference to a regulation (or subordinate part of a regulation) in an item in the Schedule is a reference to the regulation (or subordinate part of a regulation) in the Statutory Rule referred to in the heading immediately preceding that item.

5 References to business division, branch, office or centre

Unless the contrary intention appears, a reference in the Schedule to a business division, branch, office or centre is a reference to such an organisational structure within the Department.

6 Delegations

- (1) The delegation in each item in the Schedule is made under the delegation power referred to in column 1 of that item.
- (2) The *delegates* in each item are:
 - (a) the persons specified in column 4 of that item or persons acting in a position usually occupied by a person specified in column 4 of that item; and
 - (b) the persons for the time being holding, occupying or performing the duties of the positions specified in column 4 of that item.

Note Delegations may be described in the Schedule by employee classification (eg “SES 1”) or by position description (eg “Deputy Secretary”). Section 34AA and subsection 46(1) (where applicable) of the *Acts Interpretation Act 1901* permit delegations set out in this instrument to persons acting in positions.

- (3) The delegates in each item are delegated the function or power of the Minister under the section or regulation mentioned in column 2 of that item.
- (4) However, each delegation is made only to the corresponding limit (if any) or subject to the directions (if any) specified in column 2 of the relevant item.
- (5) The description of a function or power in column 3 of the Schedule is for information only. Delegates must refer to the legislative source of the function or power as specified in column 2 of the Schedule before exercising the delegated function or power.

7 Revocations

- (1) Subject to the next subsection, all previous delegations of the Minister’s powers or functions under the *Interstate Road Transport Act 1985* and the *Interstate Road Transport Regulations 1986* are revoked.
- (2) For the avoidance of doubt this instrument does not revoke any instrument which:
 - (a) authorises or appoints a person to be an authorised person or authorised office under any Act or Statutory Rule described in the Schedule; or
 - (b) states that it authorises a person to do a thing under an Act or Statutory Rule.

Schedule Delegations

1. Interstate Road Transport Act 1985^{Note 1}

	Column 1	Column 2	Column 3	Column 4
Item	Delegation source	Power(s) or function(s) delegated	Summary of power or function (for information only)	Delegate(s)
1.01	Section 50	Subsection 3(9)	Approving forms	Secretary Deputy Secretary SES 2 in Surface Transport Policy Business Division SES 1 in Surface Transport Policy Business Division
1.02	Section 50	Subsection 23(4)	Approving amounts and timing of payments out of the Account	Secretary Deputy Secretary SES 2 in Surface Transport Policy Business Division SES 1 in Surface Transport Policy Business Division
1.03	Section 50	Section 43A(1)	Determining that certain roads or categories of roads are routes for the carriage of passengers and goods	Secretary Deputy Secretary SES 2 in Surface Transport Policy Business Division SES 1 in Surface Transport Policy Business Division
1.04	Section 50	Subsection 43A(2)	Determining the conditions on the operation of B-doubles on Federal routes	Secretary Deputy Secretary SES 2 in Surface Transport Policy Business Division SES 1 in Surface Transport Policy Business Division
1.05	Section 50	Subsection 44(4) and (7)	Appointing inspectors, approving the form of their identity card and issuing same	Secretary Deputy Secretary SES 2 in Surface Transport Policy Business Division SES 1 in Surface Transport Policy Business Division
1.06	Section 50	Subsection 51(2)	Allowing the extension of time for a person to request a reconsideration of a "relevant decision"	Secretary Deputy Secretary SES 2 in Surface Transport Policy Business Division SES 1 in Surface Transport Policy Business Division

1.07	Section 50	Subsection 51(4), but only in relation to a decision of a Regulatory Authority, or a delegate of a Regulatory Authority, under section 9, 11 or 26, subsection 27(8), section 30 or subsection 32(2)	Reconsidering certain decisions made by a Regulatory Authority or a delegate of a Regulatory Authority	<p>Manager, Road User Services, Australian Capital Territory</p> <p>Manager, Sanctions and Prosecutions Branch, Roads and Maritime Services, New South Wales</p> <p>Director, Transport Services, Department of Lands and Planning, Northern Territory</p> <p>General Manager (Road Safety, Registration and Licensing), Department of Transport and Main Roads, Queensland.</p> <p>Manager, Safer Roads and Vehicles, Department of Planning, Transport and Infrastructure, South Australia</p> <p>Manager, Legislation and Legal Support, Department of Infrastructure, Energy and Resources, Tasmania</p> <p>Director, Registration and Licensing Policy, Vicroads, Victoria</p> <p>General Manager, Driver and Vehicle Services, Department of Transport, Western Australia</p>
1.08	Section 50	Subsection 51(4) but only in relation to a decision made under subsection 51(2)	Reconsidering a decision made by the delegate of the Minister under subsection 51(2)	<p>Secretary</p> <p>Deputy Secretary</p> <p>SES 2 in Surface Transport Policy Business Division</p>
1.09	Section 50	Subsection 51(5), but only in relation to a decision of a Regulatory Authority, or a delegate of a Regulatory Authority, under section 9, 11 or 26, subsection 27(8), section 30 or subsection 32(2)	Give notice in writing of the result of a reconsideration under subsection 51(4)	<p>Manager, Road User Services, Australian Capital Territory</p> <p>Manager, Sanctions and Prosecutions Branch, Roads and Maritime Services, New South Wales</p> <p>Director, Transport Services, Department of Lands and Planning, Northern Territory</p> <p>General Manager (Road Safety, Registration and Licensing), Department of Transport and Main Roads, Queensland.</p> <p>Manager, Safer Roads and Vehicles, Department of Planning, Transport and Infrastructure, South Australia</p> <p>Manager, Legislation and Legal Support, Department of Infrastructure, Energy and Resources, Tasmania</p>

Schedule

				Director, Registration and Licensing Policy, Vicroads, Victoria General Manager, Driver and Vehicle Services, Department of Transport, Western Australia
1.10	Section 50	Subsection 51(5) but only in relation to a decision made under subsection 51(2)	Give notice in writing of the result of a reconsideration under subsection 51(4)	Secretary Deputy Secretary SES2 in Surface Transport Policy Business Division

2. Interstate Road Transport Regulations 1986 ^{Note 1}

	Column 1	Column 2	Column 3	Column 4
Item	Delegation source	Power(s) or function(s) delegated	Summary of power or function (for information only)	Delegate(s)
2.01	Section 50	Regulation 3A	Determining a mass management compliance assurance scheme	Secretary Deputy Secretary SES 2 in Surface Transport Policy Business Division SES 1 in Surface Transport Policy Business Division
2.02	Section 50	Subregulation 3B(4)	Appointing a certifier for the purposes of paragraphs 3B(2)(b) and 3B(3)(a) of the Regulations	Secretary Deputy Secretary SES 2 in Surface Transport Policy Business Division SES 1 in Surface Transport Policy Business Division
2.03	Section 50	Subregulation 12C(5)	Determining routes on which a higher mass limit vehicle, other than a B-double, may be driven	Secretary Deputy Secretary SES 2 in Surface Transport Policy Business Division SES 1 in Surface Transport Policy Business Division
2.04	Section 50	Subregulation 14(4)	Approving a maintenance management compliance assurance scheme	Secretary Deputy Secretary SES 2 in Surface Transport Policy Business Division SES 1 in Surface Transport Policy Business Division

Note 1

Subsection 50(5) of the *Interstate Road Transport Act 1985* requires this instrument be published in the *Gazette*.