# Transport Integration Act 2010

No. 6 of 2010

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Transport Integration Act 2010†

No. 6 of 2010

[Assented to 2 March 2010]

The Parliament of Victoria enacts:

PART 1—PRELIMINARY

1 Purpose

The purpose of this Act is to create a new framework for the provision of an integrated and sustainable transport system in Victoria consistent with the vision statement.
2 Commencement

(1) Section 1 and this section come into operation on the day after the day on which this Act receives the Royal Assent.

(2) Subject to subsection (3), the remaining provisions of this Act come into operation on a day or days to be proclaimed.

(3) If a provision referred to in subsection (2) does not come into operation before 1 July 2011, it comes into operation on that day.

3 Definitions

In this Act—

bus has the same meaning as it has in section 3(1) of the Bus Safety Act 2009;

bus service has the same meaning as it has in section 3(1) of the Bus Safety Act 2009;

Chief Investigator, Transport Safety means the person holding the position referred to in section 179(1);

commercial passenger vehicle has the same meaning as it has in section 86(1) of the Transport (Compliance and Miscellaneous) Act 1983;

corresponding safety law means—

(a) a relevant marine safety law; or

(b) a relevant transport safety law; or

(c) the Public Transport Competition Act 1995;

decision making principles means the principles specified in Division 3 of Part 2;

Department means the Department of Transport;
development, in Division 4 of Part 3, has the same meaning as it has in section 3 of the Major Transport Projects Facilitation Act 2009;

Director of Public Transport means the person holding the position referred to in section 65(1);

Director, Transport Safety means the person holding the position referred to in section 171(1);

harbour master has the same meaning as it has in section 3(1) of the Marine Act 1988;

interface body means—

(a) in respect of the Conservation, Forests and Lands Act 1987, the body corporate established under that Act under the name Secretary to the Department of Sustainability and Environment;

(b) in respect of the Local Government Act 1989, a Municipal Council;

(c) in respect of the Parks Victoria Act 1998, Parks Victoria established under that Act;

(d) in respect of the Planning and Environment Act 1987—

(i) a planning authority under that Act;

(ii) the Growth Areas Authority established under section 46AQ of that Act;
(e) in respect of the Major Transport Projects Facilitation Act 2009—

(i) a project authority appointed under section 6 of that Act;

(ii) a project proponent appointed under section 15 of that Act;

(iii) an assessment committee established under section 35 of that Act;

(f) in respect of the Project Development and Construction Management Act 1994, a Minister or facilitating agency;

(g) in respect of the Victorian Urban Development Authority Act 2003, the Victorian Urban Development Authority established under that Act;

(h) in respect of any interface legislation, a Minister administering the interface legislation;

(i) in respect of land managed or controlled under the Wildlife Act 1975, the Crown Land (Reserves) Act 1978, the Forests Act 1958, the Land Act 1958, the National Parks Act 1975, Part 4 of the Water Industry Act 1994 or the Alpine Resorts (Management) Act 1997, the person or body responsible for the management or control of that land;

(j) a person or body which is declared to be an interface body—

(i) by the Act under which the person is appointed or the body is established; or
(ii) by the interface legislation under which functions or powers are conferred on the person or body—

either generally or in respect of the exercise of the functions or powers in respect of which the person or body is declared to be an interface body by the Act or interface legislation;

(k) a public body which is declared to be an interface body by an Order in Council made under section 4 either generally or in respect of the exercise of the functions or powers in respect of which it is declared to be an interface body by the Order in Council;

interface legislation means—

(a) Alpine Resorts (Management) Act 1997;

(b) Conservation, Forests and Lands Act 1987;

(c) Crown Land (Reserves) Act 1978;

(d) Forests Act 1958;

(e) Land Act 1958;

(f) Local Government Act 1989;

(g) Major Transport Projects Facilitation Act 2009;

(h) National Parks Act 1975;

(i) Parks Victoria Act 1998;

(j) Planning and Environment Act 1987;

(k) Project Development and Construction Management Act 1994;
(l) Victorian Urban Development Authority Act 2003;
(m) Part 4 of the Water Industry Act 1994;
(n) Wildlife Act 1975;
(o) any other Act or provision of any other Act which is declared to be interface legislation by that other Act;
(p) any regulations or other subordinate instrument made under an Act which is interface legislation;

**Linking Melbourne Authority** means the body corporate established under section 134;

**mandatory marine safety decision** has the same meaning as it has in section 3(1) of the Marine Act 1988;

**mandatory rail safety decision** has the same meaning as it has in section 2(1) of the Transport (Compliance and Miscellaneous) Act 1983;

**mandatory transport safety decision** means—
(a) a mandatory marine safety decision; or
(b) a mandatory rail safety decision;

**marine safety matter** means—
(a) an incident involving a vessel that resulted in, or that had the potential to result in, the death of, or injury to, any person, or in damage to, or the loss of, the vessel or any other vessel, or to any other property or equipment, and includes, for example—
(i) any accident involving a vessel;
(ii) any incident involving a vessel in which there is evidence of systematic safety deficiencies;

(b) the occurrence of any event that provides reasonable grounds for the belief—

(i) that any pilot, pilot exempt master, harbour master, pilotage services provider or person holding a certificate of competency or service under the Marine Act 1988 has acted incompetently in the course of his or her duties or in breach of that Act or the regulations made under that Act; or

(ii) that the holder of any harbour master licence has breached the conditions of that licence; or

(iii) that any pilot, pilot exempt master or pilotage services provider, who is registered under the Marine Act 1988 to act as a pilot, pilot exempt master or pilotage services provider (as the case requires), has breached the conditions of that registration;

(c) any other incident or any state of affairs involving, or in relation to, a vessel that is specified by the regulations for the purposes of this definition;

*master* has the same meaning as it has in section 3(1) of the Marine Act 1988;

*motor vehicle* has the same meaning as it has in section 3(1) of the Road Safety Act 1986;
passenger services includes—

(a) bus services;

(b) commercial passenger vehicle services (including taxi-cab services and hire-car services);

(c) ferry passenger services;

(d) rail passenger services (including train and tram services provided by a passenger transport company within the meaning of section 2(1) of the Transport (Compliance and Miscellaneous) Act 1983);

pilot has the same meaning as it has in section 3(1) of the Marine Act 1988;

pilot exempt master has the same meaning as it has in section 3(1) of the Marine Act 1988;

pilotage services provider has the same meaning as it has in section 3(1) of the Marine Act 1988;

prescribed means prescribed by regulations made under this Act;

public transport safety matter means—

(a) an incident involving rolling stock, rail infrastructure, a bus or any infrastructure used in bus operations that resulted in, or that had the potential to result in, the death of, or injury to, any person, or in damage to any property or equipment, and includes, for example—

(i) any derailment of any rolling stock;

(ii) any collision involving any bus or rolling stock;
(iii) any incident resulting from the construction, maintenance or operation of a railway or from the operation of a bus;

(iv) any failure of any part of rail infrastructure or any rolling stock or any part of any rolling stock;

(v) any failure of any bus or part of a bus or of any equipment on a bus or of anything used in bus operations;

(vi) any failure or breach of any practice or procedure involving rolling stock or a bus;

(vii) any fire, explosion or other similar occurrence involving rolling stock or a bus;

(viii) any incident in which there is evidence of systematic safety deficiencies;

(b) any other incident or any state of affairs involving, or in relation to, rolling stock, rail infrastructure, buses or any infrastructure used in bus operations that is specified by the regulations for the purposes of this definition;

*public transport system* means public transport and the public transport related components of the transport system including any passenger services;

*rail infrastructure* has the same meaning as it has in section 3(1) of the *Rail Safety Act 2006*;
rail safety recommendation means a recommendation by the Director, Transport Safety to the Director of Public Transport for the Director of Public Transport to undertake or fund a relevant rail safety project;

rail safety worker has the same meaning as it has in section 3(1) of the Rail Safety Act 2006;

railway has the same meaning as it has in section 3(1) of the Rail Safety Act 2006;

relevant marine safety law has the same meaning as it has in section 3(1) of the Marine Act 1988;

relevant rail safety project means any project undertaken relating to, or connected with, the provision or operation of a passenger service or rail freight service;

relevant transport safety law has the same meaning as it has in section 2(1) of the Transport (Compliance and Miscellaneous) Act 1983;

road has the same meaning as it has in section 3(1) of the Road Management Act 2004;

road-related infrastructure has the same meaning as it has in section 3(1) of the Road Management Act 2004;

road system means the roads and road related components of the transport system including any transport services, motor vehicles and any other users of the road system;

Road Transport-Related Project means a project declared to be any Road Transport-Related Project under section 136;
**Roads Corporation** means the body corporate continued under section 80;

**roadside** has the same meaning as it has in section 3(1) of the **Road Management Act 2004**;

**rolling stock** has the same meaning as it has in section 3(1) of the **Rail Safety Act 2006**;

**Secretary** means the Secretary to the Department;

**statement of policy principles** means a statement issued under section 22;

**transport body** means—

(a) the Minister;

(b) the Minister administering any other transport legislation in respect of the transport system;

(c) the Department;

(d) a Department or public entity engaged in the development of policy in respect of the transport system;

(e) the Secretary;

(f) the Transport Infrastructure Development Agent;

(g) the Director of Public Transport;

(h) the Director, Transport Safety;

(i) the Chief Investigator, Transport Safety;

(j) the Roads Corporation;

(k) the licensing authority within the meaning of section 2(1) of the **Transport (Compliance and Miscellaneous) Act 1983**;

(l) the Linking Melbourne Authority;
(m) the Public Transport Ticketing Body within the meaning of section 2(1) of the Transport (Compliance and Miscellaneous) Act 1983;

(n) the Victorian Rail Track;

(o) the V/Line Corporation;

(p) the Port of Melbourne Corporation established under section 10 of the Port Services Act 1995;

(q) the Port of Hastings Corporation established under section 17A of the Port Services Act 1995;

(r) the Victorian Regional Channels Authority established under section 18 of the Port Services Act 1995;

(s) a local authority within the meaning of section 3(1) of the Marine Act 1988;

(t) a waterway manager within the meaning of section 3(1) of the Marine Act 1988;

(u) the Infrastructure Reference Panel established under section 31 of the Road Management Act 2004;

(v) the Essential Services Commission established under section 7 of the Essential Services Commission Act 2001 when it is exercising its functions and powers under any transport legislation in respect of the transport system;

(w) a coordinating road authority within the meaning of section 3(1) of the Road Management Act 2004;
(x) a committee, board, council or other body established by the Minister under any transport legislation;

(y) a person or body which is declared to be a transport body—

(i) by the Act under which the person is appointed or the body is established; or

(ii) by the transport legislation under which functions or powers are conferred on the person or body—

either generally or in respect of the exercise of the functions or powers in respect of which the person or body is declared to be a transport body by the Act or transport legislation;

(z) a public body which is declared to be a transport body under any transport legislation by an Order in Council made under section 4 either generally or in respect of the exercise of the functions or powers in respect of which the public body is declared to be a transport body by the Order in Council;

**Transport Corporation** means—

(a) the Linking Melbourne Authority; or

(b) the Victorian Rail Track; or

(c) the V/Line Corporation;

**Transport Infrastructure Development Agent**

means the body corporate established under section 40;
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Part 1—Preliminary

**Transport Infrastructure Project** means any project declared to be a Transport Infrastructure Project by an Order made under section 49;

**transport legislation** means—

(a) Accident Towing Services Act 2007;
(b) Border Railways Act 1922;
(c) Bus Safety Act 2009;
(d) Public Transport Competition Act 1995;
(e) Business Franchise (Petroleum Products) Act 1979;
(f) Eastlink Project Act 2004;
(g) Marine Act 1988;
(h) Melbourne City Link Act 1995;
(i) National Rail Corporation (Victoria) Act 1991;
(j) Pollution of Waters by Oil and Noxious Substances Act 1986;
(k) Port Services Act 1995;
(l) Rail Management Act 1996;
(m) Rail Safety Act 2006;
(n) Road Management Act 2004;
(o) Road Safety Act 1986;
(p) Transport (Compliance and Miscellaneous) Act 1983;
(q) Very Fast Train (Route Investigation) Act 1989;
(r) Westernport (Crib Point Terminal) Act 1963;
(s) any other Act or provision of any other Act which is declared to be transport legislation by that other Act;

(t) this Act;

(u) any regulations or other subordinate instrument made under an Act which is transport legislation;

**transport-related land, infrastructure and assets** includes the land, tracks, crossings, signals, buildings and structures including bridges, overhead wiring, power substations, communications networks, base stations, depots and associated buildings and rolling stock whether—

(a) operational because it has been released to the Secretary, the Director of Public Transport or any other person for transport purposes to support the transport system or related matters; or

(b) non-operational because it has not been released to the Secretary, the Director of Public Transport or any other person for transport purposes;

**transport safety**, in Part 7, means safety for the operation of rail, bus and marine transport;

**transport safety agency** means a transport safety appointee;

**transport safety appointee** means—

(a) the Chief Investigator, Transport Safety;

(b) the Director, Transport Safety;
transport safety matter means—

(a) a marine safety matter;

(b) a public transport safety matter;

transport safety officer has the same meaning as it has in section 2(1) of the Transport (Compliance and Miscellaneous) Act 1983;

transport services includes—

(a) passenger services;

(b) rail freight services;

(c) road freight services;

(d) any other services that are provided to support the transport system;

transport system means all the components which make up the system for the movement of persons and goods including—

(a) the physical components such as—

(i) transport networks, paths and ways including roads, railways, shipping lanes, waterways, air flight paths, crossings, cycling paths and footpaths;

(ii) facilities for accessing, disembarking, unloading and the interchange of, persons and goods and for the storage of freight and vehicles, including train stations, tram stops, bus stops, inter-modal transfer facilities, freight yards, port facilities, airports and taxi stands, depots and networks;
(iii) motor vehicles, taxis, hire-cars, trains, trams, buses, ferries, boats, ships, aeroplanes, motor cycles, bicycles and mobility aids;

(iv) control, communications and location systems and technology, information, and other systems and equipment;

(b) the management components such as—

(i) strategic planning including plans for building the network, acquiring vehicles, reserving land for future development and business continuity;

(ii) operations planning including business plans, corporate plans, operations plans and contingency plans;

(iii) operational matters required to operate the transport system including schedules, timetables and ticketing systems;

(iv) administration, maintenance and information management matters;

(v) research and marketing including advertising and promotions;

(vi) legislative and regulatory systems such as registration, licensing and accreditation;

(c) the labour components including all the persons involved in planning, policy development, operations and regulating and managing the physical and management components of the transport system;
(d) the services components including passenger, freight and any other transport services to move persons and goods;

*transport system agency* means—

(a) the Director of Public Transport; or 
(b) the Roads Corporation;

*transport system objectives* means the objectives specified in Division 2 of Part 2;

*vessel* has the same meaning as it has in section 3(1) of the Marine Act 1988;

*Victorian Rail Track* means the body corporate continued under section 116;

*vision statement* means the statement set out in section 6;

*V/Line Corporation* means the body corporate continued under section 128.

### 4 Order in Council declaring body to be a transport body or interface body

(1) The Governor in Council may, on the recommendation of the Minister, by Order in Council published in the Government Gazette declare—

(a) a public body to be a transport body for the purposes of this Act, either generally or when carrying out particular functions or powers under any transport legislation, as is specified in the Order in Council;

(b) a public body to be an interface body for the purposes of this Act, either generally or when carrying out particular functions or powers under any interface legislation, as is specified in the Order in Council.
(2) The Minister must not make a recommendation under this section unless the Minister has consulted with the Minister responsible for the administration of the public body.

5 Act binds the Crown

(1) This Act binds the Crown—

(a) in the right of the State of Victoria; and

(b) to the extent that the legislative power of the Parliament permits, in all its other capacities.

(2) To avoid doubt, the Crown is a body corporate for the purposes of this Act and the regulations.

__________________
PART 2—VISION STATEMENT, OBJECTIVES, PRINCIPLES AND STATEMENTS OF POLICY PRINCIPLES

Division 1—Vision statement

6 Vision statement
The Parliament recognises the aspirations of Victorians for an integrated and sustainable transport system that contributes to an inclusive, prosperous and environmentally responsible State.

Division 2—Transport system objectives

7 Transport system objectives
This Division specifies the transport system objectives.

8 Social and economic inclusion
The transport system should provide a means by which persons can access social and economic opportunities to support individual and community wellbeing including by—

(a) minimising barriers to access so that so far as is possible the transport system is available to as many persons as wish to use it;

(b) providing tailored infrastructure, services and support for persons who find it difficult to use the transport system.

9 Economic prosperity
The transport system should facilitate economic prosperity by—

(a) enabling efficient and effective access for persons and goods to places of employment, markets and services;
(b) increasing efficiency through reducing costs and improving timeliness;

(c) fostering competition by providing access to markets;

(d) facilitating investment in Victoria;

(e) supporting financial sustainability.

10 Environmental sustainability

The transport system should actively contribute to environmental sustainability by—

(a) protecting, conserving and improving the natural environment;

(b) avoiding, minimising and offsetting harm to the local and global environment, including through transport-related emissions and pollutants and the loss of biodiversity;

(c) promoting forms of transport and the use of forms of energy and transport technologies which have the least impact on the natural environment;

(d) improving the environmental performance of all forms of transport and the forms of energy used in transport.

11 Integration of transport and land use

(1) The transport system should provide for the effective integration of transport and land use and facilitate access to social and economic opportunities.

(2) Without limiting the generality of subsection (1), transport and land use should be effectively integrated so as to improve accessibility and transport efficiency with a focus on—
(a) maximising access to residences, employment, markets, services and recreation;
(b) planning and developing the transport system more effectively;
(c) reducing the need for private motor vehicle transport and the extent of travel;
(d) facilitating better access to, and greater mobility within, local communities.

(3) Without limiting the generality of subsection (1), the transport system and land use should be aligned, complementary and supportive and ensure that—

(a) transport decisions are made having regard to the current and future impact on land use;
(b) land use decisions are made having regard for the current and future development and operation of the transport system;
(c) transport infrastructure and services are provided in a timely manner to support changing land use and associated transport demand.

(4) Without limiting the generality of subsection (1), the transport system should improve the amenity of communities and minimise impacts of the transport system on adjacent land uses.

12 Efficiency, coordination and reliability

(1) The transport system should facilitate network-wide efficient, coordinated and reliable movements of persons and goods at all times.
Principles

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Part 2—Vision Statement, Objectives, Principles and Statements of Policy

Principles

(2) Without limiting the generality of subsection (1), the transport system should—

(a) balance efficiency across the network so as to optimise the network capacity of all modes of transport and reduce journey times;

(b) maximise the efficient use of resources including infrastructure, land, services and energy;

(c) facilitate integrated and seamless travel within and between different modes of transport;

(d) provide predictable and reliable services and journey times and minimise any inconvenience caused by disruptions to the transport system.

13 Safety and health and wellbeing

(1) The transport system should be safe and support health and wellbeing.

(2) Without limiting the generality of subsection (1), the transport system should—

(a) seek to continually improve the safety performance of the transport system through—

(i) safe transport infrastructure;

(ii) safe forms of transport;

(iii) safe transport system user behaviour;

(b) avoid and minimise the risk of harm to persons arising from the transport system;

(c) promote forms of transport and the use of forms of energy which have the greatest benefit for, and least negative impact on, health and wellbeing.
Division 3—Decision making principles

14 Decision making principles

This Division specifies the decision making principles.

15 Principle of integrated decision making

The principle of integrated decision making means seeking to achieve Government policy objectives through coordination between all levels of government and government agencies and with the private sector.

16 Principle of triple bottom line assessment

The principle of triple bottom-line assessment means an assessment of all the economic, social and environmental costs and benefits taking into account externalities and value for money.

17 Principle of equity

The principle of equity means—

(a) equity between persons irrespective of their—

(i) personal attributes, including age, physical ability, ethnicity, culture, gender and financial situation; or

(ii) location, including whether in a growth, urban, regional, rural or remote area;

(b) equity between generations by not compromising the ability of future generations to meet their needs.

18 Principle of the transport system user perspective

The transport system user perspective means—

(a) understanding the requirements of transport system users, including their information needs;
Part 2—Vision Statement, Objectives, Principles and Statements of Policy

Principles

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(b) enhancing the useability of the transport system and the quality of experiences of the transport system.

19 Precautionary principle

(1) The precautionary principle means that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

(2) The precautionary principle includes—

(a) a careful evaluation to avoid serious or irreversible damage to the environment wherever practicable; and

(b) an assessment of the risk-weighted consequences of various options.

20 Principle of stakeholder engagement and community participation

The principle of stakeholder engagement and community participation means—

(a) taking into account the interests of stakeholders, including transport system users and members of the local community;

(b) adopting appropriate processes for stakeholder engagement.

21 Principle of transparency

The principle of transparency means members of the public should have access to reliable and relevant information in appropriate forms to facilitate a good understanding of transport issues and the process by which decisions in relation to the transport system are made.
Division 4—Statements of policy principles

22 Minister may issue a statement of policy principles

(1) The Minister may issue a statement of policy principles for the purposes of this Act.

(2) If the Minister proposes to issue a statement of policy principles which will apply to, or affect, an interface body, the Minister must obtain the agreement of the Minister responsible for the interface body before issuing the statement of policy principles.

(3) A statement of policy principles must be consistent with the vision statement and the transport system objectives.

(4) The Minister must have regard to the decision making principles in preparing a statement of policy principles.

(5) If at any time more than one Minister has responsibility for the administration of this Act—

(a) each Minister may issue a statement of policy principles in respect of the administration of the provisions of the Act for which that Minister is responsible;

(b) two or more Ministers may issue a joint statement of policy principles in respect of the administration of the provisions of the Act for which those Ministers are responsible.

(6) A statement of policy principles may specify that specified policy principles apply to—

(a) a specified transport body in the exercise of powers or the performance of functions under the transport legislation;
(b) a specified interface body in the exercise of powers or the performance of functions under the interface legislation;

(c) the exercise of specified powers or the performance of specified functions by a transport body or an interface body.

(7) The Minister must ensure that a statement of policy principles is published—

(a) in the Government Gazette; and

(b) on an Internet website maintained by the Department.

(8) The Minister must provide a copy of a statement of policy principles to any transport body or interface body affected by the statement of policy principles as soon as practicable after the statement of policy principles is issued.

Division 5—Interpretation and guidance

23 Interpretation

It is the intention of Parliament that this Act is to be administered and interpreted having regard to the following—

(a) the vision statement;

(b) the transport system objectives;

(c) the decision making principles;

(d) any statement of policy principles.

24 Application to a transport body

(1) A transport body must have regard to the transport system objectives in exercising its powers and performing its functions under any transport legislation.
A transport body must have regard to the decision making principles in making decisions under any transport legislation.

If a transport body is a specified transport body in a statement of policy principles, it must have regard to the specified policy principles which apply to it under the statement of policy principles.

If a transport body is exercising a power which is a specified power in a statement of policy principles or performing a function which is a specified function in a statement of policy principles, it must have regard to the specified policy principles which apply under the statement of policy principles.

An Act specified in the heading to an item in Schedule 1 is amended as set out in that item.

25 Application to an interface body

An interface body must have regard to the transport system objectives when exercising powers and performing functions under any interface legislation which are likely to have a significant impact on the transport system.

An interface body must have regard to the decision making principles in making decisions under any interface legislation which are likely to have a significant impact on the transport system.

If an interface body is a specified interface body in a statement of policy principles, it must have regard to the specified policy principles which apply to it under the statement of policy principles.
(4) If an interface body is exercising a power which is a specified power in a statement of policy principles or performing a function which is a specified function in a statement of policy principles, it must have regard to the specified policy principles which apply under the statement of policy principles.

(5) An Act specified in the heading to an item in Schedule 2 is amended as set out in that item.

26 Weight to be given to transport system objectives

For the purposes of sections 24 and 25, a transport body or interface body may determine the weight to give to each transport system objective.

27 Weight to be given to decision making principles

For the purposes of sections 24 and 25, a transport body or interface body may determine the weight to give to each decision making principle.

28 Effect of this Part

The Parliament does not intend by this Part to create in any person any legal right or to give rise to any civil cause of action.
PART 3—ADMINISTRATION

Division 1—The Minister

29 General powers

(1) The Minister has power to do anything that is specified in this Act or that is necessary or convenient to be done for or in connection with, or as incidental to, the functions of the Minister under this or any other Act.

(2) Nothing in this section limits the powers of a Minister at common law or under any convention or practice relating to powers of Ministers generally.

30 Minister may appoint a person or establish a body to provide advice

(1) The Minister may from time to time by Order published in the Government Gazette appoint any person or establish any body comprising persons with experience or expertise in, or able to offer informed advice about, the transport system—

(a) to advise the Minister on any matter relating to the transport system referred to the person or body by the Minister; and

(b) to exercise any of the powers and functions of the Minister that are delegated to the person or body under this Act or any other transport legislation.

(2) The Minister may, in any Order made under subsection (1), make any provision with respect to the terms and conditions of appointment of the person or of the members of the body and the functions and procedures of the person or the body as the Minister thinks fit.
(3) A person appointed, or a body established, under this section, is declared to be a transport body.

(4) Nothing in this section limits the powers of the Minister to establish advisory committees or other similar bodies or have regard to the advice of any person, committee or other body.

31 Delegation by Minister

(1) The Minister by instrument may delegate to any person any power, duty or function of the Minister under any transport legislation other than—

(a) this power of delegation;

(b) any power conferred on the Minister to make statements of policy principles or determinations of policy or give directions.

(2) A delegation under this section may be made—

(a) in relation to a person or class of persons specified in the instrument of delegation; or

(b) in relation to the holder, or the holder from time to time, of an office specified, or of each office in a class of offices specified, in the instrument of delegation.

Division 2—The Department

32 Objects of the Department

The objects of the Department are to—

(a) ensure that a transport system is provided consistent with the vision statement and the transport system objectives;

(b) determine strategic policies which specify priorities for the transport system that address current and future challenges;
(c) ensure in collaboration with transport bodies and other bodies that policies and plans for an integrated and sustainable transport system are developed, aligned and implemented.

33 Functions of the Department

(1) The principal function of the Department is to assist the Minister in the administration of this Act and other transport legislation and to do anything that is necessary or convenient to be done for or in connection with, or as incidental to, the achievement of its objects.

(2) Without limiting the generality of subsection (1), the functions of the Department include to—

(a) be the lead in all of the strategic policy, advice and legislation functions relating to the transport system and related matters other than road safety;

(b) coordinate the development of regulatory policy and legislation advice relating to the transport system and related matters;

(c) lead in the improvement of the transport system, including the development and construction of new transport infrastructure and the provision of new transport services;

(d) develop strategies, plans, standards, performance indicators, programs and projects relating to the transport system and related matters;

(e) develop and issue guidelines with respect to the implementation and operation of this Act;
(f) coordinate corporate planning and budgets so as to assist transport bodies with the development, alignment, implementation and monitoring of their corporate plans and budgets;

(g) undertake operational activities including transport system operations, asset management and project management;

(h) collect transport data and undertake research into the transport system to support the functions specified in paragraphs (a), (b), (c), (d), (f) and (g);

(i) provide corporate, financial management, property and other specialist services to transport bodies;

(j) provide assistance to public entities and private bodies to construct or improve transport facilities and to provide services ancillary to those facilities;

(k) carry out efficiently and effectively any contract entered into by the Minister on behalf of the Crown;

(l) perform any other functions or duties conferred on the Department by any other Act or any regulations under any other Act.

Division 3—The Secretary

34 Powers of the Secretary

(1) The Secretary has power, on behalf of the Crown, to do all things that are necessary or convenient to be done for or in connection with, or as incidental to, the achievement of the objects of the Department and the performance of its functions.
(2) Without limiting the generality of subsection (1), the Secretary may on behalf of the Crown—

(a) acquire, hold or dispose of real or personal property;
(b) enter into any agreement or contract;
(c) enter into any lease or licence;
(d) participate in the formation of a corporation, trust, partnership or other body;
(e) subscribe for or otherwise acquire, and hold and dispose of, shares in, or debentures or other securities of, a corporation;
(f) become a member of a company limited by guarantee;
(g) subscribe for or otherwise acquire, and hold and dispose of, units in a trust;
(h) acquire, and hold and dispose of, an interest in a partnership or other body;
(i) enter into partnership or into any arrangement for sharing of profits, union of interest, co-operation, joint venture, reciprocal concession or otherwise, with any person or body carrying on or engaged in, or about to carry on or engage in, any business or transaction whether within or outside Victoria relating to, or connected with, any function of the Secretary or the Department;
(j) give indemnities, guarantees, releases and charges, and anything else of a similar nature;
(k) acquire (whether by creation, lease, licence, receiving the assignment or grant of, or otherwise), hold, accept as a security, or otherwise deal with, any intellectual property right (for example, a trademark, patent, design, copyright (including an associated moral right), plant breeder's right, circuit layout right, trade secret, or right arising from confidential information);

(l) assign, grant, lease, licence, sell, mortgage, use as a security, or otherwise encumber or dispose of, any intellectual property right;

(m) seek any remedy in relation to, or do anything necessary to enforce, protect, maintain, register or exploit, any intellectual property right;

(n) seek any remedy in relation to, or do anything necessary to enforce, protect, maintain or exploit any Crown copyright;

(o) engage consultants, contractors or agents;

(p) act as trustee;

(q) act as an agent of another person.

(3) The Secretary may use any Crown land for transport purposes with the approval of the Minister administering the Act relating to the management or use of the land given by the Minister in accordance with any requirements which apply under that Act.

(4) Without limiting the generality of subsection (1), the Secretary may exercise the powers conferred on the Secretary by any other Act or regulations under any other Act.

(5) The generality of this section is not limited by any other provision of this Act or any other Act which confers a power on the Secretary.
35 Recording of dealings

(1) If the Secretary acquires any land on behalf of the Crown, any recording in the Register by the Registrar of Titles of the acquisition must be made in the name of "Secretary to the Department of Transport" as registered proprietor.

(2) If the Secretary, on behalf of the Crown, disposes of or otherwise deals with any land held in the name of "Secretary to the Department of Transport", any recording in the Register by the Registrar of Titles of the disposition or dealing must be made in the name of "Secretary to the Department of Transport".

(3) If the Secretary to the Department of Transport, on behalf of the Crown, lodges with the Registrar of Titles any dealing in relation to any land, the Registrar must make any recording in relation to that dealing in the name of "Secretary to the Department of Transport".

(4) To avoid doubt, land acquired in fee simple by the Secretary to the Department of Transport on behalf of the Crown is Crown land.

(5) Despite subsection (4) and anything to the contrary in the Land Act 1958 or the Transfer of Land Act 1958, if land acquired by the Secretary to the Department of Transport on behalf of the Crown—

(a) is under the operation of the Transfer of Land Act 1958, it remains under the operation of that Act; and

(b) is not under the operation of the Transfer of Land Act 1958, it may be brought under the operation of that Act.
36 Compulsory acquisition of land

(1) Subject to the approval of the Minister, the Secretary may on behalf of the Crown compulsorily acquire any land which is or may be required by the Secretary for or in connection with the performance of the functions of the Department or the exercise of his or her powers.

(2) The Land Acquisition and Compensation Act 1986 applies to this Act and for that purpose—

(a) the Transport Integration Act 2010 is the special Act;

(b) the Secretary is the Authority;

(c) land includes strata above or below the surface of land and easements and rights to use land or strata above or below the surface of the land;

(d) section 75 of the Land Acquisition and Compensation Act 1986 has effect as if it empowered the Authority to enter any land and section 75(6) did not apply.

(3) In full or part settlement of any compensation that the Secretary is liable to pay, the Secretary may on behalf of the Crown—

(a) transfer a building from land owned by a person entitled to the compensation to other land owned either by that person or by the Secretary on behalf of the Crown; or

(b) transfer a building from land owned by the Secretary on behalf of the Crown to other land owned either by the Secretary on behalf of the Crown or by a person entitled to the compensation.
(4) If the Secretary acquires any land compulsorily under this section—

(a) the Secretary may on behalf of the Crown require the owner of the land to take any land adjoining it that is owned by the Secretary on behalf of the Crown and is no longer required by the Secretary on behalf of the Crown; and

(b) the value of that adjoining land must be deducted from any sum to be paid by way of compensation to the owner for the compulsory acquisition; and

(c) if that value cannot be agreed between the Secretary on behalf of the Crown and the owner it must be settled in the same manner and at the same time as the compensation to be paid to the owner.

37 Powers to enter land for investigative purposes

(1) The Secretary may enter any land and do all things necessary and convenient for investigative purposes to determine whether the land should be compulsorily acquired.

(2) The Secretary may exercise the powers conferred by this section on the Secretary by any person who is authorised in writing by the Secretary to do so.

(3) The Secretary must not exercise a power under this section unless—

(a) the Secretary has given 7 days notice in writing to the occupier of the land that is to be entered; or

(b) the occupier of the land consents to entry to the land; or

(c) immediate entry is necessary because of an emergency.
(4) A person who is exercising a power under this section must not enter land that is used primarily for residential purposes except between 7.30 a.m. and 6.00 p.m. unless the occupier consents to a different time.

(5) In exercising powers under this section, the Secretary must—

(a) cause as little harm and inconvenience as possible;

(b) stay on the land only for as long as is reasonably necessary to exercise the power;

(c) remove from the land on completing the exercise of the power, all plant, machinery, equipment, goods or temporary buildings brought onto the land for the exercise of the power, other than anything that the owner or occupier of the land agrees may be left there;

(d) leave the land as nearly as possible in the condition in which he or she found it;

(e) ensure that as little damage as possible is done to the land;

(f) co-operate as much as possible with the owner and any occupier of the land.

(6) If the Secretary has caused any damage to land while exercising a power under this section, the Secretary must pay compensation to the owner and any other person with an interest in the land.

(7) Compensation under subsection (6)—

(a) may, if so agreed by the person entitled to the compensation, be paid as a lump sum or by way of an annual rent; or
(b) if no agreement can be reached, must be determined in the manner provided in the Land Acquisition and Compensation Act 1986.

38 Directions

(1) The Secretary—

(a) is subject to the general direction and control of the Minister; and

(b) must comply with any specific direction given by the Minister.

(2) The Minister cannot give the Secretary any direction as to the quantum of any amount payable under section 68 of the Rail Management Act 1996 for breach of a civil penalty provision within the meaning of that section.

39 Delegation by Secretary

(1) The Secretary by instrument may delegate to any person any power, duty or function of the Secretary under any Act or regulations including, subject to subsection (3), this power of delegation.

(2) A delegation under this section may be made—

(a) in relation to a person or class of persons specified in the instrument of delegation; or

(b) in relation to the holder, or the holder from time to time, of an office specified, or of each office in a class of offices specified, in the instrument of delegation.

(3) A person to whom a power, duty or function has been delegated under subsection (1) may, subject to and in accordance with the instrument of delegation under subsection (1), by instrument delegate to another person that power, duty or function.
(4) Sections 42 and 42A of the Interpretation of Legislation Act 1984 apply to a sub-delegation under subsection (3) as if it were a delegation.

Division 4—Transport Infrastructure Development Agent

40 Transport Infrastructure Development Agent

(1) The Transport Infrastructure Development Agent is established.

(2) The Transport Infrastructure Development Agent consists of one member appointed by the Governor in Council in accordance with section 48.

(3) The Transport Infrastructure Development Agent—
   
   (a) is a body corporate with perpetual succession;
   
   (b) has an official seal;
   
   (c) may sue and be sued;
   
   (d) may acquire, hold and dispose of real and personal property;
   
   (e) may do and suffer all things that a body corporate may by law do and suffer.

41 Official seal

(1) The official seal of the Transport Infrastructure Development Agent must—
   
   (a) be kept in such custody as the Transport Infrastructure Development Agent directs;
   
   (b) not be used except as authorised by the Transport Infrastructure Development Agent.

(2) All courts must take judicial notice of the official seal of the Transport Infrastructure Development Agent affixed to any document.
42 **Transport Infrastructure Development Agent represents the Crown**

In performing its functions and exercising its powers, the Transport Infrastructure Development Agent represents the Crown.

43 **Object of the Transport Infrastructure Development Agent**

The object of the Transport Infrastructure Development Agent is to—

(a) scope and develop any Transport Infrastructure Project; and

(b) deliver the Transport Infrastructure Project if it is specified as the facilitating agency under the *Project Development and Construction Management Act 1994* or appointed as the project authority under the *Major Transport Projects Facilitation Act 2009*—

consistent with the vision statement and transport system objectives.

44 **Functions of the Transport Infrastructure Development Agent**

The Transport Infrastructure Development Agent has the following functions in respect of any Transport Infrastructure Project—

(a) to facilitate, on behalf of the State, the scoping and development of any Transport Infrastructure Project;

(b) to seek and evaluate submissions from persons interested in undertaking the scoping and development of any Transport Infrastructure Project;
(c) to negotiate with persons interested in undertaking the scoping and development of any Transport Infrastructure Project;

(d) to make recommendations in relation to contractual arrangements between the State and any other person for the scoping and development of any Transport Infrastructure Project;

(e) to administer and manage agreements and arrangements between the State and any other person for, or relating to, the scoping and development of any Transport Infrastructure Project;

(f) to facilitate and co-ordinate consultations with statutory authorities and agencies of the State and other bodies or persons involved in, or affected by, the scoping and development of any Transport Infrastructure Project;

(g) to negotiate and enter into arrangements with statutory authorities and agencies of the State and other bodies or persons involved in, or affected by, the scoping and development of any Transport Infrastructure Project;

(h) to make recommendations to the Minister in relation to facilitating any Transport Infrastructure Project and co-ordinating with statutory authorities, agencies of the State and other bodies or persons involved in, or affected by, the scoping and development of any Transport Infrastructure Project;

(i) to ensure that agreements and arrangements between the State and any other person for, or relating to, the scoping and development of any Transport Infrastructure Project are performed in accordance with their terms;
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(j) to deliver the Transport Infrastructure Project if it is specified as the facilitating agency under the Project Development and Construction Management Act 1994 or appointed as the project authority under the Major Transport Projects Facilitation Act 2009.

45 Powers of the Transport Infrastructure Development Agent

(1) The Transport Infrastructure Development Agent has power to do all things that are necessary or convenient to be done for or in connection with, or as incidental to, the achievement of the object of the Transport Infrastructure Development Agent and the performance of its functions.

(2) Without limiting subsection (1), the Transport Infrastructure Development Agent may, in the performance of its functions under section 44—

(a) enter into any agreements or arrangements with any person or body;

(b) do all things necessary or convenient to be done to give effect to the agreements and arrangements referred to in paragraph (a);

(c) with the approval of the Treasurer, form, participate in the formation of, or be a member of a body corporate, association, partnership, trust or other body and enter into a joint venture with any other person.

(3) The Transport Infrastructure Development Agent may exercise its powers within or outside Victoria.
46 Directions

(1) In the exercise of its powers and the performance of its functions the Transport Infrastructure Development Agent is subject to the direction and control of the Minister.

(2) If the Transport Infrastructure Development Agent is not constituted by the Secretary, the Transport Infrastructure Development Agent—

(a) is subject to the specific direction of the Minister; and

(b) must perform its functions and exercise its powers under the general direction and control of the Secretary.

47 Delegation by the Transport Infrastructure Development Agent

(1) The Transport Infrastructure Development Agent by instrument may delegate to any person any power, duty or function of the Transport Infrastructure Development Agent under any Act or regulations including, subject to subsection (3), this power of delegation.

(2) A delegation under this section may be made—

(a) in relation to a person or class of persons specified in the instrument of delegation; or

(b) in relation to the holder, or the holder from time to time, of an office specified, or of each office in a class of offices specified, in the instrument of delegation.

(3) A person to whom a power, duty or function has been delegated under subsection (1) may, subject to and in accordance with the instrument of delegation under subsection (1), by instrument delegate to another person that power, duty or function.
(4) Sections 42 and 42A of the Interpretation of Legislation Act 1984 apply to a sub-delegation under subsection (3) as if it were a delegation.

48 Appointment of member

(1) The Governor in Council may, on the recommendation of the Premier and the Minister, by Order in Council published in the Government Gazette appoint a person employed in an office of the Department named in the Order in Council to be the member constituting the Transport Infrastructure Development Agent for the period specified in the Order in Council.

(2) An appointment for the purposes of subsection (1) is to be made by reference to the office held by that person and continues to apply to any person who is the holder of that office from time to time.

49 Transport Infrastructure Project Orders

(1) The Minister may by Order published in the Government Gazette declare any transport project to be a Transport Infrastructure Project.

(2) An Order under subsection (1) may provide for any matter necessary or convenient to give effect to the Order.

(3) An Order under subsection (1) takes effect—

(a) on the day the Order is published in the Government Gazette; or

(b) on a later day specified in the Order.
50 Revocation of Transport Infrastructure Project Order

The Minister may by Order published in the Government Gazette—

(a) revoke an Order made under section 49; and

(b) provide for transfer, apportionment, settlement or determination of any real or personal property, income, assets, rights, liabilities or other matters.

Division 5—Transfer of transport projects

51 Definitions

In this Division—

*instrument* includes a document and an oral agreement;

*liabilities* means all liabilities, duties and obligations, whether actual, contingent or prospective;

*Order in Council* means an Order in Council made under section 52 and published in the Government Gazette;

*property* means any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property of any description;

*rights* means all rights, powers, privileges and immunities, whether actual, contingent or prospective;

*transfer date* means the date specified under section 52(2) for the purposes of the transfer;
**Transport project** means any project for the transport system including any Road Transport-Related Project or Transport Infrastructure Project;

**transferee transport body** means the transport body to which a property, liability, right or transport project is to be transferred;

**transferor transport body** means the transport body from which a property, liability, right or transport project is to be transferred.

### 52 Transfer of transport project

(1) The Governor in Council may, on the recommendation of the Minister and the Treasurer, by Order in Council—

   (a) transfer any property, rights and liabilities specified in the Order in Council of a transferor transport body specified in the Order in Council to a transferee transport body specified in the Order in Council;

   (b) transfer any property, rights and liabilities specified in the Order in Council of a transferor transport body specified in the Order in Council in relation to a transport project specified in the Order in Council to a transferee transport body specified in the Order in Council.

(2) The Order in Council must specify the transfer date on which the transfer is to take effect.

(3) Nothing in this section affects or limits any approval, agreement or other authority that a transferor transport body or transferee transport body may require or need to obtain before it can be a party to the transfer.
53 Transfer subject to encumbrances

Unless the Order in Council otherwise provides, if under the Order in Council property and rights vest in the transferee transport body or liabilities become liabilities of the transferee transport body—

(a) the property and rights so vested are subject to the encumbrances (if any) to which they were subject immediately before so vesting; and

(b) the rights to which the transferor transport body was entitled in respect of those liabilities immediately before they ceased to be liabilities of the transferor transport body vest in the transferee transport body.

54 Substitution of party to agreement

If, under an Order in Council the rights and liabilities of the transferor transport body under an agreement are transferred to the transferee transport body—

(a) the transferee transport body becomes, on the transfer date, a party to the agreement in place of the transferor transport body; and

(b) on and after the transfer date, the agreement has effect as if the transferee transport body had always been a party to the agreement.

55 Instruments

Each transferor transport body instrument relating to property, rights or liabilities transferred to the transferee transport body continues to have effect according to its tenor on and after the transfer date as if a reference in the instrument to the transferor transport body were a reference to the transferee transport body.
56 Proceedings

If, immediately before the transfer date, proceedings relating to property, rights or liabilities transferred to the transferee transport body (including arbitration proceedings) to which the transferor transport body was a party were pending or existing in any court or tribunal, then, on and after the transfer date, the transferee transport body is substituted for the transferor transport body as a party to the proceedings and has the same rights in the proceedings as the transferor transport body had.

57 Interests in land

Without affecting the generality of this Division and despite anything to the contrary in any other Act (other than the Charter of Human Rights and Responsibilities) or law, if, immediately before the transfer date, the transferor transport body is, in relation to property, rights or liabilities transferred to the transferee transport body, the registered proprietor of an interest in land under the Transfer of Land Act 1958, then on and after the transfer date—

(a) the transferee transport body is deemed to be the registered proprietor of that interest in land; and

(b) the transferee transport body has the same rights and remedies in respect of that interest as the transferor transport body had.

58 Action by Registrar of Titles

On being requested to do so and on delivery of any relevant instrument, the Registrar of Titles must make any recordings in the Register that are necessary because of the operation of this Division.
59 Taxes

No stamp duty or other tax is chargeable under any Act in respect of anything done under this Division or in respect of any act or transaction connected with or necessary to be done by reason of this Division, including a transaction entered into or an instrument made, executed, lodged or given, for the purpose of, or connected with the transfer of property, rights or liabilities under an Order in Council.

60 Evidence

Documentary or other evidence that would have been admissible for or against the interests of the transferor transport body in relation to property, rights or liabilities transferred to the transferee transport body is admissible for or against the interests of the transferee transport body.

61 Transfer of employees

(1) This section applies to an employee who is not employed under Part 3 of the Public Administration Act 2004.

(2) If as a result of an Order in Council it is necessary to transfer any employees from the transferor transport body to the transferee transport body, the Secretary must list in writing the persons who were employed by the transferor transport body before the transfer date and who the Secretary determines should be transferred to the transferee transport body.
(3) An employee transferred under this section is to be regarded as—

(a) being employed by the transferee transport body with effect from the transfer date;

(b) having been so employed on the same terms and conditions as those that applied to the person immediately before the transfer date;

(c) having accrued an entitlement to benefits in connection with that employment that is equivalent to the entitlement that the person had accrued immediately before the transfer date.

(4) The service of an employee transferred under this section is to be regarded for all purposes as having been continuous with the service of the employee immediately before the transfer date.

(5) An employee transferred under this section is not entitled to receive any payment or other benefit by reason only of having ceased to be employed by the transferor transport body because of the operation of this Division.

(6) A certificate purporting to be signed by the Secretary certifying that a person named in the certificate was, with effect from the transfer date, employed by virtue of this section by the transferee transport body, is admissible in evidence in any proceedings as evidence of the matters stated in it.

(7) The superannuation entitlements of any person who is transferred under this section are to be taken not to be affected by that person being transferred.
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(8) Nothing in this section prevents—

(a) any of the terms and conditions of employment of a person transferred under this section from being altered by or under any law, award or agreement with effect from any time after the transfer date; or

(b) a person transferred under this section from resigning or being dismissed at any time after the transfer date in accordance with the then existing terms and conditions of his or her employment with the transferee transport body.

62 Validity of things done under this Division

Nothing effected by, or done or suffered under, this Division—

(a) is to be regarded as placing any person in breach of contract or confidence or as otherwise making any person guilty of a civil wrong; or

(b) is to be regarded as placing any person in breach of or as constituting a default under any Act (other than the Charter of Human Rights and Responsibilities) or other law or any provision in any agreement, arrangement or understanding including, without limiting the generality of the foregoing, any provision prohibiting, restricting or regulating the assignment or transfer of any property or the disclosure of any information; or

(c) is to be regarded as fulfilling any condition which allows a person to exercise a right or remedy in respect of or to terminate any agreement or obligation; or
(d) is to be regarded as giving rise to any remedy for a party to a contract or an instrument or as causing or permitting the termination of any contract or instrument because of a change in the beneficial or legal ownership of any property, right or liability; or

(e) is to be regarded as causing any contract or instrument to be void or otherwise unenforceable; or

(f) is to be regarded as frustrating any contract; or

(g) releases any surety or other obligee wholly or in part from any obligation.
PART 4—PLANNING

63 Victorian Transport Plan

(1) The Department must prepare and periodically revise the Victorian Transport Plan for the Minister.

(2) The Victorian Transport Plan must—

(a) be prepared and revised having regard to the vision statement, transport system objectives and decision making principles;

(b) include explicit links to the vision statement and transport system objectives;

(c) set out the policy context for the Victorian Transport Plan including transport and land use policies and the impacts of those policies;

(d) demonstrate an integrated approach to transport and land use planning;

(e) identify the challenges that the Victorian Transport Plan seeks to address;

(f) include medium to long term strategic directions, priorities and actions;

(g) include a short term action plan that is regularly updated.

(3) The Minister may direct the Department to prepare a revision of the Victorian Transport Plan.

(4) The Minister may publish the Victorian Transport Plan as revised from time to time.

(5) The Victorian Transport Plan published by the Government in 2008 is deemed to have been prepared under this section.
64 Corporate Plans

(1) The Department must—

(a) prepare a corporate plan which specifies the outlook for a 3 year period;

(b) submit the corporate plan to the Minister.

(2) The Department must ensure that the corporate plan—

(a) gives effect to the objects of the Department;

(b) supports the vision statement and seeks to implement the transport system objectives;

(c) specifies strategic priorities and performance measures for the transport system.

(3) A transport body to which this section applies must—

(a) prepare a corporate plan which specifies the outlook for a period of not less than 3 years;

(b) submit the corporate plan to the Minister.

(4) A transport body to which this section applies must ensure that the corporate plan—

(a) gives effect to the object of the transport body;

(b) supports the vision statement and seeks to implement the transport system objectives;

(c) is consistent with the strategic priorities and performance measures specified in the Department's corporate plan.

(5) A transport body to which this section applies must when preparing its corporate plan—

(a) consult with the Department;
(b) consult with any other transport body which may be affected by the corporate plan so as to ensure that any possible effects are dealt with in an agreed manner.

(6) The Department must provide assistance to transport bodies and facilitate consultation between transport bodies to enable them to comply with this section.

(7) In this section—

*corporate plan* means an annual plan that includes—

(a) challenges, priorities and strategies;
(b) performance measures;
(c) major initiatives and projects;

*transport body to which this section applies* means—

(a) a transport corporation;
(b) a transport safety agency;
(c) a transport system agency.
PART 5—TRANSPORT SYSTEM AGENCIES

Division 1—Director of Public Transport

65 Director of Public Transport

(1) There is to be a Director of Public Transport employed under Part 3 of the Public Administration Act 2004.

(2) The person who is the Director of Public Transport immediately before the commencement of this section under section 8 of the Transport Act 1983 (as in force immediately before the commencement of this section) continues, subject to this Act, to be the Director of Public Transport.

66 Object of Director of Public Transport

(1) The primary object of the Director of Public Transport is to provide, operate and maintain the public transport system consistent with the vision statement and the transport system objectives.

(2) Without limiting the generality of subsection (1), the primary object includes the following—

(a) to ensure, in collaboration with other transport bodies and public entities, that the public transport system operates as part of an integrated transport system which seeks to meet the needs of all transport system users;

(b) to manage the public transport system in a manner which supports a sustainable Victoria by—

(i) seeking to increase the share of public transport trips as a proportion of all transport trips in Victoria;
(ii) while seeking to give effect to subparagraph (i), also seeking to improve the environmental performance and minimise the adverse environmental impacts of the public transport system;

(c) to contribute to social wellbeing by providing access to opportunities and supporting liveable communities;

(d) to promote economic prosperity through efficient and reliable movement of public transport users while also supporting rail freight services;

(e) in collaboration with relevant bodies including the Roads Corporation, public transport operators, Victorian Rail Track, Municipal Councils, the Director, Transport Safety, the Department of Justice and Victoria Police, to improve the safety of public transport for public transport users.

67 Functions of the Director of Public Transport

(1) The functions of the Director of Public Transport are to—

(a) construct, maintain or vary, or assist other transport bodies to construct, maintain or vary, public transport infrastructure, including rail infrastructure, roads, road-related infrastructure, roadsides and other transport assets;

(b) plan for the public transport system as part of an integrated transport system;

(c) develop and implement policies and strategies to improve the safety and security of the public transport system;
(d) develop and implement operational policies, plans, guidelines, standards, limits and practices for the public transport system and related matters consistent with strategic policies and plans of the Department;

(e) provide and operate, or facilitate the provision and operation of, public transport including by—

(i) entering and managing contracts for passenger services and other ancillary or incidental transport services;

(ii) operating passenger services and other ancillary or incidental transport services;

(iii) purchasing, putting into service and maintaining rolling stock, buses or other vehicles for passenger services or other transport services;

(f) provide licensing and accreditation services for the public transport system and related matters;

(g) provide advice to the Secretary to assist in the development of strategic policy and legislation relating to the transport system and related matters;

(h) monitor and report to the Minister on whether the provision of passenger services meets Government, contractual and community expectations;

(i) protect future options for the improvement of the transport system including holding, retaining and reserving land for future rail corridors for passenger and rail freight services;
(j) develop and implement effective environmental policies, strategies and management systems consistent with the strategic policy of the Department to support a sustainable transport system, including minimising any adverse environmental impacts from the public transport system;

(k) provide, or arrange for the provision and dissemination of, information to Victorians about public transport matters including services, fares and timetables;

(l) perform any other functions or duties conferred on the Director of Public Transport by any other Act or any regulations under any other Act.

(2) In performing the functions conferred on the Director of Public Transport, the Director of Public Transport must—

(a) engage with stakeholders so as to ensure better outcomes for all Victorians;

(b) conduct research and collect information relating to the performance of the functions and the operation of the public transport system so as to enable the Director of Public Transport to meet the object of the Director of Public Transport;

(c) efficiently deal with, or make arrangements for dealing with, any complaints relating to the performance of the functions of the Director of Public Transport or the performance of a public transport operator.
68 Powers of the Director of Public Transport

(1) The Director of Public Transport has power, on behalf of the Crown, to do all things that are necessary or convenient to be done for or in connection with, or as incidental to, the achievement of the object of the Director of Public Transport and the performance of his or her functions.

(2) Without limiting the generality of subsection (1), the Director of Public Transport may on behalf of the Crown—

(a) conduct or undertake the general administration of arrangements entered into with a body corporate to provide passenger services or other transport services in connection with the functions of the Director of Public Transport;

(b) enter into any agreement or contract to support the provision of passenger services or other transport services in connection with the functions of the Director of Public Transport;

(c) enter into any lease or licence to support the provision of passenger services or other transport services in connection with the functions of the Director of Public Transport;

(d) acquire, own, build, maintain and operate public transport infrastructure and related infrastructure;

(e) enter into an agreement relating to the allocation of revenue which is derived from the provision of any passenger services or other transport services;

(f) give indemnities, guarantees, releases and charges, and anything else of a similar nature;
(g) exercise the powers conferred on the Director of Public Transport by any other Act or any regulations under any other Act.

(3) Without limiting the generality of subsection (1), the Director of Public Transport may on behalf of the Crown—

(a) acquire, hold or dispose of real or personal property;

(b) participate in the formation of a corporation, trust, partnership or other body;

(c) subscribe for or otherwise acquire, and hold and dispose of, shares in, or debentures or other securities of, a corporation;

(d) become a member of a company limited by guarantee;

(e) subscribe for or otherwise acquire, and hold and dispose of, units in a trust;

(f) acquire, and hold and dispose of, an interest in a partnership or other body;

(g) enter into partnership or into any arrangement for sharing of profits, union of interest, co-operation, joint venture, reciprocal concession or otherwise, with any person or body carrying on or engaged in, or about to carry on or engage in, any business or transaction whether within or outside Victoria relating to, or connected with, any function of the Director of Public Transport;

(h) acquire (whether by creation, lease, licence, receiving the assignment or grant of, or otherwise), hold, accept as a security, or otherwise deal with, any intellectual property right (for example, a trademark, patent, design, copyright (including an associated moral right), plant breeder's right, circuit
layout right, trade secret, or right arising from confidential information);

(i) assign, grant, lease, licence, sell, mortgage, use as a security, or otherwise encumber or dispose of, any intellectual property right;

(j) seek any remedy in relation to, or do anything necessary to enforce, protect, maintain, register or exploit, any intellectual property right;

(k) seek any remedy in relation to, or do anything necessary to enforce, protect, maintain or exploit any Crown copyright;

(l) engage consultants, contractors or agents;

(m) act as an agent of another person.

(4) The generality of this section is not limited by any other provision of this Act or any other Act which confers a power on the Director of Public Transport.

69 Powers in relation to land

(1) The Director of Public Transport may, on behalf of the Crown—

(a) acquire, hold or dispose of land; and

(b) otherwise deal with any land held by the Director of Public Transport.

(2) Any acquisition (including any compulsory acquisition under section 71) or disposition of or other dealing with land by the Director of Public transport on behalf of the Crown must be made in the name of "Director of Public Transport".

(3) Without limiting subsection (1), the Director of Public Transport may, on behalf of the Crown, dispose of or otherwise deal with land that is held by the Director of Public Transport and was acquired under this Act or the Transport Act
1983 (as in force immediately before the commencement of this section) in the name of "Director of Public Transport" by any person who previously held, acted in or performed the duties of, the office of Director of Public Transport.

70 Recording of dealings

(1) If the Director of Public Transport acquires any land on behalf of the Crown, any recording in the Register by the Registrar of Titles of the acquisition must be made in the name of "Director of Public Transport" as registered proprietor.

(2) If the Director of Public Transport, on behalf of the Crown, disposes of or otherwise deals with any land held in the name of "Director of Public Transport", any recording in the Register by the Registrar of Titles of the disposition or dealing must be made in the name of "Director of Public Transport".

(3) If the Director of Public Transport, on behalf of the Crown, lodges with the Registrar of Titles any dealing in relation to any land, the Registrar must make any recording in relation to that dealing in the name of "Director of Public Transport".

(4) To avoid doubt, land acquired in fee simple by the Director of Public Transport on behalf of the Crown is Crown land.

(5) Despite subsection (4) and anything to the contrary in the Land Act 1958 or the Transfer of Land Act 1958, if land acquired by the Director of Public Transport on behalf of the Crown—

(a) is under the operation of the Transfer of Land Act 1958, it remains under the operation of that Act; and

(b) is not under the operation of the Transfer of Land Act 1958, it may be brought under the operation of that Act.
71 Compulsory acquisition of land

(1) Subject to the approval of the Minister, the Director of Public Transport may on behalf of the Crown compulsorily acquire any land which is or may be required by the Director of Public Transport for or in connection with the performance of his or her functions or the exercise of his or her powers.

(2) The Land Acquisition and Compensation Act 1986 applies to this Act and for that purpose—

(a) the Transport Integration Act 2010 is the special Act;

(b) the Director of Public Transport is the Authority;

(c) land includes strata above or below the surface of land and easements and rights to use land or strata above or below the surface of the land;

(d) section 75 of the Land Acquisition and Compensation Act 1986 has effect as if it empowered the Authority to enter any land and section 75(6) did not apply.

(3) In full or part settlement of any compensation that the Director of Public Transport is liable to pay, the Director of Public Transport may on behalf of the Crown—

(a) transfer a building from land owned by a person entitled to the compensation to other land owned either by that person or by the Director of Public Transport on behalf of the Crown; or
(b) transfer a building from land owned by the Director of Public Transport on behalf of the Crown to other land owned either by the Director of Public Transport on behalf of the Crown or by a person entitled to the compensation.

(4) If the Director of Public Transport acquires any land compulsorily under this section—

(a) the Director of Public Transport may on behalf of the Crown require the owner of the land to take any land adjoining it that is owned by the Director of Public Transport on behalf of the Crown and is no longer required by the Director on behalf of the Crown; and

(b) the value of that adjoining land must be deducted from any sum to be paid by way of compensation to the owner for the compulsory acquisition; and

(c) if that value cannot be agreed between the Director of Public Transport on behalf of the Crown and the owner it must be settled in the same manner and at the same time as the compensation to be paid to the owner.

72 Easements

(1) If any right to use land or any right in the nature of an easement or purporting to be an easement is acquired by the Director of Public Transport on behalf of the Crown, it is deemed for all purposes to be an easement even though there is no land vested in or held by the Director of Public Transport on behalf of the Crown that is in fact benefited or capable of being benefited by that right.
(2) If by or under this Act any private right of way or easement is extinguished or any easement is acquired by the Director of Public Transport on behalf of the Crown—

(a) the Registrar of Titles must make any recordings in the Register that are necessary or expedient because of that extinguishment or acquisition; and

(b) the holder of any relevant certificate of title must deliver it to the Registrar of Titles.

(3) Subsection (2) does not apply to an easement acquired compulsorily by the Director of Public Transport on behalf of the Crown.

73 **Director of Public Transport may use Crown lands reserved under Crown Land (Reserves) Act 1978**

(1) The Director of Public Transport may use any Crown land for transport purposes with the approval of the Minister administering the Act relating to the management or use of the land given by the Minister in accordance with any requirements which apply under that Act.

(2) If any Crown land proposed to be so used by the Director of Public Transport is reserved under the **Crown Land (Reserves) Act 1978** for a purpose which is inconsistent with that use, the Director of Public Transport must not use the land unless and until the reservation is revoked in accordance with section 9 of that Act.

74 **Extra-territoriality**

The Director of Public Transport may also perform the functions and exercise the powers conferred on the Director of Public Transport outside Victoria.
75 Directions

(1) The Director of Public Transport—

(a) is subject to the general direction and control of the Minister; and

(b) must comply with any specific direction given by the Minister.

(2) The Director of Public Transport cannot be given any direction by the Minister or the Secretary as to the quantum of any amount payable under section 68 of the Rail Management Act 1996 for breach of a civil penalty provision within the meaning of that section.

76 Contingency planning for exercise of certain powers

The Director of Public Transport must develop and maintain a contingency plan for the possible exercise of a power under section 67(1)(e)(ii).

77 Director of Public Transport to conduct cost-benefit analysis of relevant rail safety projects

(1) This section applies to a relevant rail safety project in relation to which—

(a) the Director, Transport Safety makes a rail safety recommendation; and

(b) the Director of Public Transport considers may have the effect of resulting in significant costs or expenses being incurred by the Crown.

(2) The Director of Public Transport, before undertaking or funding a relevant rail safety project the subject of a rail safety recommendation, must—

(a) conduct or cause to be conducted a cost-benefit analysis of the relevant rail safety project; and
(b) consult with—

(i) the Premier, the Treasurer and any other Minister whose area of responsibility may be affected by the proposed rail safety project; and

(ii) any other person specified in guidelines prepared under section 78.

(3) The cost-benefit analysis and consultation must be conducted—

(a) in accordance with guidelines prepared under section 78; and

(b) before the Director of Public Transport undertakes or funds the relevant rail safety project.

78 Guidelines for cost-benefit analysis and consultation

(1) The Minister may prepare guidelines for the purposes of cost-benefit analysis and consultation conducted under section 77.

(2) Before preparing guidelines under this section the Minister must consult with the Premier and the Treasurer.

(3) Guidelines prepared under this section may—

(a) include guidelines about the methodology to be applied in a cost-benefit analysis conducted under section 77;

(b) require the Director of Public Transport to obtain an independent assessment about the methodology to be applied in a cost-benefit analysis that is conducted under section 77;

(c) include guidelines about the procedure for consultation under section 77.
79 Delegation by Director of Public Transport

(1) The Director of Public Transport by instrument may delegate to any person any power, duty or function of the Director of Public Transport under any Act or regulations including, subject to subsection (3), this power of delegation.

(2) A delegation under this section may be made—

(a) in relation to a person or class of persons specified in the instrument of delegation; or

(b) in relation to the holder, or the holder from time to time, of an office specified, or of each office in a class of offices specified, in the instrument of delegation.

(3) A person to whom a power, duty or function has been delegated under subsection (1) may, subject to and in accordance with the instrument of delegation under subsection (1), by instrument delegate to another person that power, duty or function.

(4) Sections 42 and 42A of the Interpretation of Legislation Act 1984 apply to a sub-delegation under subsection (3) as if it were a delegation.

Division 2—Roads Corporation

80 Roads Corporation

(1) The Roads Corporation established under section 15 of the Transport Act 1983 (as in force immediately before the commencement of this section) is continued under this Act.

(2) The Roads Corporation consists of one member appointed by the Governor in Council as Chief Executive of the Roads Corporation.
(3) The Chief Executive of the Roads Corporation is responsible for the management of the functions of the Roads Corporation consistent with the primary object of the Roads Corporation.

(4) The Roads Corporation—

(a) is a body corporate with perpetual succession;

(b) has an official seal;

(c) may sue and be sued;

(d) may acquire, hold and dispose of real and personal property;

(e) may do and suffer all acts and things that a body corporate may by law do and suffer.

81 Official seal

(1) The official seal of the Roads Corporation must—

(a) be kept in such custody as the Roads Corporation directs;

(b) not be used except as authorised by the Roads Corporation.

(2) All courts must take judicial notice of the official seal of the Roads Corporation affixed to any document.

82 Trading name

Despite anything to the contrary in the Business Names Act 1962 or any other Act or law, the Roads Corporation may carry on business under the name "VicRoads".

83 Roads Corporation represents the Crown

In performing its functions and exercising its powers, the Roads Corporation represents the Crown.
84 Chief Executive of the Roads Corporation

(1) The Governor in Council may appoint a person to the office of Chief Executive of the Roads Corporation and may at any time remove or suspend a person from that office.

(2) The person who immediately before the commencement of this section is the Chief Executive of the Roads Corporation under clause 1(1) of Schedule 1A to the Transport Act 1983 (as in force immediately before the commencement of this section) continues, subject to this Act, to be the Chief Executive of the Roads Corporation.

(3) The Chief Executive of the Roads Corporation may resign from the office in writing signed by the Chief Executive and delivered to the Governor in Council.

(4) If the Chief Executive of the Roads Corporation is unable, whether because of illness, suspension, absence or otherwise, to perform the duties of the office of Chief Executive, the Minister may appoint another person to act in the place of the Chief Executive during the period of the inability.

(5) A person appointed under this section to act in the place of the Chief Executive of the Roads Corporation while so acting—

(a) has all the rights and powers, and must perform all the duties, of the Chief Executive of the Roads Corporation; and

(b) is to be paid any remuneration and travelling or other allowances fixed by the Minister from time to time, having regard to the rate of remuneration and allowances for the time being payable to the Chief Executive of the Roads Corporation.
(6) The Chief Executive of the Roads Corporation—
(a) holds office—
   (i) for the period (not more than 5 years) that is specified in his or her instrument of appointment and is eligible to be re-appointed;
   (ii) on the terms and conditions specified in his or her instrument of appointment;
(b) is entitled to be paid any remuneration and travelling and other allowances fixed from time to time by the Governor in Council;
(c) is to be appointed on a full-time basis.

(7) The Public Administration Act 2004 (other than Part 3 of that Act) applies to the Chief Executive of the Roads Corporation in respect of the office of the Chief Executive of the Roads Corporation.

85 Validity of acts or decisions
An act or decision of the Roads Corporation is not invalid only—
(a) because of a vacancy in the office of Chief Executive; or
(b) because of a defect or irregularity in, or in connection with, the appointment of the Chief Executive; or
(c) in the case of a person appointed to act as the Chief Executive, on the grounds that the occasion for the person so acting had not arisen or had ceased.

86 Object of the Roads Corporation
(1) The primary object of the Roads Corporation is to provide, operate and maintain the road system consistent with the vision statement and the transport system objectives.
(2) Without limiting the generality of subsection (1), the primary object includes the following—

(a) to ensure, in collaboration with other transport bodies and public entities, that the road system operates as part of an integrated transport system which seeks to meet the needs of all transport system users;

(b) to manage the road system in a manner which supports a sustainable Victoria by—

(i) seeking to increase the share of public transport, walking and cycling trips as a proportion of all transport trips in Victoria;

(ii) while seeking to give effect to subparagraph (i), also seeking to improve the environmental performance and minimise the adverse environmental impacts of the road system;

(c) to contribute to social wellbeing by providing access to opportunities and supporting liveable communities;

(d) to promote economic prosperity through efficient and reliable movement of persons and goods;

(e) in collaboration with relevant bodies including other road authorities, Victoria Police, the Transport Accident Commission, the Director of Public Transport, the Director, Transport Safety, the Department and the Department of Justice, to improve the safety of the road system for road users and seek to reduce deaths and injuries.
87 Functions of the Roads Corporation

(1) The functions of the Roads Corporation are to—

(a) construct, maintain or vary roads, rail infrastructure and other transport assets;

(b) provide and maintain roadsides;

(c) plan for the road system as part of an integrated transport system;

(d) lead in the development and implementation of strategic and operational policies and plans to improve the safety of the road system for all users, including through—

(i) works to improve the safety of road and road-related infrastructure;

(ii) information and advice on the safety of motor vehicles and motor vehicle standards;

(iii) education and training to improve the safety of road user behaviour;

(iv) enforcement activities;

(v) road safety legislation, regulations, standards, guidelines and practices;

(e) develop and implement operational policies and plans, including through legislation, regulations, standards, guidelines and practices, for the road system and related matters consistent with the strategic policies and plans of the Department;

(f) operate the road system by managing access and controlling use, including by—

(i) installing, operating and maintaining road and road-related infrastructure such as signals, signage, line markings,
intelligent transport systems and other road management systems;

(ii) implementing road space allocation measures to give priority to particular modes of transport at certain times on specified roads or parts of roads;

(iii) managing road works and incidents and events on roads in a manner which minimises disruption to the road system;

(iv) implementing an appropriate enforcement strategy;

(g) provide registration, licensing and accreditation services for the transport system and related matters;

(h) provide technical, project management, consultancy and information services related to the transport system, including on a commercial basis consistent with government policy;

(i) provide advice to the Secretary to assist in the development of strategic policy and legislation relating to the transport system and related matters;

(j) protect future options for the improvement of the transport system including reserving land for future transport corridors;

(k) develop and implement effective environmental policies, strategies and management systems consistent with the strategic policy of the Department to support a sustainable transport system, including minimising any adverse environmental impacts from the road system;
(l) provide and disseminate information to Victorians about the road system and related matters, including on a commercial basis consistent with government policy;

(m) perform any other functions or duties conferred on the Roads Corporation by any other Act or any regulations under any other Act.

(2) In performing the functions conferred on the Roads Corporation, the Roads Corporation must—

(a) engage with stakeholders so as to ensure better outcomes for all Victorians;

(b) conduct research and collect information relating to the performance of the functions and the operation of the road system so as to enable the Roads Corporation to meet the primary object of the Roads Corporation;

(c) efficiently deal with any complaints relating to the performance of its functions.

(3) With the approval of the Minister, the Roads Corporation may perform the functions specified in subsections (1)(g) and (1)(h) for any purpose unrelated to the transport system including law enforcement.

88 Powers of the Roads Corporation

(1) The Roads Corporation has power to do all things that are necessary or convenient to be done for or in connection with, or as incidental to, the achievement of the object of the Roads Corporation and the performance of its functions.
(2) Without limiting the generality of subsection (1), the Roads Corporation may—

(a) enter into any agreement or contract;

(b) enter into any lease or licence;

(c) participate in the formation of a corporation, trust, partnership or other body;

(d) subscribe for or otherwise acquire, and hold and dispose of, shares in, or debentures or other securities of, a corporation;

(e) become a member of a company limited by guarantee;

(f) subscribe for or otherwise acquire, and hold and dispose of, units in a trust;

(g) acquire, and hold and dispose of, an interest in a partnership or other body;

(h) enter into partnership or into any arrangement for sharing of profits, union of interest, co-operation, joint venture, reciprocal concession or otherwise, with any person or body carrying on or engaged in, or about to carry on or engage in, any business or transaction relating to, or connected with, any function of the Roads Corporation;

(i) make any land or other property vested or managed by the Roads Corporation or any person employed by the Roads Corporation available for use or engagement by any other person;

(j) give an indemnity as part of entering into an agreement, contract, lease or licence;

(k) acquire (whether by creation, lease, licence, receiving the assignment or grant of, or otherwise), hold, accept as a security, or otherwise deal with, any intellectual property
right (for example, a trademark, patent, design, copyright (including an associated moral right), plant breeder's right, circuit layout right, trade secret, or right arising from confidential information);

(l) assign, grant, lease, licence, sell, mortgage, use as a security, or otherwise encumber or dispose of, any intellectual property right;

(m) seek any remedy in relation to, or do anything necessary to enforce, protect, maintain, register or exploit, any intellectual property right;

(n) seek any remedy in relation to, or do anything necessary to enforce, protect, maintain or exploit any Crown copyright;

(o) engage consultants, contractors or agents;

(p) act as an agent of another person.

(3) Without limiting the generality of subsection (1), the Roads Corporation may exercise the powers conferred on the Roads Corporation by any other Act or regulations under any other Act.

(4) The generality of this section is not limited by any other provision of this Act or any other Act which confers a power on the Roads Corporation.

89 Powers in relation to non-transport system functions

Without limiting or derogating from any other powers of the Roads Corporation, the Roads Corporation has the following powers for the purposes of performing the functions specified in section 87(3)—

(a) to apply for, obtain and hold intellectual property rights (including patents, copyrights, trade marks and registered designs);
(b) to enter into agreements or arrangements for the commercial exploitation within or outside Victoria of those intellectual property rights and ancillary services on any terms or conditions as to royalties, lump sum payments or otherwise as the Roads Corporation determines;

(c) to enter into agreements or arrangements within or outside Victoria for the provision by the Roads Corporation of administration, management or information systems or services.

90 Roads Corporation may employ persons

(1) The Roads Corporation may employ any persons for the purpose of carrying out the object, functions, powers and duties of the Roads Corporation.

(2) Persons employed by the Roads Corporation are to be employed on the terms and conditions determined by the Roads Corporation and approved by the Minister.

91 Disposal of assets in exchange for lease

The Roads Corporation may, with the approval of the Minister administering Part 7 of the Financial Management Act 1994 and the Minister, dispose of any real or personal property under an arrangement by which the Roads Corporation is to take a lease of the property disposed of or of any other real or personal property.
92 Roads Corporation may use or manage Crown lands reserved under Crown Land (Reserves) Act 1978

(1) The Roads Corporation may use any Crown land for transport purposes with the approval of the Minister administering the Act relating to the management or use of the land given by the Minister in accordance with any requirements which apply under that Act.

(2) If any Crown land proposed to be so used or managed by the Roads Corporation is reserved under the Crown Land (Reserves) Act 1978 for a purpose which is inconsistent with that use or management, the Roads Corporation can not use or manage the land unless and until the reservation is revoked in accordance with section 9 of that Act.

(3) The Roads Corporation must make compensation, in respect of the use or management under this section by the Roads Corporation of any Crown land reserved under the Crown Land (Reserves) Act 1978 for a purpose inconsistent with that use, in the manner and to the extent agreed upon by the Roads Corporation and the Minister administering the Crown Land (Reserves) Act 1978.

(4) An agreement under subsection (3) may provide for—

(a) the payment by the Roads Corporation of a sum of money as agreed upon by the Roads Corporation and the Minister administering the Crown Land (Reserves) Act 1978; or

(b) the undertaking of works or the making of provision by the Roads Corporation in place of any improvements on the land as agreed upon by the Roads Corporation and the
Minister administering the **Crown Land (Reserves) Act 1978**; or  

(c) both the payment of a sum of money in accordance with paragraph (a) and the undertaking of works or the making of provision in accordance with paragraph (b).

(5) If an agreement under subsection (3) provides for the payment of a sum of money, that money must, unless the Minister administering the **Crown Land (Reserves) Act 1978** otherwise directs, be paid to that Minister.

(6) The Minister administering the **Crown Land (Reserves) Act 1978** may direct that money to be paid under an agreement under subsection (3) must be—

(a) paid to—

(i) the trustees in whom or the Council in which the land is vested; or

(ii) the committee of management appointed in respect of the land; or

(iii) the authority under whose control and management the land has been placed pursuant to section 18 of the **Crown Land (Reserves) Act 1978**; or

(iv) any other person or persons as are agreed upon by the Roads Corporation and the Minister administering the **Crown Land (Reserves) Act 1978**; and

(b) applied as directed by the Minister.

(7) If any dispute arises as to the amount of any sum of money payable under this section, that dispute is to be determined by the Governor in Council.
93 Grant of unalienated Crown land

(1) This section applies to any land vested in the Roads Corporation under this Act or the Transport Act 1983 (as in force immediately before the commencement of this section) which was immediately prior to its use or management for transport purposes unalienated land of the Crown whether set apart as a government road or not.

(2) Subject to subsection (3), the Governor in Council, on the recommendation of the Minister administering section 22A of the Land Act 1958 may grant that land to the Roads Corporation subject to any conditions, exceptions and reservations as the Governor in Council considers appropriate.

(3) This section is subject to section 8 of the Crown Land (Reserves) Act 1978 and section 349 of the Land Act 1958.

94 Surplus land

(1) The Roads Corporation may with the approval of the Minister—

(a) sell any surplus land;

(b) grant leases of any surplus land, or in the case of the Secretary, the Director of Public Transport, Victorian Rail Track or V/Line Corporation, grant a lease of any land for nominal consideration, and may do so notwithstanding that the land is land which was granted to the Roads Corporation or to any other person subject to a trust or condition requiring it to be used for some particular purpose or land temporarily or permanently reserved for any purpose under the Crown Land (Reserves) Act 1978 or any previous Act relating to Crown land;
(c) develop any surplus land and for this purpose may—

(i) subdivide and re-subdivide the land;

(ii) consolidate the title to the land;

(iii) grant or create in favour of any person any easement over the land upon the terms and conditions that the Roads Corporation considers appropriate;

(iv) effect or arrange with other persons for the development of the land upon the terms and conditions that the Roads Corporation considers appropriate;

(v) maintain, operate and manage, or arrange with other persons to maintain, operate and manage, the land and any buildings, works, structures and other property on the land;

(vi) promote a Property Trust and—

(A) with the consent of the Minister administering Part 7 of the Financial Management Act 1994, subscribe for or otherwise acquire and dispose of any unit or units in the Trust;

(B) enter into arrangements with the Trust for the management by the Roads Corporation of the Trust;

(C) enter into contracts with the Trust as the Roads Corporation considers are necessary to guarantee to unit holders in the Trust an agreed return;

(D) make loans to the Trust on the terms the Roads Corporation considers appropriate.
(2) Any Property Trust promoted under this section must provide that the trustees are to be appointed by the Minister.

(3) In this section—

*develop* means improve land for any commercial or civic or other public or private purpose, including by the construction, demolition or substantial alteration of any structure in or upon the land or the excavation of the land;

*surplus land* means land which—

(a) is vested in the Roads Corporation; and

(b) is no longer required for transport purposes.

95 **Acquisition of land or interest in land to achieve environmental sustainability**

(1) The power conferred by this section is in addition to, and does not limit, any other power conferred on the Roads Corporation.

(2) The Roads Corporation may acquire by negotiation any land or interest in any land which the Roads Corporation considers is reasonably necessary to avoid, minimise and offset harm to the local and global environment arising out of the performance of its functions or the exercise of its powers.

96 **Power to enter building**

The Roads Corporation may after giving 7 days notice in writing to the occupier of a building—

(a) enter the building at any reasonable hour in the day-time;

(b) inspect, make measurements and drawings and take photographs of the building;
(c) take any other measures the Roads Corporation considers are necessary to ascertain the construction and condition of the building.

97 Extra-territoriality

(1) The Roads Corporation may also perform its functions and exercise its powers outside Victoria.

(2) Subject to any directions given, and conditions imposed, by the Minister, the Roads Corporation may also perform its functions and exercise its powers outside Australia.

98 Directions

(1) The Roads Corporation is subject to—

(a) the general direction and control of the Minister; and

(b) any specific directions given by the Minister.

(2) If the Roads Corporation has been given a specific direction by the Minister, the Roads Corporation may publish the direction in the Government Gazette.

99 Minister to set quantitative targets

(1) The Minister must after consultation with the Roads Corporation make a written determination of the quantitative targets to be attained by the Roads Corporation in a financial year.

(2) The Minister must cause a copy of a determination of quantitative targets made by the Minister under subsection (1) to be—

(a) served on the Roads Corporation as soon as practicable after it is made;

(b) laid before both Houses of Parliament as soon as practicable after it has been served on the Roads Corporation.
(3) The Minister—

(a) may at any time amend a determination of quantitative targets made under subsection (1);

(b) must cause a copy of the amendment to be—

(i) served on the Roads Corporation as soon as practicable after it is made;

(ii) laid before both Houses of Parliament as soon as practicable after it has been served on the Roads Corporation.

(4) A reference in this Act to quantitative targets determined by the Minister under subsection (1) is to be construed as a reference to those quantitative targets as amended from time to time by the Minister under subsection (3).

(5) The Roads Corporation must so far as is practicable in each financial year attain the quantitative targets determined by the Minister under subsection (1) in relation to that financial year.

100 Treasurer or Minister to provide information

(1) The Treasurer or the Minister administering Part 7 of the Financial Management Act 1994 (or the Treasurer and that Minister acting jointly, as the case requires) must as soon as practicable after 1 May supply to the Minister information as to any guidelines, targets and parameters to be taken into account by the Roads Corporation in the preparation of its budgets for the next financial year.

(2) The Minister must provide the information received under subsection (1) to the Roads Corporation.
101 Roads Corporation to prepare budgets

(1) The Roads Corporation must submit to the Minister before the date fixed by the Minister an operating budget and a capital works budget for the relevant financial year.

(2) The budgets must be in the form and contain the matters required by the Minister after consultation with the Minister administering Part 7 of the Financial Management Act 1994.

(3) Before the Roads Corporation submits the proposed budgets to the Minister, the Roads Corporation must—

(a) liaise with the Department in preparing the budgets;

(b) submit drafts of the proposed budgets to the Department by a date agreed with the Secretary for consideration by the Department.

(4) The Minister must—

(a) consider the budgets submitted by the Roads Corporation;

(b) as soon as practicable advise the Roads Corporation as to whether the Minister approves the budgets or approves the budgets subject to any amendment required by the Minister.

(5) The Roads Corporation must operate within the budgets as approved by the Minister for the Roads Corporation for the relevant financial year.

(6) If during the course of a financial year—

(a) a change has occurred in the budgetary situation of the Roads Corporation which the Roads Corporation or the Minister considers to be a significant change; or
(b) the Minister considers that revised budgets are necessary—

the Roads Corporation must submit to the
Minister, on its own initiative or at the Minister's
direction, revised budgets for the remainder of the
year.

(7) Before the Roads Corporation submits the revised
budgets to the Minister, the Roads Corporation must—

(a) liaise with the Department in preparing the
revised budgets;

(b) submit drafts of the proposed revised
budgets to the Department by a date agreed
with the Secretary for consideration by the
Department.

(8) The Minister must—

(a) consider the revised budgets submitted under
subsection (6);

(b) as soon as practicable, advise the Roads
Corporation as to whether the Minister
approves the revised budgets or approves the
revised budgets subject to any amendment
required by the Minister.

(9) If revised budgets are approved, the Roads
Corporation must operate within the revised
budgets from the date that the revised budgets are
approved until the end of the financial year.

(10) The Roads Corporation must provide to the
Minister within the time and in the form requested
by the Minister any information which the
Minister may request relating to—

(a) the budgetary position;

(b) the finances and cash position;

(c) the workforce position;
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(d) any other factors relevant to the Roads Corporation's operations or capital works program—

for the year or for any ensuing year or years.

102 Minister to submit budgets

Before the Minister approves any budgets or revised budgets, the Minister must—

(a) submit the budgets the Minister proposes to approve for the Roads Corporation for the whole financial year to the Minister administering Part 7 of the Financial Management Act 1994 for that Minister's consideration and approval;

(b) submit to the Minister administering Part 7 of the Financial Management Act 1994 any proposed revised budgets for a portion of a financial year for that Minister's consideration and approval together with an estimate of the result of the budgets for the Roads Corporation for which a revised budget is not proposed.

103 Funding of deficit

If—

(a) the Treasurer has approved the budgets for the Roads Corporation for the whole financial year as submitted or with any amendment required by the Minister, the Minister administering Part 7 of the Financial Management Act 1994 and the Treasurer; and

(b) either or both of those budgets include a deficit—

the Treasurer, the Minister and the Minister administering Part 7 of that Act must consider how that deficit is to be funded.
104 Revised budget

If, during the course of a year, the Minister has submitted to the Treasurer and the Minister administering Part 7 of the Financial Management Act 1994 a proposed revised budget for the Roads Corporation for the remainder of the year, the Minister, the Minister administering Part 7 of that Act and the Treasurer must consider that revised budget and the method of funding any changes in deficits in the budget of the Roads Corporation.

105 Interim budgets

(1) If at the commencement of a financial year the budget for the Roads Corporation has not been approved, the Roads Corporation must operate within an interim budget agreed to by the Minister, the Minister administering Part 7 of the Financial Management Act 1994 and the Treasurer.

(2) Any deficit included in an interim budget may be funded in whole or in part by any appropriation available for the purpose.

(3) An interim budget lapses when a final budget is approved for the Roads Corporation.

106 Roads Corporation to provide budgetary information

If the Minister administering Part 7 of the Financial Management Act 1994 requests through the Minister any information relating to the budgets or budgetary or financial position of the Roads Corporation, the Roads Corporation must as soon as possible provide that information as far as is practicable.
107 General fund

(1) The general fund established under section 66 of the Transport Act 1983 (as in force immediately before the commencement of this section) is continued under this section.

(2) The Roads Corporation must maintain the general fund.

(3) The Roads Corporation, with the approval of the Minister administering Part 7 of the Financial Management Act 1994, must—

(a) open and maintain accounts with any authorised deposit-taking institution or institutions within the meaning of the Banking Act 1959 of the Commonwealth;

(b) maintain at least one of those accounts to be used for the purposes of its general fund.

(4) Subject to subsection (5), the Roads Corporation must pay into its general fund all trading revenue, interest and other money received by or paid to the Roads Corporation.

(5) Subject to subsection (6), the Roads Corporation must pay into the Works and Services Account—

(a) all money borrowed by the Roads Corporation under this Act;

(b) all money resulting from the disposal by the Roads Corporation of any real or personal property, whether or not under an arrangement by which the Roads Corporation is to enter into a lease of the property so disposed of;

(c) the proceeds of any advances or financial accommodation obtained by the Roads Corporation under section 108.
(6) Subsection (5) does not apply if—

(a) the money or proceeds are to be used for the operating or trading activity of the Roads Corporation; or

(b) the Minister administering Part 7 of the Financial Management Act 1994 otherwise approves.

(7) All payments made by the Roads Corporation must be made out of its general fund.

(8) The Roads Corporation may invest money in its general fund in any manner approved by the Minister administering Part 7 of the Financial Management Act 1994.

108 Financial accommodation

(1) The Roads Corporation may, with the approval of the Treasurer, obtain financial accommodation by way of overdraft of account at any authorised deposit-taking institution within the meaning of the Banking Act 1959 of the Commonwealth or other financial institution in Australia.

(2) The due repayment or satisfaction of any advances or financial accommodation obtained under this section and the due repayment of any interest or other charges payable in relation thereto is hereby guaranteed by the Government of Victoria.

(3) Any money required by the Minister administering Part 7 of the Financial Management Act 1994 for fulfilling any guarantee given by this section or section 76 of the Transport Act 1983 (as in force immediately before the commencement of this section) must be paid out of the Consolidated Fund which is hereby to the necessary extent appropriated accordingly.
(4) Any money received or recovered by the Minister administering Part 7 of the Financial Management Act 1994 from the Roads Corporation or otherwise in respect of any money paid by that Minister under subsection (3) must be paid into the Consolidated Fund.

109 Power of Treasurer to execute guarantee

(1) The Treasurer may execute a guarantee in favour of any person guaranteeing the due performance of any obligations of the Roads Corporation under a contract to be entered into by the Roads Corporation with that person under this Act or the Transport Act 1983 (as in force immediately before the commencement of this section).

(2) The Treasurer may execute a guarantee in favour of any person guaranteeing the due performance of any obligations of any person to whom the rights and liabilities of the Roads Corporation arising under a contract entered into by the Roads Corporation with the first-mentioned person under this Act or the Transport Act 1983 (as in force immediately before the commencement of this section) have been assigned.

(3) If the rights and liabilities of the Roads Corporation arising under a contract entered into by the Roads Corporation with a person under this Act or the Transport Act 1983 (as in force immediately before the commencement of this section) have been assigned with the approval of the Treasurer to another person, the Treasurer may amend any guarantee given by him or her under this section or section 77 of the Transport Act 1983 (as in force immediately before the commencement of this section) in respect of that contract so that it extends to guaranteeing the due performance of any obligations of that other person under that contract.
(4) Any money required by the Treasurer for fulfilling any guarantee given by the Treasurer under this section or section 77 of the *Transport Act 1983* (as in force immediately before the commencement of this section) must be paid out of the Consolidated Fund which is hereby to the necessary extent appropriated accordingly.

(5) Any money received or recovered by the Treasurer from the Roads Corporation or otherwise in respect of any money paid by the Treasurer under subsection (4) must be paid into the Consolidated Fund.

(6) If the rights and liabilities arising under a contract entered into by the Roads Corporation with a person have been assigned with the approval of the Treasurer to another person, the Treasurer may approve of the assignment to that other person of any guarantee given by the Treasurer under this section or section 77 of the *Transport Act 1983* (as in force immediately before the commencement of this section) in respect of that contract.

110 Corporate plan

(1) The requirements in this section are in addition to the requirements under section 64.

(2) The Roads Corporation must give a copy of the proposed corporate plan to the Minister on or before 31 May in each year.

(3) The proposed corporate plan must—

(a) be in a form approved by the Minister;

(b) include a statement of corporate intent in accordance with section 111;

(c) include a business plan and financial statements containing any information that the Minister requires.
(4) The Roads Corporation must consider any comments on the proposed corporate plan that are made by the Minister within 2 months after the proposed corporate plan was submitted to the Minister.

(5) The Roads Corporation must—

(a) consult in good faith with the Minister following communication to the Roads Corporation of the comments;

(b) make such changes to the plan as are agreed between the Minister and the Roads Corporation;

(c) deliver the completed corporate plan to the Minister within 2 months after the commencement of the financial year.

(6) The corporate plan, or any part of the corporate plan, must not be published or made available except for the purposes of this Part without the prior approval of the Roads Corporation and the Minister.

(7) The corporate plan may be modified at any time by the Roads Corporation with the agreement of the Minister.

(8) If the Roads Corporation, by written notice to the Minister, proposes a modification to the corporate plan, the Roads Corporation may make the modification unless the Minister, by written notice within 14 days, directs the Roads Corporation not to make the modification.

(9) The Minister may, by written notice, direct the Roads Corporation to include in, or omit from, a statement of corporate intent, a business plan or a financial statement of a specified kind, any specified matters.
(10) Before giving a direction under this section, the Minister must consult with the Roads Corporation as to the matters referred to in the notice.

(11) The Roads Corporation must comply with a direction under this section.

(12) At any particular time, the statement of corporate intent, the business plan or the financial statements for the Roads Corporation are the statements and plan last completed, with any modifications or deletions made in accordance with this Division.

111 Statement of corporate intent

The statement of corporate intent of the Roads Corporation must specify for the Roads Corporation and its subsidiaries (if any), in respect of the financial year to which it relates and each of the 2 following financial years, the following information—

(a) the business objectives of the Roads Corporation and of its subsidiaries;

(b) the main undertakings of the Roads Corporation and of its subsidiaries;

(c) the nature and scope of the activities to be undertaken by the Roads Corporation and its subsidiaries;

(d) the accounting policies to be applied in the accounts;

(e) the performance targets and other measures by which the performance of the Roads Corporation and of its subsidiaries may be judged in relation to their stated business objectives;

(f) the kind of information to be provided to the Minister by the Roads Corporation during the course of those financial years;
(g) any other matters as may be agreed on by the Minister and the Roads Corporation.

112 Corporate plan to be followed

(1) Unless subsection (2) applies, the Roads Corporation must act only in accordance with its corporate plan.

(2) The Roads Corporation must obtain the written approval of the Minister before it can act in any manner that is contrary to its corporate plan.

113 Nothing void merely because of non-compliance

Nothing done by the Roads Corporation is void or unenforceable merely because the Roads Corporation has failed to comply with section 110, 111 or 112.

114 Roads Corporation to give notice of significant events

(1) This section applies if the Roads Corporation determines that matters have arisen—

(a) that may prevent, or significantly affect, the achievement of the business objectives of the Roads Corporation and its subsidiaries (if any) under the corporate plan; or

(b) that may prevent, or significantly affect, the achievement of the targets under the plan.

(2) If this section applies, the Roads Corporation must immediately notify the Minister of its determination and the reasons for the determination.

115 Delegation by Roads Corporation

(1) The Roads Corporation by instrument may delegate to any person any power, duty or function of the Roads Corporation under any Act or regulations including, subject to subsection (3), this power of delegation.
(2) A delegation under this section may be made—
   (a) in relation to a person or class of persons specified in the instrument of delegation; or
   (b) in relation to the holder, or the holder from time to time, of an office specified, or of each office in a class of offices specified, in the instrument of delegation.

(3) A person to whom a power, duty or function has been delegated under subsection (1) may, subject to and in accordance with the instrument of delegation under subsection (1), by instrument delegate to another person that power, duty or function.

(4) Sections 42 and 42A of the Interpretation of Legislation Act 1984 apply to a sub-delegation under subsection (3) as if it were a delegation.
PART 6—TRANSPORT CORPORATIONS

Division 1—Victorian Rail Track

116 Victorian Rail Track

Victorian Rail Track established under section 8 of the Rail Corporations Act 1996 (as in force immediately before the commencement of this section) is continued under this Act.

117 Trading name

Despite anything to the contrary in the Business Names Act 1962 or any other Act or law, Victorian Rail Track may carry on business under the name "VicTrack".

118 Victorian Rail Track not to represent the Crown

Victorian Rail Track is a public entity, but does not represent the Crown.

119 Object of Victorian Rail Track

(1) The primary object of Victorian Rail Track is to act as the custodial owner of the State's transport-related land, infrastructure and assets consistent with the vision statement and the transport system objectives.

(2) Without limiting the generality of subsection (1), Victorian Rail Track must ensure that the State's transport-related land, infrastructure and assets are developed and used—

(a) primarily to support the transport system;

(b) for other purposes which support government policy;

(c) only for commercial gain if the development or use will not compromise the current or future transport system.
120 Functions of Victorian Rail Track

(1) The functions of Victorian Rail Track are—

(a) to release in a timely and cooperative manner to the Secretary or the Director of Public Transport for nominal consideration any transport-related land, infrastructure and assets required for the transport system and related matters;

(b) to act as the custodian and asset manager of the non-operational transport-related land, infrastructure and assets and any other land, infrastructure and assets identified by the Minister;

(c) to provide or enable access to the non-operational transport-related land, infrastructure and assets where this supports the transport system, including—

(i) for walking and cycling;

(ii) for tourist and heritage rail operations;

(iii) through the granting of leases for business or community purposes consistent with the object specified in section 119;

(d) to manage and support access to transport-related land, infrastructure and assets;

(e) without limiting paragraph (b), to ensure that in managing non-operational transport-related land, infrastructure and assets—

(i) graffiti, vandalism and litter are managed to reasonably improve public safety and amenity;

(ii) fuel build up is managed to reasonably reduce the likelihood of fire;
(iii) a program of land remediation is undertaken to improve the condition of land and facilitate its future use;

(f) to ensure, in collaboration with the Secretary, that transport-related land, infrastructure and assets which are registered as heritage infrastructure and assets in the Victorian Heritage Register are protected and maintained whilst ensuring that reasonable access is provided for public enjoyment and historical appreciation and that support is provided to tourist and heritage operators;

(g) if directed to do so by the Minister by Order published in the Government Gazette—

(i) operate rolling stock for transport system purposes;

(ii) operate services ancillary or incidental to operating rolling stock for transport system purposes;

(h) to provide strategic advice and assistance to the Department and other persons in relation to the environmental aspects of sustainable land management and the use of land for specific projects and initiatives related to transport;

(i) to develop its telecommunications network and telecommunications services and other information systems and project management services to support the transport system;

(j) to maintain accurate and accessible data in respect of transport-related land, infrastructure and assets;
(k) subject to section 125, to promote the sustainable development of land vested in Victorian Rail Track which is not required for the future development of the transport system;

(l) any other functions or duties conferred on Victorian Rail Track by any other Act or any regulations under any other Act.

(2) In performing the functions conferred on Victorian Rail Track, Victorian Rail Track must—

(a) engage with stakeholders so as to ensure better outcomes for all Victorians;

(b) conduct research and collect information relating to the performance of the functions and the operation of the transport system so as to enable Victorian Rail Track to meet the object of Victorian Rail Track;

(c) efficiently deal with any complaints relating to the performance of its functions.

(3) Victorian Rail Track may, with the approval or at the direction of the Minister, cease to perform all or any of its functions.

121 Compulsory acquisition of land

(1) Subject to the approval of the Minister, Victorian Rail Track may compulsorily acquire any land which is or may be required by Victorian Rail Track for or in connection with the performance of its functions or the exercise of its powers.

(2) The Land Acquisition and Compensation Act 1986 applies to this Act and for that purpose—

(a) the Transport Integration Act 2010 is the special Act;

(b) Victorian Rail Track is the Authority;
(c) *land* includes strata above or below the surface of land and easements and rights to use land or strata above or below the surface of the land;

(d) section 75 of the *Land Acquisition and Compensation Act 1986* has effect as if it empowered Victorian Rail Track to enter any land and section 75(6) did not apply.

### 122 Easements

(1) If any right to use land or any right in the nature of an easement or purporting to be an easement is acquired by Victorian Rail Track, it is deemed for all purposes to be an easement even though there is no land vested in or held by Victorian Rail Track that is in fact benefited or capable of being benefited by that right.

(2) If by or under this Act any private right of way or easement is extinguished or any easement is acquired by Victorian Rail Track—

(a) the Registrar of Titles must make any recordings in the Register that are necessary or expedient because of that extinguishment or acquisition; and

(b) the holder of any relevant certificate of title must deliver it to the Registrar of Titles.

(3) Subsection (2) does not apply to an easement acquired compulsorily by Victorian Rail Track.

### 123 Victorian Rail Track may use Crown lands reserved under Crown Land (Reserves) Act 1978

(1) Victorian Rail Track may use any Crown land for transport purposes with the approval of the Minister administering the Act relating to the management or use of the land given by the Minister in accordance with any requirements which apply under that Act.
(2) If any Crown land proposed to be so used by Victorian Rail Track is reserved under the Crown Land (Reserves) Act 1978 for a purpose which is inconsistent with that use, Victorian Rail Track can not use the land unless and until the reservation is revoked in accordance with section 9 of that Act.

(3) Victorian Rail Track must make compensation, in respect of the use under this section by Victorian Rail Track of any Crown land reserved under the Crown Land (Reserves) Act 1978 for a purpose inconsistent with that use, in the manner and to the extent agreed upon by Victorian Rail Track and the Minister administering the Crown Land (Reserves) Act 1978.

(4) An agreement under subsection (3) may provide for—

(a) the payment by Victorian Rail Track of a sum of money as agreed upon by Victorian Rail Track and the Minister administering the Crown Land (Reserves) Act 1978; or

(b) the undertaking of works or the making of provision by Victorian Rail Track in place of any improvements on the land as agreed upon by Victorian Rail Track and the Minister administering the Crown Land (Reserves) Act 1978; or

(c) both the payment of a sum of money in accordance with paragraph (a) and the undertaking of works or the making of provision in accordance with paragraph (b).

(5) If an agreement under subsection (3) provides for the payment of a sum of money, that money must, unless the Minister administering the Crown Land (Reserves) Act 1978 otherwise directs, be paid to that Minister.
(6) The Minister administering the **Crown Land (Reserves) Act 1978** may direct that money to be paid under an agreement under subsection (3) must be—

(a) paid to—

(i) the trustees in whom or the Council in which the land is vested; or

(ii) the committee of management appointed in respect of the land; or

(iii) the authority under whose control and management the land has been placed pursuant to section 18 of the **Crown Land (Reserves) Act 1978**; or

(iv) any other person or persons as are agreed upon by Victorian Rail Track and the Minister administering the **Crown Land (Reserves) Act 1978**; and

(b) applied as directed by the Minister.

(7) If any dispute arises as to the amount of any sum of money payable under this section, that dispute is to be determined by the Governor in Council.

### 124 Grant of unalienated Crown land

(1) This section applies to any land vested in Victorian Rail Track under this Act or the **Transport Act 1983** (as in force immediately before the commencement of this section) which was immediately prior to its use for transport purposes unalienated land of the Crown whether set apart as a government road or not.

(2) Subject to subsection (3), the Governor in Council, on the recommendation of the Minister administering section 22A of the **Land Act 1958** may grant that land to Victorian Rail Track subject to any conditions, exceptions and
reservations as the Governor in Council considers appropriate.

(3) This section is subject to section 8 of the Crown Land (Reserves) Act 1978 and section 349 of the Land Act 1958.

125 Land

(1) For the purpose of performing its functions, Victorian Rail Track may—

(a) with the approval of the Minister and the Treasurer, purchase land or an interest in land; or

(b) after consultation with the Secretary and with the approval of the Minister and the Treasurer, sell land or an interest in land; or

(c) dispose of land or an interest in land to the Secretary, the Director of Public Transport or the Transport Infrastructure Development Agent for nominal consideration; or

(d) accept the transfer of land or an interest in land from the Secretary, the Director of Public Transport or the Transport Infrastructure Development Agent for nominal consideration; or

(e) after consultation with the Secretary, grant a lease of any land, including land which was granted to Victorian Rail Track or to any other person subject to a trust or condition requiring it to be used for some particular purpose or land temporarily or permanently reserved for any purpose under the Crown Land (Reserves) Act 1978 or any previous Act relating to Crown land consistent with Victorian Rail Track's object so that the use will not compromise the current or future transport system; or
(f) with the approval of the Minister and the Treasurer, may develop any land and for this purpose may—

(i) subdivide and re-subdivide the land; or

(ii) consolidate the title to the land; or

(iii) grant or create in favour of any person any easement over the land on any terms and conditions that Victorian Rail Track considers appropriate; or

(iv) effect or arrange with other persons for the development of the land on any terms and conditions that Victorian Rail Track considers appropriate; or

(v) maintain, operate and manage or arrange with other persons to maintain, operate and manage the land and any buildings, works, structures and other property on the land; or

(vi) promote a Property Trust and—

(A) with the consent of the Treasurer, subscribe for or otherwise acquire and dispose of any unit or units in the Trust; or

(B) enter into arrangements with the Trust for the management by Victorian Rail Track of the Trust; or

(C) enter into any contracts with the Trust that Victorian Rail Track deems necessary to guarantee to unit holders in the Trust an agreed return; or

(D) make any loans to the Trust on any terms that Victorian Rail Track considers appropriate.
(2) Any Property Trust promoted under this section must provide that the trustees are to be appointed by the Minister.

(3) On Victorian Rail Track divesting itself, or being divested, of its interest in any land on, under or over which there was constructed a railway or tramway, any liability of Victorian Rail Track to—

(a) maintain a railway or tramway on, under or over that land; and

(b) maintain any bridge bearing a road over the whole or any part of that land or any crossing, culvert, drain or stream diversion appurtenant to that land—

absolutely ceases and determines.

(4) In this section develop means to improve land for any commercial or civic or other public or private purpose, including by the construction, demolition or substantial alteration of any structure in or on the land or the excavation of the land.

126 Powers to enter land to construct or maintain works

(1) Victorian Rail Track may enter any land and do all things necessary and convenient for constructing, maintaining, altering and using any works supporting any rail signalling system.

(2) Victorian Rail Track may exercise the powers conferred by this section on Victorian Rail Track by any person who is authorised in writing by Victorian Rail Track to do so.

(3) Victorian Rail Track must not exercise a power under this section unless—

(a) Victorian Rail Track has given 7 days notice in writing to the occupier of the land that is to be entered; or
(b) the occupier of the land consents to entry to the land; or

(c) immediate entry is necessary because of an emergency.

(4) A person who is exercising a power under this section must not enter land that is used primarily for residential purposes except between 7.30 a.m. and 6 p.m. unless the occupier consents to a different time.

(5) In exercising powers under this section, Victorian Rail Track must—

(a) cause as little harm and inconvenience as possible;
(b) stay on the land only for as long as is reasonably necessary to exercise the power;
(c) remove from the land on completing the exercise of the power, all plant, machinery, equipment, goods or temporary buildings brought onto the land for the exercise of the power, other than anything that the owner or occupier of the land agrees may be left there;
(d) leave the land as nearly as possible in the condition in which Victorian Rail Track found it;
(e) ensure that as little damage as possible is done to the land;
(f) co-operate as much as possible with the owner and any occupier of the land.

(6) If Victorian Rail Track has caused any damage to land while exercising a power under this section, Victorian Rail Track must pay compensation to the owner and any other person with an interest in the land.
(7) Compensation under subsection (6)—

(a) may, if so agreed by the person entitled to the compensation, be paid as a lump sum or by way of an annual rent; or

(b) if no agreement can be reached, must be determined in the manner provided in the Land Acquisition and Compensation Act 1986.

127 Contingency planning for exercise of certain powers

Victorian Rail Track must develop and maintain a contingency plan for the possible carrying out of rail operations by it in the event another person carrying out such operations using railways and rail infrastructure established, owned, managed or maintained by Victorian Rail Track does not want, or is unable, to do so.

Division 2—V/Line Corporation

128 V/Line Corporation

V/Line Passenger Corporation established under section 14 of the Rail Corporations Act 1996 (as in force immediately before the commencement of this section) is continued under this Act as V/Line Corporation.

129 Trading name

Despite anything to the contrary in the Business Names Act 1962 or any other act or law, V/Line Corporation may carry on business under the name "V/Line".

130 V/Line Corporation not to represent the Crown

V/Line Corporation is a public entity, but does not represent the Crown.
131 Object of V/Line Corporation

(1) The primary object of V/Line Corporation is to provide rail passenger and rail freight services consistent with the vision statement and the transport system objectives.

(2) Without limiting the generality of subsection (1), the primary object includes the following—

(a) to ensure, in collaboration with transport bodies and public entities, that its rail passenger and rail freight services operate as part of an integrated transport system which seeks to meet the needs of all transport system users;

(b) to manage its rail passenger and rail freight services in a manner which supports a sustainable Victoria by—

(i) seeking to increase the share of rail passenger and rail freight services as a proportion of all transport trips in Victoria;

(ii) while seeking to give effect to subparagraph (i), also seeking to improve the environmental performance and minimise the adverse environmental impacts of its rail passenger and rail freight services;

(c) to contribute to social wellbeing by providing accessible and reliable rail passenger services, particularly to regional, rural and remote communities;

(d) to support economic prosperity through efficient and reliable rail freight services;

(e) in collaboration with relevant bodies, to improve the safety of rail passenger and rail freight services.
132 Functions of V/Line Corporation

(1) The functions of V/Line Corporation are to—

(a) operate rail passenger services;

(b) operate services ancillary or incidental to its rail passenger services, including any other transport services;

(c) operate and maintain rail infrastructure and related infrastructure, including for communications, to support rail passenger and rail freight services;

(d) manage access to the rail network operated by V/Line Corporation;

(e) independently perform a function specified in paragraph (a), (b), (c) or (d) to meet a requirement as set by the Director of Public Transport in accordance with sections 67 and 68;

(f) develop and deliver projects, including by acquiring rolling stock, constructing rail infrastructure, roads or road-related infrastructure, or provide assistance to the Department or any other relevant body in making improvements to the transport system;

(g) provide advice to the Director of Public Transport to assist in operational policy development in relation to public transport system matters as requested by the Director of Public Transport;

(h) develop and implement effective environmental policies, strategies and management systems consistent with the strategic policy of the Department to support a sustainable transport system, including minimising any adverse environmental...
impacts from rail passenger and rail freight services;

(i) provide, or arrange for the provision and dissemination of, information to Victorians about its rail passenger and rail freight services;

(j) report on the activities of any other person carrying out a function specified in paragraph (a), (b), (c) or (d) on behalf of V/Line Corporation;

(k) perform any other functions or duties conferred on V/Line Corporation by any other Act or any regulations under any other Act.

(2) In performing the functions conferred on V/Line Corporation, V/Line Corporation must—

(a) engage with stakeholders so as to ensure better outcomes for all Victorians;

(b) conduct research and collect information relating to the performance of the functions and the operation of the transport system so as to enable the V/Line Corporation to meet the primary object of V/Line Corporation;

(c) efficiently deal with any complaints relating to the performance of its functions.

(3) V/Line Corporation may, with the approval or at the direction of the Minister, cease to perform all or any of its functions.

133 Contingency planning for exercise of certain powers

V/Line Corporation must develop and maintain a contingency plan for the possible carrying out of rail operations by it in the event another person carrying out rail operations does not want, or is unable, to do so.
Division 3—Linking Melbourne Authority

134 Establishment of Linking Melbourne Authority

(1) The Linking Melbourne Authority is established.

(2) The Linking Melbourne Authority is the successor in law of the Southern and Eastern Integrated Transport Authority established under section 6 of the Southern and Eastern Integrated Transport Authority Act 2003.

135 Linking Melbourne Authority represents the Crown

In performing its functions and exercising its powers, the Linking Melbourne Authority represents the Crown.

136 Declaration of any Road Transport-Related Project

The Minister may, with the agreement of the Premier and the Treasurer, by Order published in the Government Gazette declare any project to be a Road Transport-Related Project for the purposes of this Act.

137 Object of Linking Melbourne Authority

(1) The primary object of the Linking Melbourne Authority is to facilitate the efficient development, delivery and operation of any Road Transport-Related Project consistent with the vision statement and the transport system objectives.

(2) Without limiting the generality of subsection (1), the primary object includes the following—

(a) to ensure, in collaboration with transport bodies and public entities, that any Road Transport-Related Project supports an integrated transport system which seeks to meet the needs of all transport system users;
(b) to ensure that any Road Transport-Related Project supports a sustainable Victoria by—
   (i) providing walking and cycling infrastructure for transport;
   (ii) seeking to improve the environmental performance and minimise the adverse environmental impacts of the Road Transport-Related Project;
(c) to contribute to social wellbeing by providing access to opportunities and supporting liveable communities;
(d) to promote economic prosperity through efficient and reliable movement of persons and goods;
(e) in collaboration with relevant bodies, to improve the safety of the road system for road users and seek to reduce deaths and injuries.

138 Functions of the Linking Melbourne Authority
(1) The functions of the Linking Melbourne Authority are—

    (a) to facilitate, on behalf of the State, the scoping, development, construction, delivery and operation of any Road Transport-Related Project;
    (b) to seek and evaluate submissions from persons interested in undertaking any Road Transport-Related Project;
    (c) to negotiate with persons interested in undertaking any Road Transport-Related Project;
(d) to make recommendations in relation to contractual arrangements between the State and any other person for the development, delivery or operation of any Road Transport-Related Project;

(e) to administer and manage agreements and arrangements between the State and any other person for, or relating to, the development, delivery or operation of any Road Transport-Related Project;

(f) to facilitate and co-ordinate consultations with public entities and other bodies or persons involved in, or affected by, the development, delivery or operation of any Road Transport-Related Project;

(g) to negotiate and enter into arrangements with public entities and other bodies or persons involved in, or affected by, the development, delivery or operation of any Road Transport-Related Project;

(h) to make recommendations to the Minister in relation to facilitating any Road Transport-Related Project and co-ordinating with public entities and other bodies or persons involved in, or affected by, the development, delivery or operation of the Road Transport-Related Project;

(i) to ensure that agreements and arrangements between the State and any other person for, or relating to, the development, delivery or operation of any Road Transport-Related Project are performed in accordance with their terms;

(j) to enter into contractual arrangements with any other person for the provision of any infrastructure or services in connection with
or relating to the development, delivery or operation of any Road Transport-Related Project;

(k) to perform any other functions or duties conferred on the Linking Melbourne Authority by any other Act or any regulations under any other Act.

(2) In performing the functions conferred on the Linking Melbourne Authority, the Linking Melbourne Authority must—

(a) engage with stakeholders so as to ensure better outcomes for all Victorians;

(b) conduct research and collect information relating to the performance of the functions and the operation of the transport system so as to enable the Linking Melbourne Authority to meet the object of the Linking Melbourne Authority;

(c) efficiently deal with any complaints relating to the performance of its functions.

(3) The Linking Melbourne Authority may, with the approval or at the direction of the Minister, cease to perform all or any of its functions.

139 Power to enter into arrangements for the services of public servants

For the purpose of performing its functions, the Linking Melbourne Authority, in addition to all other powers conferred on it by or under this or any other Act may enter into arrangements for the services of persons employed under Part 3 of the Public Administration Act 2004.

140 Money of the Linking Melbourne Authority

(1) All money received by the Linking Melbourne Authority must be paid into a banking account established by the Linking Melbourne Authority.
(2) One or more banking accounts may be held in the name of the Linking Melbourne Authority.

(3) The Linking Melbourne Authority may only expend money in accordance with a budget jointly approved by the Minister and the Treasurer.

141 General fund

(1) The Linking Melbourne Authority must establish and maintain a general fund.

(2) The Linking Melbourne Authority, with the approval of the Minister administering Part 7 of the Financial Management Act 1994, must—

   (a) open and maintain accounts with any authorised deposit-taking institution or institutions within the meaning of the Banking Act 1959 of the Commonwealth;

   (b) maintain at least one of those accounts to be used for the purposes of its general fund.

(3) Subject to subsection (4), the Linking Melbourne Authority must pay into its general fund all trading revenue, interest and other money received by or paid to the Linking Melbourne Authority.

(4) Subject to subsection (5), the Linking Melbourne Authority must pay into its bank account—

   (a) all money borrowed by the Linking Melbourne Authority under this Act;

   (b) all money resulting from the disposal by the Linking Melbourne Authority of any real or personal property, whether or not under an arrangement by which the Linking Melbourne Authority is to enter into a lease of the property so disposed of;

   (c) the proceeds of any advances or financial accommodation obtained by the Linking Melbourne Authority under section 154.
(5) Subsection (4) does not apply if—

(a) the money or proceeds are to be used for the operating or trading activity of the Linking Melbourne Authority; or

(b) the Minister administering Part 7 of the Financial Management Act 1994 otherwise approves.

(6) All payments made by the Linking Melbourne Authority must be made out of its general fund.

(7) The Linking Melbourne Authority may invest money in its general fund in any manner approved by the Minister administering Part 7 of the Financial Management Act 1994.

Division 4—Provisions applying to Transport Corporations

142 Transport Corporation is a body corporate

(1) A Transport Corporation—

(a) is a body corporate with perpetual succession;

(b) has an official seal;

(c) may sue and be sued;

(d) may acquire, hold and dispose of real and personal property;

(e) may do and suffer all acts and things that a body corporate may by law do and suffer.

(2) All courts must take judicial notice of the official seal of a Transport Corporation affixed to a document and, until the contrary is proved, must presume that it was duly affixed.

(3) The official seal of a Transport Corporation must—

(a) be kept in such custody as the Transport Corporation directs;
(b) not be used except as authorised by the Transport Corporation.

143 Board of directors

(1) A Transport Corporation must have a board of directors.

(2) The board of directors of a transport corporation is to consist of not less than 3, and not more than 9, directors appointed in accordance with this Division.

(3) The board of directors of a Transport Corporation—

(a) is responsible for the management of the affairs of the Transport Corporation;

(b) may exercise the powers of the Transport Corporation.

144 Constitution of board of directors

The board of directors of a Transport Corporation consists of—

(a) a chairperson;

(b) a deputy chairperson;

(c) subject to section 143(2), any other directors as are appointed by the Governor in Council in accordance with this Division.

145 Appointment of directors

(1) The chairperson, deputy chairperson and other directors of a Transport Corporation must be appointed by the Governor in Council on the recommendation of the Minister made after consultation with the Treasurer.

(2) A director is appointed for the term not exceeding 3 years as is specified in the instrument of appointment.
(3) A director is appointed on the terms and conditions (including remuneration and allowances) that are specified in the instrument of appointment.

(4) A director is eligible to be re-appointed.

(5) The Public Administration Act 2004 (other than Part 3 of that Act) applies to a director of a Transport Corporation in respect of the office of director.

146 Acting appointments

(1) The deputy chairperson of the board of directors of a Transport Corporation must act as chairperson if—

(a) the office of chairperson is vacant; or

(b) during any period when the chairperson is absent; or

(c) the chairperson is, for any other reason, unable to attend meetings of the board of directors or otherwise unable to perform the duties of the office.

(2) While the deputy chairperson is acting as chairperson, the deputy chairperson—

(a) has and may exercise all the powers, and must perform all the functions and duties, of the chairperson;

(b) is entitled to be paid the remuneration and allowances which the chairperson would have been entitled to.

(3) The Minister after consultation with the Treasurer may appoint a director of a Transport Corporation to act as deputy chairperson—

(a) during a vacancy in the office of deputy chairperson; or
(b) during any period when the deputy chairperson is absent; or
(c) during any period when the deputy chairperson is acting as chairperson; or
(d) if the deputy chairperson is, for any other reason, unable to attend meetings of the board of directors or otherwise unable to perform the duties of the office.

(4) While a director is acting as deputy chairperson, the director—
(a) has and may exercise all the powers, and must perform all the functions and duties, of the deputy chairperson;
(b) is entitled to be paid the remuneration and allowances which the deputy chairperson would have been entitled to.

(5) The Minister after consultation with the Treasurer may appoint a person to act as a director (other than the chairperson or deputy chairperson) of a Transport Corporation—
(a) during a vacancy in the office of a director; or
(b) during any period when the director is absent; or
(c) during any period when the director is acting as deputy chairperson; or
(d) if the director is, for any other reason, unable to attend meetings of the board of directors or otherwise unable to perform the duties of the office.
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(6) While a person is acting as a director, the person—

(a) has and may exercise all the powers, and must perform all the functions and duties, of a director;

(b) is entitled to be paid the remuneration and allowances which a director would have been entitled to.

147 Chief executive officer and other employees

(1) The board of directors of a Transport Corporation, with the approval of the Minister after consultation with the Treasurer, may appoint a person as the chief executive officer of the Transport Corporation and may at any time remove or suspend a person from that office.

(2) The chief executive officer of a Transport Corporation holds office, subject to this Act, on a full-time basis and on such terms and conditions as are determined by the Minister after consultation with the Treasurer and specified in the instrument of appointment.

(3) The chief executive officer may be a director of the Transport Corporation but may not be the chairperson of the board of directors.

(4) The chief executive officer may resign from the office in writing signed by the chief executive officer and delivered to the chairperson of the board of directors.

(5) If the chief executive officer is unable, whether because of illness, suspension, absence or otherwise, to perform the duties of the office of chief executive officer, the board of directors may appoint another person to act in the place of the chief executive officer during the period of the inability.
(6) A person appointed under this section to act in the place of the chief executive officer while so acting—

(a) has all the rights and powers, and must perform all the duties, of the chief executive officer of the Transport Corporation; and

(b) is to be paid any remuneration and travelling or other allowances fixed by the board of directors from time to time, having regard to the rate of remuneration and allowances for the time being payable to the chief executive officer of the Transport Corporation.

(7) The board of directors of a Transport Corporation may employ any persons it considers are necessary for the performance of its functions.

(8) If the chief executive officer or a person employed by a Transport Corporation was immediately before his or her appointment an officer within the meaning of the State Superannuation Act 1988 or a member within the meaning of the Transport Superannuation Act 1988, he or she continues to be such an officer or member while serving with the Transport Corporation.

148 Vacancies, resignations, removal from office

(1) The office of a director of a Transport Corporation becomes vacant if the director—

(a) without the approval of the board of directors, fails to attend 3 consecutive meetings of the board of directors; or

(b) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit; or
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127 (c) is convicted of an indictable offence or an offence that, if committed in Victoria, would be an indictable offence.

(2) A director may resign by notice in writing delivered to the Minister.

(3) The Governor in Council may remove or suspend a director from office.

(4) A director must be removed from office by the Governor in Council if the director is convicted of an offence relating to his or her duties as a director.

149 Validity of acts or decisions

An act or decision of the board of directors of a Transport Corporation is not invalid only—

(a) because of a vacancy in the membership of the board of directors, including a vacancy arising from the failure to appoint a director; or

(b) because of a defect or irregularity in, or in connection with, the appointment of a director or an acting director; or

(c) in the case of an acting director, on the grounds that the occasion for the person to act had not arisen or had ceased.

150 Proceedings of board of directors

(1) Subject to subsection (2), meetings of the board of directors of a Transport Corporation must be held at the times and places determined by the board of directors.

(2) The chairperson—

(a) may at any time convene a meeting of the board of directors;
(b) must convene a meeting of the board of directors when requested by a director to do so.

(3) A majority of the directors of the board of directors for the time being constitutes a quorum of the board of directors.

(4) A question arising at a meeting of the board of directors is determined by a majority of votes.

(5) The person presiding at a meeting of the board of directors has—

(a) a deliberative vote; and

(b) in the case of an equality of votes, a second or casting vote.

(6) The board of directors must ensure that accurate minutes are kept of its meetings.

(7) The board of directors may permit directors to participate in a particular meeting, or all meetings, by telephone, closed-circuit television or other means of communication that does not require the physical presence of each director in the same place.

(8) Subject to this Act, the board of directors may regulate its own proceedings.

151 Resolutions without meetings

(1) If the directors for the time being of a Transport Corporation (other than a director who is absent from Australia when the other directors sign) sign a document containing a statement that they are in favour of a resolution in the terms set out in the document, a resolution in those terms is deemed to have been passed at a meeting of the board of directors held—

(a) on the day on which the document is signed; or
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(b) if the directors do not sign the document on the same day, on the day on which the last director to sign signs the document.

(2) If a resolution is deemed under subsection (1) to have been passed at a meeting of the board of directors, each director must be—

(a) advised as soon as practicable; and

(b) given a copy of the terms of the resolution.

(3) For the purposes of subsection (1), 2 or more separate documents containing a statement in identical terms, each of which is signed by one or more directors, are deemed to constitute one document.

152 Powers of a Transport Corporation

(1) A Transport Corporation has power to do all things that are necessary or convenient to be done for or in connection with, or as incidental to, the achievement of the object of the Transport Corporation and the performance of its functions.

(2) Without limiting the generality of subsection (1), a Transport Corporation may—

(a) enter into any agreement or contract;

(b) enter into any lease or licence;

(c) participate in the formation of a corporation, trust, partnership or other body;

(d) subscribe for or otherwise acquire, and hold and dispose of, shares in, or debentures or other securities of, a corporation;

(e) become a member of a company limited by guarantee;

(f) subscribe for or otherwise acquire, and hold and dispose of, units in a trust;
(g) acquire, and hold and dispose of, an interest in a partnership or other body;

(h) enter into partnership or into any arrangement for sharing of profits, union of interest, co-operation, joint venture, reciprocal concession or otherwise, with any person or body carrying on or engaged in, or about to carry on or engage in, any business or transaction whether within or outside Victoria relating to, or connected with, any function of the Transport Corporation;

(i) make any land or other property vested or managed by the Transport Corporation or any person employed by the Transport Corporation available for use or engagement by any other person;

(j) engage in any business, undertaking or activity incidental to the performance of its functions;

(k) engage consultants, contractors or agents;

(l) act as trustee;

(m) act as an agent of another person.

(3) Despite subsections (1) and (2), a Transport Corporation must not, without the written approval of the Minister—

(a) form, or participate in the formation of, or be a member of, or hold shares in, a company that carries out the functions of a public transport industry ombudsman; or

(b) enter into an agreement with respect to participating in a public transport industry ombudsman scheme.
(4) Without limiting the generality of subsection (1), a Transport Corporation may exercise the powers conferred on the Transport Corporation by any other Act or the regulations under any other Act.

(5) The generality of this section is not limited by any other provision of this Act or any other Act which confers a power on a Transport Corporation.

153 Certain powers not affected

(1) This Part does not affect or limit the power of the Director of Public Transport to enter into any contract, agreement, lease or licence with another person to carry out a function of a Transport Corporation.

(2) Without limiting or derogating from any other power, the Minister for and on behalf of the Crown, may be a party to any agreement providing for the sale, assignment, transfer or disposal of all or any part of the property, rights, liabilities, undertaking or business of a Transport Corporation or to any related franchise or other agreement of any kind.

154 Borrowing and investment by a Transport Corporation

A Transport Corporation has the powers conferred on it by the Borrowing and Investment Powers Act 1987.

155 Transport Corporation not to make loans to directors

(1) The powers of a Transport Corporation do not include a power, whether directly or indirectly—

(a) to make a loan to a director of the Transport Corporation, a spouse of such a director, or a relative (as defined in the Corporations Act) of such a director or spouse; or
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(b) to give a guarantee or provide security in connection with a loan made or to be made by another person to a director, spouse or relative referred to in paragraph (a).

(2) Nothing in subsection (1) prohibits a Transport Corporation entering into an agreement or arrangement with a person referred to in subsection (1) if similar agreements or arrangements are entered into by the Transport Corporation with members of the public on the same terms and conditions.

156 Extra-territoriality

A Transport Corporation may perform its functions and exercise its powers within or outside Victoria and outside Australia.

157 Indemnity

The powers of a Transport Corporation do not include a power to exempt, whether directly or indirectly, a director of a Transport Corporation from, or to indemnify (whether by paying a premium in respect of a contract of insurance or otherwise) a director of the Transport Corporation against, any liability that by law would otherwise attach to the director in respect of a wilful breach of duty or breach of trust of which the director may be guilty in relation to the Transport Corporation.

158 Determination of initial capital

(1) The Minister must determine the amount of initial capital of a Transport Corporation.

(2) In making the determination, the Minister must have regard to any relevant advice that the board of directors of the Transport Corporation has given to the Minister.

(3) The determination must be in writing.
(4) The value of the capital is—

(a) the value specified in the determination; or

(b) if the Minister and the board of directors of the Transport Corporation agree that the value so specified does not correctly represent the value, the value agreed by the Minister and the board of directors.

(5) For the purposes of this Part, the amount of initial capital determined by the Minister in respect of Victorian Rail Track and V/Line Passenger Corporation under section 33 of the Rail Corporations Act 1996 (as in force immediately before the commencement of this section) is deemed to have been determined under this section.

159 Capital

The capital of a Transport Corporation is equal to the sum of—

(a) the amount of the Transport Corporation's initial capital under this Act in accordance with section 158(1); and

(b) any part of the Transport Corporation's liabilities that is converted into capital at the direction of the Minister; and

(c) any amounts paid to the Transport Corporation out of money appropriated by the Parliament for the purpose of providing capital; and

(d) any part of the Transport Corporation's reserves that is converted into capital at the direction of the Minister after consultation with the board of directors of the Transport Corporation—

less any amount of capital repaid under section 160.
160 Repayment of capital

(1) The capital of a Transport Corporation is repayable to the State at the times, and in the amounts, as the Minister directs in writing after consultation with the board of directors of the Transport Corporation.

(2) The Minister must have regard to any advice that the board of directors of the Transport Corporation has given to the Minister in relation to the Transport Corporation's affairs before giving a direction under subsection (1).

161 Dividends

A Transport Corporation must pay to the State the amounts, at the times and in the manner, as are determined by the Treasurer after consultation with the board of directors of the Transport Corporation and the Minister.

162 Reports to Minister or Treasurer

The Minister or the Treasurer may, in writing, require the board of directors of a Transport Corporation to give the Minister or the Treasurer any information that the Minister or the Treasurer requires.

163 Directions

(1) A Transport Corporation must exercise its powers and discharge its duties subject to—

(a) the general direction and control of the Minister; and

(b) any specific directions given by the Minister with the approval of the Treasurer.

(2) Any specific directions given under subsection (1)(b) may be published in the Government Gazette.
164 Annual report

A Transport Corporation, in its annual report for a financial year under Part 7 of the Financial Management Act 1994, must include—

(a) a copy of each direction given to it during that year under section 163(1)(b) together with a statement of its response to that direction; and

(b) a copy of the statement of corporate intent last completed.

165 Corporate plan

(1) The requirements in this section are in addition to the requirements under section 64.

(2) The board of directors of a Transport Corporation must give a copy of the proposed corporate plan to the Minister on or before 31 May in each year.

(3) The proposed corporate plan must—

(a) be in a form approved by the Minister;

(b) include a statement of corporate intent in accordance with section 166;

(c) include a business plan and financial statements containing any information that the Minister requires.

(4) The board of directors of a Transport Corporation must consider any comments on the proposed corporate plan that are made to the board of directors by the Minister within 2 months after the proposed corporate plan was submitted to the Minister.
(5) The board of directors of a Transport Corporation must—

(a) consult in good faith with the Minister following communication to the board of directors of the comments;

(b) make such changes to the plan as are agreed between the Minister and the board of directors;

(c) deliver the completed corporate plan to the Minister within 2 months after the commencement of the financial year.

(6) The corporate plan, or any part of the corporate plan, must not be published or made available except for the purposes of this Part without the prior approval of the board of directors of the Transport Corporation and the Minister.

(7) The corporate plan may be modified at any time by the board of directors of the Transport Corporation with the agreement of the Minister.

(8) If the board of directors of a Transport Corporation, by written notice to the Minister, proposes a modification to the corporate plan, the board of directors may make the modification unless the Minister, by written notice within 14 days, directs the board of directors not to make the modification.

(9) The Minister may, by written notice, direct the board of directors of a Transport Corporation to include in, or omit from, a statement of corporate intent, a business plan or a financial statement of a specified kind, any specified matters.

(10) Before giving a direction under this section, the Minister must consult with the board of directors of the Transport Corporation as to the matters referred to in the notice.
(11) The board of directors of the Transport Corporation must comply with a direction under this section.

(12) At any particular time, the statement of corporate intent, the business plan or the financial statements for a Transport Corporation are the statements and plan last completed, with any modifications or deletions made in accordance with this Division.

166 Statement of corporate intent

The statement of corporate intent of a Transport Corporation must specify for the Transport Corporation and its subsidiaries (if any), in respect of the financial year to which it relates and each of the 2 following financial years, the following information—

(a) the business objectives of the Transport Corporation and of its subsidiaries;

(b) the main undertakings of the Transport Corporation and of its subsidiaries;

(c) the nature and scope of the activities to be undertaken by the Transport Corporation and its subsidiaries;

(d) the accounting policies to be applied in the accounts;

(e) the performance targets and other measures by which the performance of the Transport Corporation and of its subsidiaries may be judged in relation to their stated business objectives;

(f) the kind of information to be provided to the Minister by the Transport Corporation during the course of those financial years;
(g) any other matters as may be agreed on by the Minister and the board of directors of the Transport Corporation.

167 Corporate plan to be followed

(1) Unless subsection (2) applies, a Transport Corporation must act only in accordance with its corporate plan.

(2) A Transport Corporation must obtain the written approval of the Minister before it can act in any manner that is contrary to its corporate plan.

168 Nothing void merely because of non-compliance

Nothing done by a Transport Corporation is void or unenforceable merely because the Transport Corporation has failed to comply with section 165, 166 or 167.

169 Board of directors to give notice of significant events

(1) This section applies if the board of directors of a Transport Corporation determines that matters have arisen—

(a) that may prevent, or significantly affect, the achievement of the business objectives of the Transport Corporation and its subsidiaries (if any) under the corporate plan; or

(b) that may prevent, or significantly affect, the achievement of the targets under the plan.

(2) If this section applies, the board of directors of the Transport Corporation must immediately notify the Minister of its determination and the reasons for the determination.
170 Delegation by a Transport Corporation

(1) A Transport Corporation by instrument may delegate to any person any power, duty or function of the Transport Corporation under any Act or regulations including, subject to subsection (3), this power of delegation.

(2) A delegation under this section may be made—
   (a) in relation to a person or class of persons specified in the instrument of delegation; or
   (b) in relation to the holder, or the holder from time to time, of an office specified, or of each office in a class of offices specified, in the instrument of delegation.

(3) A person to whom a power, duty or function has been delegated under subsection (1) may, subject to and in accordance with the instrument of delegation under subsection (1), by instrument delegate to another person that power, duty or function.

(4) Sections 42 and 42A of the Interpretation of Legislation Act 1984 apply to a sub-delegation under subsection (3) as if it were a delegation.
PART 7—TRANSPORT SAFETY AGENCIES

Division 1—Director, Transport Safety

171 Director, Transport Safety

(1) There is to be a Director, Transport Safety.

(2) The person who is the Director, Public Transport Safety immediately before the commencement of this section under section 9K of the Transport Act 1983 (as in force immediately before the commencement of this section) is, subject to this Act, the Director, Transport Safety.

(3) The Director, Transport Safety is the successor in law of the Director, Public Transport Safety and the Director of Marine Safety.

172 Object of Director, Transport Safety

(1) The primary object of the Director, Transport Safety is to independently seek the highest transport safety standards that are reasonably practicable consistent with the vision statement and the transport system objectives.

(2) Without limiting the generality of subsection (1), the primary object includes the specific objects or purposes specified in—

(a) section 1(c) of the Marine Act 1988;

(b) section 1 of the Public Transport Competition Act 1995;

(c) section 11 of the Rail Safety Act 2006.
173 Functions of Director, Transport Safety

(1) The functions of the Director, Transport Safety are to—

(a) perform any functions or duties conferred on the Director, Transport Safety by—

(i) the Marine Act 1988, the Public Transport Competition Act 1995, the Rail Safety Act 2006, the Transport (Compliance and Miscellaneous) Act 1983 or any other Act;

(ii) regulations made under the Marine Act 1988, the Public Transport Competition Act 1995, the Rail Safety Act 2006, the Transport (Compliance and Miscellaneous) Act 1983 or any other Act;

(b) make recommendations to the Minister with respect to—

(i) the operation, administration and enforcement of Divisions 4B, 6 and 7 of Part VII of the Transport (Compliance and Miscellaneous) Act 1983 and regulations made under that Act for the purposes of those Divisions;

(ii) the operation, administration and enforcement of the Rail Safety Act 2006 and regulations made under that Act;

(iii) regulations made under the Rail Safety Act 2006 or under the Transport (Compliance and Miscellaneous) Act 1983 for the purposes of Divisions 4B, 6 and 7 of Part VII of the Transport (Compliance and Miscellaneous) Act 1983;
(iv) codes of practice that the Minister proposes to approve under Part 8 of the Rail Safety Act 2006 or Part 2 of the Public Transport Competition Act 1995;

(v) the operation, administration and enforcement of the Marine Act 1988 and regulations made under that Act;

(vi) the operation and administration of marine pollution legislation including the Pollution of Waters by Oil and Noxious Substances Act 1986;

(c) advise and make recommendations to the Minister in respect of matters relating to transport safety in the State and related matters;

(d) investigate and report on transport safety matters;

(e) prepare—

(i) codes of practice, including codes of practice for approval by the Minister under Part 2 of the Public Transport Competition Act 1995 or Part 8 of the Rail Safety Act 2006; and

(ii) guidelines—

to provide practical guidance to accredited rail operators and any other person who may be placed under an obligation or duty by or under a corresponding safety law;

(f) provide guidance and information on marine safety matters;
(g) promote education and training by—

(i) devising, in co-operation with educational and other bodies, courses in transport safety; and

(ii) approving courses in transport safety (whether or not devised in co-operation with another body); and

(iii) facilitating access to those courses; and

(iv) initiating or promoting events such as conferences and forums, and the publication of information, relating to transport safety;

(h) conduct any education or training activity, and approve persons to provide education and training, relevant to the functions of the Director, Transport Safety;

(i) collect information and data about, and commission and sponsor research into, transport safety matters;

(j) promote awareness in the transport industry (including rail safety workers) and among the public about transport safety initiatives;

(k) develop policy in relation to the administration of transport safety regulation.

(2) The functions of the Director, Transport Safety do not include the function of developing policy for—

(a) transport safety regulation and related matters; and

(b) the development of legislation relating to transport safety regulation and related matters.
(3) However, the Director, Transport Safety may advise or comment on the development of policy referred to in subsection (2).

174 Power to investigate

The Director, Transport Safety has the power to investigate any transport safety matter.

175 Director, Transport Safety to conduct cost-benefit analysis of and consult about mandatory transport safety decisions

(1) This section applies to a mandatory transport safety decision that may result in significant costs or expenses being incurred by a person whose interests are affected by the decision.

(2) The Director, Transport Safety must—

(a) conduct or cause to be conducted a cost-benefit analysis of a mandatory transport safety decision; and

(b) consult with—

(i) the Premier, the Treasurer and any other Minister whose area of responsibility may be affected by a mandatory transport safety decision; and

(ii) the person whose interests are affected by a mandatory transport safety decision.

(3) The cost-benefit analysis and consultation must be conducted—

(a) in accordance with guidelines prepared under section 176; and

(b) before a mandatory transport safety decision is made unless the Director, Transport Safety considers that the mandatory transport safety
decision must be made immediately to protect public safety.

(4) If a mandatory transport safety decision is made immediately to protect public safety, the cost-benefit analysis and consultation must be conducted as soon as practicable after the decision is made.

176 Guidelines

(1) The Minister may prepare guidelines for the purposes of cost-benefit analysis and consultation conducted under section 175.

(2) Before preparing guidelines under this section the Minister must consult with the Premier and the Treasurer.

(3) Guidelines prepared under this section—

(a) may include guidelines about the methodology to be applied in an analysis conducted under section 175;

(b) may require the Director, Transport Safety to obtain an independent assessment about the methodology to be applied in a cost-benefit analysis conducted under section 175;

(c) must include guidelines about the procedure for consultation under section 175.

177 Information disclosure by Director, Transport Safety

(1) If the Director, Transport Safety considers it necessary for the safe operation of rail, bus and marine transport, the Director, Transport Safety may disclose information obtained or collected by the Director, Transport Safety in the performance or exercise of his or her functions or powers under this or any other Act to any other person.
(2) If the Director, Transport Safety considers it necessary for the safe operation of rail, bus or marine transport, the Director, Transport Safety may publish any information, including a report arising out of—

(a) an investigation by him or her of a transport safety matter; or

(b) an inquiry under section 59 of the Rail Safety Act 2006.

(3) A publication under subsection (2) must not identify a person by name.

178 Delegation by the Director, Transport Safety

(1) The Director, Transport Safety by instrument may delegate any power, duty or function of the Director, Transport Safety under this Act, the Marine Act 1988, the Rail Safety Act 2006, the Public Transport Competition Act 1995, the Transport (Compliance and Miscellaneous) Act 1983 or under any other Act or the regulations under any Act, including, subject to subsection (3) this power of delegation, to—

(a) a transport safety officer; or

(b) any employee employed under Part 3 of the Public Administration Act 2004 to enable the Director, Transport Safety to carry out his or her functions; or

(c) any officer or employee of a port management body, a local port manager or a waterway manager under the Marine Act 1988; or

(d) a consultant, contractor or agent engaged by him or her.
(2) A delegation under this section may be made—
   (a) in relation to a person or class of persons specified in the instrument of delegation; or
   (b) in relation to the holder, or the holder from time to time, of an office specified, or of each office in a class of offices specified, in the instrument of delegation.

(3) A person to whom a power, duty or function has been delegated under subsection (1) may, subject to and in accordance with the instrument of delegation under subsection (1), by instrument delegate to another person that power, duty or function.

(4) Sections 42 and 42A of the Interpretation of Legislation Act 1984 apply to a sub-delegation under subsection (3) as if it were a delegation.

Division 2—Chief Investigator, Transport Safety

179 Chief Investigator, Transport Safety

(1) There is to be a Chief Investigator, Transport Safety.

(2) The person who is the Chief Investigator, Transport and Marine Safety Investigations immediately before the commencement of this section under section 83 of the Transport Act 1983 (as in force immediately before the commencement of this section) is, subject to this Act, the Chief Investigator, Transport Safety.

(3) The Chief Investigator, Transport Safety is the successor in law of the Chief Investigator, Transport and Marine Safety Investigations.
180 **Object of the Chief Investigator, Transport Safety**

The object of the Chief Investigator, Transport Safety is to seek to improve transport safety by providing for the independent no-blame investigation of transport safety matters consistent with the vision statement and the transport system objectives.

181 **Functions of the Chief Investigator, Transport Safety**

(1) The principal function of the Chief Investigator, Transport Safety is to—

(a) investigate transport safety matters; and

(b) report the results of any investigations conducted by the Chief Investigator, Transport Safety to the Minister.

(2) In investigating an incident, the Chief Investigator, Transport Safety is to primarily focus on—

(a) determining what factors caused the incident, rather than to apportion blame for the incident; and

(b) identifying issues that may require review, monitoring or further consideration.

(3) The functions of the Chief Investigator, Transport Safety are to—

(a) perform any functions or duties conferred on the Chief Investigator, Transport Safety by—

(i) the *Marine Act 1988*, the *Transport (Compliance and Miscellaneous) Act 1983* or any other Act;

(ii) regulations made under the *Marine Act 1988*, the *Transport (Compliance and Miscellaneous) Act 1983* or any other Act;
(b) liaise with international, Commonwealth and State bodies and agencies that have similar functions to those of the Chief Investigator, Transport Safety;

(c) administer any voluntary reporting system that is set up under section 85F of the **Transport (Compliance and Miscellaneous) Act 1983**;

(d) to improve the quality and professionalism of investigations by educating those who are involved in the operation or use of rail, bus and marine transport.

**182 Power to investigate**

The Chief Investigator, Transport Safety has the power to investigate any transport safety matter.

**183 Delegation by the Chief Investigator, Transport Safety**

(1) The Chief Investigator, Transport Safety by instrument may delegate any power, duty or function of the Chief Investigator, Transport Safety under this Act, the **Marine Act 1988**, the **Transport (Compliance and Miscellaneous) Act 1983** or any other Act or the regulations under any Act including, subject to subsection (3), this power of delegation, to—

(a) any employee employed under Part 3 of the **Public Administration Act 2004** to enable the Chief Investigator, Transport Safety to carry out his or her functions; or

(b) a consultant, contractor or agent engaged by him or her.
(2) A delegation under this section may be made—
   (a) in relation to a person or class of persons specified in the instrument of delegation; or
   (b) in relation to the holder, or the holder from time to time, of an office specified, or of each office in a class of offices specified, in the instrument of delegation.

(3) A person to whom a power, duty or function has been delegated under subsection (1) may, subject to and in accordance with the instrument of delegation under subsection (1), by instrument delegate to another person that power, duty or function.

(4) Sections 42 and 42A of the Interpretation of Legislation Act 1984 apply to a sub-delegation under subsection (3) as if it were a delegation.

Division 3—Provisions applying to transport safety appointees

184 Appointment

(1) A transport safety appointee is to be appointed by the Governor in Council for a period of up to 5 years.

(2) A transport safety appointee is to hold office on the terms and conditions (including remuneration and allowances) set out in the instrument by which he or she was appointed.

(3) A person who holds the office of transport safety appointee may be re-appointed.

(4) The Governor in Council may only appoint a person to an office of transport safety appointee if, in the opinion of the Governor in Council, the person has at least 2 of the following attributes—
(a) experience relevant to the particular appointment;
(b) appropriate tertiary qualifications;
(c) experience in the management of public transport or marine safety systems for a period of at least 10 years;
(d) experience in the marine, road or rail transport (freight and passenger) sectors;
(e) senior level experience in the transport or legal sector.

(5) The Public Administration Act 2004 (other than Part 3 of that Act) applies to a transport safety appointee in respect of the office of the transport safety appointee.

185 Acting appointment

(1) The Governor in Council may appoint a person to act in the office of a transport safety appointee—

(a) during a vacancy in that office; or
(b) during a period or all periods when the person holding that office is absent from duty or is, for any reason, unable to perform the duties of the office.

(2) An appointment under subsection (1) is for the period, not exceeding 6 months, which is specified in the instrument of appointment.

(3) The Governor in Council may at any time remove the person acting in the office of a transport safety appointee from office.

(4) While a person is acting in the office of the transport safety appointee in accordance with this section, the person—
(a) has, and may exercise, all the powers and must perform all the duties of that office under this Act or any other Act; and

(b) is entitled to be paid the remuneration and allowances that the transport safety appointee would have been entitled to for performing those duties.

186 When a transport safety appointee ceases to hold office

A person ceases to be a transport safety appointee—

(a) at the expiry of his or her term of office; or

(b) if he or she resigns in accordance with section 187; or

(c) if he or she ceases to hold office under section 188; or

(d) if he or she becomes an insolvent under administration; or

(e) if he or she is convicted of an indictable offence or of an offence which, if committed in Victoria, would be an indictable offence; or

(f) if he or she nominates for election as a member of the Parliament of any jurisdiction.

187 Resignation

A transport safety appointee may resign from office by notice in writing signed by him or her and delivered to the Minister.

188 Suspension and removal from office

(1) The Governor in Council may suspend a person from office as a transport safety appointee on the recommendation of the Minister.
(2) The Minister may make the recommendation if the Minister is of the opinion that the person—
   (a) is incapable of performing his or her functions or duties; or
   (b) has refused or neglected to perform his or her functions or duties; or
   (c) has engaged in misconduct; or
   (d) is otherwise unfit to continue to be a transport safety appointee.

(3) Before making such a recommendation in relation to a person, the Minister must—
   (a) give the person written notice that the Minister is considering making the recommendation, together with details of the reasons why the recommendation is being considered; and
   (b) consider any submissions made to the Minister by, or on behalf of, the person in response to the notice.

(4) If the Governor in Council suspends a person as a transport safety appointee, the Minister must, on or before the 3rd sitting day of each House of Parliament after that suspension, ensure that a statement of the grounds for the making of the recommendation that the person be suspended is laid before the House.

(5) A person ceases to hold office as a transport safety appointee if each House of Parliament declares by resolution, passed within 7 sitting days of the House after the laying before it of the statement that he or she should cease to hold office.
(6) The suspension of a person as a transport safety appointee ceases—

(a) if a resolution that he or she should cease to hold office is defeated before either House of Parliament; or

(b) if such a resolution is not passed by each House of Parliament within 7 sitting days of the House after the laying before it of the statement.

(7) If a person is suspended from office under this section, he or she remains entitled to his or her remuneration and allowances as a transport safety appointee during the period of suspension.

189 Validity of acts and decisions

An act or decision of a transport safety appointee or acting transport safety appointee is not invalid only—

(a) because of a defect or irregularity in, or in connection with, the appointment of the transport safety appointee or acting transport safety appointee; or

(b) in the case of an acting transport safety appointee, on the grounds that the occasion for so acting had not arisen or had ceased.

190 Immunity

(1) A transport safety appointee or an acting transport safety appointee is not personally liable for anything done or omitted to be done in good faith—

(a) in the exercise of a power or the performance of a function or duty under this Act or under any other Act or regulations under this Act or any other Act; or
(b) in the reasonable belief that the act or omission was in the exercise of a power or the performance of a function or duty under this Act or under any other Act or regulations under this Act or any other Act.

(2) Any liability resulting from an act or omission that would, but for subsection (1), attach to the transport safety appointee or acting transport safety appointee attaches instead to the Crown.

191 Ministerial direction to investigate public transport safety matter or marine safety matter

(1) The Minister may direct the relevant transport safety appointee to investigate a public transport safety matter or a marine safety matter.

(2) The Minister must not give a direction under this section—

(a) that directs the transport safety appointee as to how to conduct an investigation into a public transport safety matter or a marine safety matter; or

(b) that directs the transport safety appointee as to which persons the transport safety appointee may request or direct to assist him or her in investigating a public transport safety matter or a marine safety matter; or

(c) about the outcome of any investigation into a public transport safety matter or a marine safety matter; or

(d) that directs the transport safety appointee to stop investigating any public transport safety matter or marine safety matter.
(3) A direction under this section—
   
   (a) must be published in the Government Gazette; and

   (b) takes effect on it being published in the Government Gazette.

(4) The Minister must cause to be laid before each House of Parliament a copy of a direction under this section on or before the 3rd sitting day of the House after the direction is published in the Government Gazette.

(5) The relevant transport safety appointee must comply with a direction given under this section.

192 Employment of persons

There may be employed under Part 3 of the Public Administration Act 2004 any persons that are necessary to enable a transport safety appointee to carry out his or her functions.

193 Powers of transport safety appointee

(1) A transport safety appointee has power, on behalf of the Crown, to do all things that are necessary or convenient to be done for or in connection with, or as incidental to, the achievement of the object of the transport safety appointee and the performance of his or her functions.

(2) Subject to the approval of the Minister, a transport safety appointee may on behalf of the Crown—

   (a) acquire, hold or dispose of real or personal property;

   (b) enter into any agreement or contract;

   (c) enter into any lease or licence;

   (d) participate in the formation of a corporation, trust, partnership or other body;
(e) subscribe for or otherwise acquire, and hold and dispose of, shares in or debentures or other securities of, a corporation;

(f) become a member of a company limited by guarantee;

(g) subscribe for or otherwise acquire, and hold and dispose of, units in a trust;

(h) acquire, and hold and dispose of, an interest in a partnership or other body;

(i) enter into partnership or into any arrangement for sharing of profits, union of interest, co-operation, joint venture, reciprocal concession or otherwise, with any person or body carrying on or engaged in, or about to carry on or engage in, any business or transaction whether within or outside Victoria relating to, or connected with, any function of the transport safety appointee;

(j) assign, grant, lease, licence, sell, mortgage, use as a security, or otherwise encumber or dispose of, any intellectual property right;

(k) engage in any business, undertaking or activity incidental to the performance of its functions;

(l) engage consultants, contractors or agents;

(m) act as trustee;

(n) act as an agent of another person.

(3) Without limiting the generality of subsection (1), a transport safety appointee may exercise the powers conferred on the transport safety appointee by any other Act or the regulations under any other Act.
(4) The generality of this section is not limited by any other provision of this Act or any other Act which confers a power on a transport safety appointee.

194 Independence of transport safety appointee

Subject to sections 191 and 193(2), a transport safety appointee, when performing or exercising his or her functions or powers, is independent and is not subject to the direction and control of the Minister.

195 Extra-territoriality

A transport safety appointee may perform or exercise his or her functions or powers within or outside Victoria.

196 Memoranda of understanding

(1) A transport safety appointee may enter into a memorandum of understanding with another transport safety appointee, or any other person or body that is permitted by the regulations, about the performance or exercise of their respective functions or powers.

(2) A memorandum of understanding—

(a) must include any matters required by the regulations;

(b) may include any other matters that the parties to the memorandum consider appropriate.

(3) A transport safety appointee must ensure that a memorandum of understanding that he or she enters into is published—

(a) in the Government Gazette; and

(b) on the Internet.
197  Power to give advice on compliance

(1) A transport safety appointee may give advice to a person who has a duty or obligation under a corresponding safety law about complying with that duty or obligation.

(2) The giving of advice by a transport safety appointee under subsection (1) does not give rise to—

(a) any liability of, or other claim against, the transport safety appointee; or

(b) any right, expectation, duty or obligation that would not otherwise be conferred or imposed on the person given the advice; or

(c) any defence that would not otherwise be available to that person.

(3) A transport safety appointee's power under this section to give advice may also be exercised by a delegate of the transport safety appointee who has been authorised to do so.
PART 8—GENERAL

Division 1—Regulations

198 Regulations

(1) The Governor in Council may make regulations for or with respect to any matter or thing required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to this Act.

(2) The regulations—

(a) may be of general or specially limited application;

(b) may differ according to differences in time, place or circumstance;

(c) may leave any matter or thing to be from time to time determined, applied, dispensed with or regulated by a specified person or class of persons;

(d) may provide in a specified case or class of case for the exemption of persons or things or a class of persons or things from any of the provisions of the regulations, whether unconditionally or on specified conditions and either wholly or to the extent specified;

(e) may confer powers or impose duties in connection with the regulations on any specified person or specified class of persons;

(f) may apply, adopt or incorporate with or without modification, any matter contained in any document, code, standard, rule, specification or method formulated, issued, prescribed or published by any person—
(i) wholly or partially or as amended by the regulations; or

(ii) as formulated, issued, prescribed or published at the time the regulations are made or at any time before then; or

(iii) as formulated, issued, prescribed or published from time to time;

(g) may impose a penalty not exceeding 20 penalty units for a contravention of the regulations.

Division 2—Miscellaneous

199 Transport Act 1983

(1) In section 1(1) of the Transport Act 1983 for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983".

(2) On and after the commencement of this section, any reference in any Act (other than this Act), regulation, subordinate instrument or other document whatsoever to the Transport Act 1983 is to be construed as a reference to the Transport (Compliance and Miscellaneous) Act 1983, unless the contrary intention appears.

(3) The Transport Act 1983 is amended as set out in Schedule 3.

(4) Except as in this Act expressly or by necessary implication provided, all persons, things and circumstances appointed or created by or under the Transport Act 1983 or existing or continuing under that Act immediately before the commencement of this section continue under and subject to this Act to have the same status, operation and effect as they respectively would have had if that Act had not been amended by this Act.
(5) Nothing in this section limits or otherwise affects the operation of the Interpretation of Legislation Act 1984.

200 Rail Corporations Act 1996

(1) In the title to the Rail Corporations Act 1996 for "Rail Corporations Act 1996" substitute "Rail Management Act 1996".

(2) On and after the commencement of this section, any reference in any Act (other than this Act), regulation, subordinate instrument or other document whatsoever to the Rail Corporations Act 1996 is to be construed as a reference to the Rail Management Act 1996, unless the contrary intention appears.


(4) Except as in this Act expressly or by necessary implication provided, all persons, things and circumstances appointed or created by or under the Rail Corporations Act 1996 or existing or continuing under that Act immediately before the commencement of this section continue under and subject to this Act to have the same status, operation and effect as they respectively would have had if that Act had not been amended by this Act.

(5) Nothing in this section limits or otherwise affects the operation of the Interpretation of Legislation Act 1984.

201 Marine Act 1988

(1) The Marine Act 1988 is amended as set out in Schedule 5.

(2) Except as in this Act expressly or by necessary implication provided, all persons, things and circumstances appointed or created by or under
the Marine Act 1988 or existing or continuing under that Act immediately before the commencement of this section continue under and subject to this Act to have the same status, operation and effect as they respectively would have had if that Act had not been amended by this Act.

(3) Nothing in this section limits or otherwise affects the operation of the Interpretation of Legislation Act 1984.

202 Repeal of Southern and Eastern Integrated Transport Authority Act 2003

(1) The Southern and Eastern Integrated Transport Authority Act 2003 is repealed.

(2) Except as in this Act expressly or by necessary implication provided, all persons, things and circumstances appointed or created by or under the Southern and Eastern Integrated Transport Authority Act 2003 or existing or continuing under that Act immediately before the commencement of this section continue under and subject to this Act to have the same status, operation and effect as they respectively would have had if that Act had not been repealed by this Act.

(3) In Schedule 1 to the Borrowing and Investment Powers Act 1987 item 12A is repealed.

(4) Nothing in this section limits or otherwise affects the operation of the Interpretation of Legislation Act 1984.
203 Consequential amendments to other Acts

(1) An Act specified in the heading to an item in Schedule 6 is amended as set out in that item.

(2) Except as in this Act expressly or by necessary implication provided, all persons, things and circumstances appointed or created by or under an Act specified in the heading to an item in Schedule 6 or existing or continuing under that Act immediately before the commencement of this section continue under and subject to this Act to have the same status, operation and effect as they respectively would have had if that Act had not been amended by this Act.

(3) Nothing in this section limits or otherwise affects the operation of the Interpretation of Legislation Act 1984.

204 Amendment relating to the Transport Infrastructure Development Agent

(1) In Schedule 1 to the Borrowing and Investment Powers Act 1987, after item 18 insert—

"19. Transport Infrastructure Development Agent 5, 8, 10, 11, 11AA, 11AB, 13, 14, 14A, 15, 20, 20A and 21".

(2) After section 5(4B) of the Land Acquisition and Compensation Act 1986 insert—

"(4AA) Subsection (1) does not apply to any land specified in an application order under the Project Development and Construction Management Act 1994 where the Transport Infrastructure Development Agent established under section 40 of the Transport Integration Act 2010 is the facilitating agency.".
205 Transitional regulations

(1) The Governor in Council may make regulations containing provisions of a savings or transitional nature consequent on the enactment of this Act.

(2) A provision mentioned in subsection (1) may be retrospective in operation to the commencement of section 198.

(3) Regulations made under this section have effect despite anything to the contrary in any Act (other than this Act or the Charter of Human Rights and Responsibilities) or in any subordinate instrument.

(4) This section expires on 1 July 2012.

206 Repeal of amending provisions

Section 204, this section and Schedules 1 to 6 are repealed on 1 July 2012.

Note

The repeal of these provisions does not affect the continuing operation of the amendments made by those provisions (see section 15(1) of the Interpretation of Legislation Act 1984).
SCHEDULES

SCHEDULE 1

AMENDMENTS TO TRANSPORT LEGISLATION

1 Accident Towing Services Act 2007
   After section 4 insert—
   "4A Transport Integration Act 2010
      This Act is transport legislation within the meaning of the Transport Integration Act 2010.".

2 Border Railways Act 1922
   After section 4 insert—
   "4A Transport Integration Act 2010
      This Act is transport legislation within the meaning of the Transport Integration Act 2010.".

3 Business Franchise (Petroleum Products) Act 1979
   After section 2 insert—
   "2A Transport Integration Act 2010
      This Act is transport legislation within the meaning of the Transport Integration Act 2010.".

4 Bus Safety Act 2009
   After section 3 insert—
   "3A Transport Integration Act 2010
      This Act is transport legislation within the meaning of the Transport Integration Act 2010.".
5 Eastlink Project Act 2004
   After section 3 insert—
   "3A Transport Integration Act 2010
   This Act is transport legislation within the meaning of the Transport Integration Act 2010.".

6 Marine Act 1988
   After section 3 insert—
   "3A Transport Integration Act 2010
   This Act is transport legislation within the meaning of the Transport Integration Act 2010.".

7 Melbourne City Link Act 1995
   After section 4 insert—
   "5 Transport Integration Act 2010
   This Act is transport legislation within the meaning of the Transport Integration Act 2010.".

8 National Rail Corporation (Victoria) Act 1991
   After section 3 insert—
   "3A Transport Integration Act 2010
   This Act is transport legislation within the meaning of the Transport Integration Act 2010.".

9 Pollution of Waters by Oil and Noxious Substances Act 1986
   After section 3 insert—
   "3A Transport Integration Act 2010
   This Act is transport legislation within the meaning of the Transport Integration Act 2010.".
10 Port Services Act 1995

After section 3 insert—

"3A Transport Integration Act 2010

This Act is transport legislation within the meaning of the *Transport Integration Act 2010.*"

11 Public Transport Competition Act 1995

After section 3B insert—

"3C Transport Integration Act 2010

This Act is transport legislation within the meaning of the *Transport Integration Act 2010.*"

12 Rail Corporations Act 1996

After section 3 insert—

"3A Transport Integration Act 2010

This Act is transport legislation within the meaning of the *Transport Integration Act 2010.*"

13 Rail Safety Act 2006

After section 3 insert—

"3A Transport Integration Act 2010

This Act is transport legislation within the meaning of the *Transport Integration Act 2010.*"

14 Road Management Act 2004

14.1 In section 4(1) for "safe and efficient road networks at State and local levels" substitute "a road network at State and local levels that operates as part of an integrated and sustainable transport system consistent with the transport system objectives under the *Transport Integration Act 2010.*"
14.2 After section 5 insert—

"5A Transport Integration Act 2010

This Act is transport legislation within the meaning of the Transport Integration Act 2010."

14.3 For section 20(1) substitute—

"(1) The principal object of road management is to ensure that a network of roads is provided primarily for the movement of persons and goods as part of an integrated transport system and that road reserves are available for other appropriate uses.".

14.4 In section 20(1A) after "road management" insert "consistent with the transport system objectives under the Transport Integration Act 2010".

14.5 After section 22(1)(b) insert—

"(ba) to perform a function or exercise a power of a road authority under any other Act where the performance of that function or the exercise of that power is necessary to enable the effective performance of a function or the effective exercise of a power under this Act or is incidental to the performance of a function or the exercise of a power under this Act; or"

15 Road Safety Act 1986

After section 3AC insert—

"3B Transport Integration Act 2010

This Act is transport legislation within the meaning of the Transport Integration Act 2010.".
16 Transport Act 1983

After section 2 insert—

"2A Transport Integration Act 2010

This Act is transport legislation within the meaning of the Transport Integration Act 2010.".

17 Very Fast Train (Route Investigation) Act 1989

After section 3 insert—

"3A Transport Integration Act 2010

This Act is transport legislation within the meaning of the Transport Integration Act 2010.".

18 Westernport (Crib Point Terminal) Act 1963

After section 2A insert—

"2B Transport Integration Act 2010

This Act is transport legislation within the meaning of the Transport Integration Act 2010.".
SCHEDULE 2

AMENDMENTS TO INTERFACE LEGISLATION

1 Alpine Resorts (Management) Act 1997
   After section 3A insert—
   "3B Transport Integration Act 2010
   This Act is interface legislation within the meaning of the Transport Integration Act 2010."

2 Conservation, Forests and Lands Act 1987
   After section 4 insert—
   "4A Transport Integration Act 2010
   This Act is interface legislation within the meaning of the Transport Integration Act 2010."

3 Crown Land (Reserves) Act 1978
   After section 3A insert—
   "3B Transport Integration Act 2010
   This Act is interface legislation within the meaning of the Transport Integration Act 2010."

4 Forests Act 1958
   After section 3A insert—
   "3B Transport Integration Act 2010
   This Act is interface legislation within the meaning of the Transport Integration Act 2010."
5 **Land Act 1958**

After section 3A insert—

"**3B Transport Integration Act 2010**

This Act is interface legislation within the meaning of the *Transport Integration Act 2010.*".

6 **Local Government Act 1989**

6.1 After section 3 insert—

"**3AA Transport Integration Act 2010**

This Act is interface legislation within the meaning of the *Transport Integration Act 2010.*".

6.2 Before section 204 insert—

"**203 Transport plan**

(1) A Council may develop and implement a transport plan which facilitates a sustainable transport system that provides for the effective integration of transport and land use.

Note

See section 11 of the *Transport Integration Act 2010.*

(2) A Council may prepare a transport plan jointly with one or more other Councils.

**203A Transport services**

A Council may procure, provide or enable transport services within the municipal district.".

6.3 For the heading to Division 2 of Part 9 substitute—

"**Division 2—Provisions relating to transport**".
7 Major Transport Projects Facilitation Act 2009

After section 3 insert—

"3A Transport Integration Act 2010

This Act is interface legislation within the meaning of the Transport Integration Act 2010."

8 National Parks Act 1975

After section 4A insert—

"4B Transport Integration Act 2010

This Act is interface legislation within the meaning of the Transport Integration Act 2010."

9 Parks Victoria Act 1998

After section 3 insert—

"3A Transport Integration Act 2010

This Act is interface legislation within the meaning of the Transport Integration Act 2010."

10 Planning and Environment Act 1987

10.1 After section 3 insert—

"3A Transport Integration Act 2010

This Act is interface legislation within the meaning of the Transport Integration Act 2010."

10.2 After section 46AR(a) insert—

"(aa) to integrate land use and transport to enable the coordinated provision of a sustainable transport system for the benefit of the community."
11 Project Development and Construction Management Act 1994

After section 5 insert—

"5A Transport Integration Act 2010
This Act is interface legislation within the meaning of the Transport Integration Act 2010.".

12 Victorian Urban Development Authority Act 2003

After section 3 insert—

"3A Transport Integration Act 2010
This Act is interface legislation within the meaning of the Transport Integration Act 2010.".

13 Water Industry Act 1994

After the heading to Part 4 insert—

"Division 1—Interface Legislation

107 Transport Integration Act 2010
This Part is interface legislation within the meaning of the Transport Integration Act 2010.".

14 Wildlife Act 1975

After section 3 insert—

"4 Transport Integration Act 2010
This Act is interface legislation within the meaning of the Transport Integration Act 2010.".
SCHEDULE 3

CONSEQUENTIAL AMENDMENTS TO THE TRANSPORT ACT 1983

1 Amendment of Part 1

1.1 In section 2(1)—

(a) the definitions of Corporation, Director of Marine Safety, rail safety recommendation and relevant rail safety project are repealed;

(b) insert the following definition—

"bus has the same meaning as it has in section 3(1) of the Bus Safety Act 2009;"

(c) for the definition of Chief Investigator substitute—

"Chief Investigator, Transport Safety has the same meaning as it has in section 3 of the Transport Integration Act 2010;"

(d) for the definition of Department substitute—

"Department means the Department of Transport;"

(e) for the definition of Director substitute—

"Director means the Director of Public Transport within the meaning of section 3 of the Transport Integration Act 2010;"
(f) for the definition of Director, Public Transport Safety or Safety Director substitute—

"Safety Director means the Director, Transport Safety within the meaning of section 3 of the Transport Integration Act 2010;";

(g) in the definition of passenger service for "Rail Corporations Act 1996" substitute "Rail Management Act 1996";

(h) in the definition of passenger transport company, in paragraph (d) for "V/Line Passenger Corporation" substitute "V/Line Corporation";

(i) for the definition of public transport safety matter substitute—

"public transport safety matter has the same meaning as it has in section 3 of the Transport Integration Act 2010;";

(j) for the definition of marine safety matter substitute—

"marine safety matter has the same meaning as it has in section 3 of the Transport Integration Act 2010;";

(k) in the definition of rail corporation for "Rail Corporations Act 1996" substitute "Rail Management Act 1996";

(l) in the definition of rail infrastructure for "Rail Corporations Act 1996" substitute "Rail Management Act 1996";

(m) for the definition of Rail Track substitute—

"Rail Track means Victorian Rail Track within the meaning of section 3 of the Transport Integration Act 2010;";
(n) in the definition of *relevant transport safety law*, after paragraph (e) insert—

"(ea) the Transport Integration Act 2010 or any regulations made under that Act;";

(o) for the definition of *Roads Corporation* substitute—

"Roads Corporation has the same meaning as it has in section 3 of the Transport Integration Act 2010;";

(p) in the definition of *tram infrastructure* for "Rail Corporations Act 1996" substitute "Rail Management Act 1996".

1.2 In section 2(2C)(a) for "Rail Corporations Act 1996" substitute "Rail Management Act 1996".

1.3 In section 2(2D)(a) for "Rail Corporations Act 1996" substitute "Rail Management Act 1996".

1.4 In section 2(3) for "Department of Infrastructure" substitute "Department of Transport".

2 Amendment of Division 1 of Part II

2.1 Sections 4, 6, 6A, 6B, 7A, 8, 9, 9AA, 9AB, 9AC, 9AD, 9A, 9AAB, 9B and 9BA are repealed.

2.2 Subdivision 3 of Division 1 of Part II is repealed.

2.3 In section 10(1)(e) for "Rail Corporations Act 1996" substitute "Rail Management Act 1996".

2.4 In section 10(7) for "Rail Corporations Act 1996" substitute "Rail Management Act 1996".

2.5 In section 12(1) for "Director of Public Transport" substitute "Director".

3 Repeal of Division 3 of Part II

Division 3 of Part II is repealed.

4 Repeal of Division 4 of Part II

Division 4 of Part II is repealed.
5 Repeal of Division 5 of Part II

Division 5 of Part II is repealed.

6 Repeal of certain sections of Part III

Sections 38, 39, 45, 46 and 47 are repealed.

7 Repeal of Division 1 of Part IV

Division 1 of Part IV is repealed.

8 Repeal of certain sections of Division 2 of Part IV

Sections 76, 77 and 81A are repealed.

9 Amendment of Parts V and VI


9.2 In sections 84(a)(i), 84A(1), 84A(2), 84A(3)(a), 84AB(1), 84AB(3), 84AB(5), 84AB(6), 84AB(7), 84AB(8), 84AB(11), 84B(1), 84B(2), 85, 85C(3)(b)(i), 85D(1), 85D(2), 85E, 85F(2), 85F(3) and 85H for "Chief Investigator" (wherever occurring) substitute "Chief Investigator, Transport Safety".

9.3 In the heading to sections 84AB, 85E and 85H for "Chief Investigator" substitute "Chief Investigator, Transport Safety".

9.4 In section 84B(2) after "issued" insert "under subsection (1)".

9.5 In section 85A—

(a) for "Chief Investigator" (wherever occurring) substitute "Chief Investigator, Transport Safety";

(b) in paragraph (a) for "Director of Public Transport" substitute "Director";

(c) paragraph (b) is repealed.
9.6 In section 158A(5) for "Director of Public Transport" substitute "Director".

10 Repeal of Schedule 1A
    Schedule 1A is repealed.

11 Repeal of Schedule 2
    Schedule 2 is repealed.

12 Consequential amendments caused by the repeal of definitions
   12.1 In section 56(2)(r) for "Corporation" (where first occurring) substitute "Roads Corporation".
   12.2 In 225B(a), 249(1), 252(1) and 256(1)(a) for "Corporation" (wherever occurring) substitute "Roads Corporation".
   12.3 In section 225(1) in paragraph (a) of the definition of officer, for "Corporation" substitute "Roads Corporation".
   12.4 Insert the following heading to section 249—
       "Roads Corporation need not fence".

__________________
Sch. 3
SCHEDULE 4

CONSEQUENTIAL AMENDMENTS TO THE RAIL CORPORATIONS ACT 1996

1 Section 1 substituted

For section 1 substitute—

"1 Purpose

The main purpose of this Act is to establish a regime for the management of rail infrastructure in Victoria.".

2 Amendments to section 3

In section 3(1)—

(a) for the definition of Director substitute—

"Director means the Director of Public Transport within the meaning of section 3 of the Transport Integration Act 2010;";

(b) in the definition of rail corporation for "V/Line Passenger Corporation" substitute "V/Line Corporation";

(c) for the definition of Rail Track, substitute—

"Rail Track means Victorian Rail Track within the meaning of section 3 of the Transport Integration Act 2010;";

(d) for the definition of Safety Director, substitute—

"Safety Director means the Director, Transport Safety within the meaning of section 3 of the Transport Integration Act 2010;";
(e) for the definition of Secretary, substitute—
"Secretary has the same meaning as it has in section 3 of the Transport Integration Act 2010;";

(f) after the definition of transferor insert—
"V/Line Corporation has the same meaning as it has in section 3 of the Transport Integration Act 2010.".

3 Repeal of Part 2
Part 2 is repealed.

4 Amendment of certain sections of Part 4
4.1 For section 61(3)(d) substitute—
"(d) V/Line Corporation;".

4.2 For section 62(4)(d) substitute—
"(d) V/Line Corporation;".

4.3 For section 64(2)(d) substitute—
"(d) V/Line Corporation;".

4.4 For section 67(3)(d) substitute—
"(d) V/Line Corporation;".

5 Amendment to section 104
5.1 In section 104(1)(a)(i) for "V/Line Passenger Corporation" substitute "V/Line Corporation".

5.2 In section 104(2) for the definition of V/Line Passenger Corporation substitute—
"V/Line Corporation means, as the case requires—

(a) V/Line Passenger Corporation as established under Division 2E of Part 2 before that Division was repealed; or
(b) V/Line Passenger Corporation as established under Division 2A of Part 2 before that Part was repealed; or
(c) V/Line Corporation as continued by section 128 of the Transport Integration Act 2010.".

6 Repeal of Schedule 1

Schedule 1 is repealed.
SCHEDULE 5

CONSEQUENTIAL AMENDMENTS TO THE MARINE ACT 1988

1 Amendments to Part 1

In section 3(1)—

(a) for the definition of Director substitute—

"Director means the Director, Transport Safety within the meaning of section 3 of the Transport Integration Act 2010;"

(b) insert the following definition—

"mandatory marine safety decision means—

(a) a decision of the Director under this Act to—

(i) issue, cancel or suspend a registration, certificate or licence;

(ii) refuse to renew a registration, certificate or licence;

(iii) prohibit the operation of a particular vessel, including the imposition of any condition or for a specified period;

(iv) impose a condition on a registration;

(v) impose a variation on a licence;
(vi) refuse an application for a personal watercraft endorsement;

(vii) refuse an application to renew or vary a personal watercraft endorsement;

(viii) impose or vary a condition on a personal watercraft endorsement;

(ix) revoke a personal watercraft endorsement;

(b) a decision of the Director or an inspector under this Act to—

(i) serve an improvement notice;

(ii) amend an improvement notice;

(iii) serve a prohibition notice;

(iv) amend a prohibition notice;

(v) issue or not issue a clearance certificate;

(vi) issue or not issue a certificate under section 85AL;

(c) after paragraph (c) in the definition of relevant marine safety law insert—

”(d) a provision of the Transport Integration Act 2010 or any regulations made under that Act,”.
2 Amendments to Division 1 of Part 8

2.1 Sections 63, 66(3), 66(4), 68 and 69 are repealed.

2.2 For section 66(1) substitute—

"(1) Without derogating from any other functions or powers of the Director under any other Act, the Director may do all things that are necessary or convenient to enable him or her to carry out his or her functions under this Act, including, but not limited to, the powers specified in Schedule 4.".

2.3 In section 65—

(a) paragraphs (ca), (cb), (cc), (cd), (e), (jg) and (l) are repealed;

(b) for paragraph (c) substitute—

"(c) in addition to the power specified in section 173(1)(d) of the Transport Integration Act 2010, to investigate incidents adequately in order to identify deficiencies in operational procedures, vessel standards or crew training;"

(c) in paragraph (k) for "; and" substitute ".".

3 Amendments to Schedule 4

Item 19 of Schedule 4 and the heading to that item are repealed.
SCHEDULE 6

CONSEQUENTIAL AMENDMENTS TO OTHER ACTS

1 Accident Towing Services Act 2007

1.1 In section 3(1)—

(a) in the definition of *motor vehicle*, for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983";

(b) in the definition of *VicRoads*, for "established under Part II of the Transport Act 1983" substitute "within the meaning of section 3 of the Transport Integration Act 2010".

1.2 In section 32(1)(b) for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983".

1.3 In section 212(1)(a) for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983".

1.4 In section 214 for "section 32(2) of the Transport Act 1983" substitute "section 115 of the Transport Integration Act 2010".

1.5 In the Note to section 214 for "Section 32(2) of the Transport Act 1983" substitute "Section 115 of the Transport Integration Act 2010".

1.6 In section 220 for "the Transport Act 1983" substitute "section 90 of the Transport Integration Act 2010".
2 Border Railways Act 1922

2.1 In section 4(1) for the definition of *Authority* substitute—

"*Authority* means Victorian Rail Track within the meaning of section 3 of the *Transport Integration Act 2010*;".

2.2 In clause 1 of Schedule 2 for "*Transport Act 1983*" substitute "*Transport (Compliance and Miscellaneous) Act 1983* and the *Transport Integration Act 2010*".

3 Borrowing and Investment Powers Act 1987

3.1 In Schedule 1 to the *Borrowing and Investment Powers Act 1987*, after item 6A insert—

"6AA. Linking Melbourne Authority 5, 8, 10, 11, 11AA, 11AB, 13, 14, 14A, 15, 20, 20A and 21".

3.2 In Schedule 1 to the *Borrowing and Investment Powers Act 1987*, in item 23B for "V/Line Passenger Corporation" substitute "V/Line Corporation".

4 Bus Safety Act 2009

4.1 In section 1(b) for "*Transport Act 1983*" substitute "*Transport (Compliance and Miscellaneous) Act 1983*".

4.2 In section 3(1)—

(a) in the definition of *bus*, for "*Transport Act 1983*" substitute "*Transport (Compliance and Miscellaneous) Act 1983*";

(b) for the definition of *Safety Director*, substitute—

"*Safety Director* means the Director, Transport Safety within the meaning of section 3 of the *Transport Integration Act 2010*;".
4.3 In section 23 for "Transport Act 1983" (wherever occurring) substitute "Transport (Compliance and Miscellaneous) Act 1983".

4.4 In section 35(a), for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983".

4.5 In the Heading to Division 7 of Part 9 and in sections 91, 92(5), 92(6), 92(7), 92(8), 94, 95, 96, 97, 98, 99, 100 and 101, for "Transport Act 1983" (wherever occurring) substitute "Transport (Compliance and Miscellaneous) Act 1983".

4.6 Sections 92(1), 92(2), 92(3), 92(4) and 93 are repealed.

4.7 After section 101 insert—

'Division 8—Transport Integration Act 2010

101A Consequential amendments

(1) In section 3 of the Transport Integration Act 2010—

(a) in the definition of corresponding safety law—

(i) omit "or" after paragraph (b);

(ii) paragraph (c) is repealed;

(b) after the definition of Linking Melbourne Authority insert—

"mandatory bus safety decision has the same meaning as it has in section 2(1) of the Transport (Compliance and Miscellaneous) Act 1983,";
(c) in the definition of mandatory transport safety decision, after paragraph (b) insert—

"or

(c) a mandatory bus safety decision;";

(d) in the definition of transport legislation, in paragraph (d) for "Public Transport Competition Act 1995" substitute "Bus Services Act 1995".

(2) For section 172(2)(b) of the Transport Integration Act 2010 substitute—

"(b) section 4 of the Bus Safety Act 2009;".

(3) In sections 173(1)(a) and 178(1) of the Transport Integration Act 2010, for "Public Transport Competition Act 1995" (wherever occurring) substitute "Bus Safety Act 2009".


5 Charter of Human Rights and Responsibilities Act 2006

In the Example to section 4(2)(a) for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983".

6 Children, Youth and Families Act 2005

6.1 In clause 6(2)(ea) of Schedule 3 for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983".
6.2 In clause 8(3) of Schedule 3 for "Transport Act 1983" (wherever occurring) substitute "Transport (Compliance and Miscellaneous) Act 1983".

7 Chinatown Historic Precinct Act 1984

In section 15(15) for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983".

8 Commonwealth Arrangements Act 1958

In section 7 for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983 or the Transport Integration Act 2010".

9 Constitution Act 1975

9.1 In section 61 for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983, the Transport Integration Act 2010".

9.2 In section 95(3)(a) for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983 or the Transport Integration Act 2010".

10 Country Fire Authority Act 1958

In section 3(1)—

(a) in the definition of heat engine for "established by Division 2 of Part 2 of the Rail Corporations Act 1996" substitute "within the meaning of section 3 of the Transport Integration Act 2010";

(b) in the definition of private street—

(i) omit "declared";

(ii) for "Transport Act 1983" substitute "Road Management Act 2004".
11 Criminal Procedure Act 2009

In item 29 of Schedule 3 for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983".

12 Docklands Act 1991

12.1 In section 28(2)—

(a) omit "Southern Cross Station Authority established under the Rail Corporations Act 1996,";

(b) for "established by Division 2 of Part 2 of the Rail Corporations Act 1996" substitute "within the meaning of section 3 of the Transport Integration Act 2010".

12.2 In section 28(2A)—

(a) omit "or the Southern Cross Station Authority established under the Rail Corporations Act 1996";

(b) for "the Transport Act 1983" substitute "section 65 of the Transport Integration Act 2010".

13 Duties Act 2000

13.1 After section 47 insert—

"47A Transfer to Victorian Rail Track

(1) No duty is chargeable under this Chapter in respect of a transfer of dutiable property to Victorian Rail Track from—

(a) the Director of Public Transport; or

(b) the Secretary to the Department of Transport; or

(c) the Transport Infrastructure Development Agent."
(2) In this section—

Director of Public Transport has the same meaning as it has in section 3 of the Transport Integration Act 2010;

Transport Infrastructure Development Agent has the same meaning as it has in section 3 of the Transport Integration Act 2010;

Victorian Rail Track has the same meaning as it has in section 3 of the Transport Integration Act 2010.

13.2 For section 52(d) substitute—

"(d) the Roads Corporation within the meaning of section 3 of the Transport Integration Act 2010; or"

13.3 In section 219(2)(a) for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983".

13.4 In section 233C(2)(d) for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983".

13.5 In section 233D(2)(e) for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983".

14 Eastlink Project Act 2004

In section 3(1)—

(a) for the definition of Utility substitute—

"Utility means—

(a) a utility within the meaning of the Road Management Act 2004; or

(b) a provider of public transport within the meaning of the Road Management Act 2004; or
(c) the Director of Public Transport within the meaning of section 3 of the *Transport Integration Act 2010*; or

(d) any person who manages rail infrastructure within the meaning of Part 5 of the *Rail Safety Act 2006*; or

(e) any person who operates rolling stock within the meaning of Part 5 of the *Rail Safety Act 2006*;

(b) in paragraph (b) of the definition of *Utility infrastructure* for "Rail Corporations Act 1996" substitute "Rail Management Act 1996";

(c) In the definition of *VicRoads* for "established under Part II of the *Transport Act 1983*" substitute "continued under section 80 of the *Public Transport Integration Act 2010*".

15 Electricity Industry Act 2000

In section 16(2) for "*Transport Act 1983*" substitute "*Transport (Compliance and Miscellaneous) Act 1983*".

16 Electricity Safety Act 1998

16.1 In section 46(1)(a)—

(a) for paragraph (iv) substitute—

"(iv) Victorian Rail Track, within the meaning of section 3 of the *Transport Integration Act 2010*, for the purposes of its functions or powers under that or any other Act; or";
(b) after paragraph (iv) insert—

"(iva) V/Line Corporation, within the meaning of section 3 of the Transport Integration Act 2010, for the purposes of its functions or powers under that or any other Act; or".

16.2 In section 86(9)(b) for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983".

16.3 In section 87(5)(a) for "Transport Act 1983" substitute "Transport Integration Act 2010".

16.4 In section 91(5)(b) for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983".

16.5 In section 91(5)(ba) for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983".

17 Emerald Tourist Railway Act 1977

17.1 In section 6(1) for "Transport Act 1983" substitute "Transport Integration Act 2010".

17.2 In section 47(1) for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983".

18 Emergency Management Act 1986

In section 22(2) for "Rail Corporations Act 1996" substitute "Rail Management Act 1996".

19 Essential Services Act 1958

In section 3 in the definition of essential service—

(a) for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983";

(b) for "Rail Corporations Act 1996" substitute "Rail Management Act 1996".
20 Essential Services Commission Act 2001

In section 10(i) for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983".

21 Estate Agents Act 1980

In section 5(1)(b) for "established by Division 2 of Part 2 of the Rail Corporations Act 1996" substitute "within the meaning of section 3 of the Transport Integration Act 2010".

22 Fences Act 1968

For section 19(4) substitute—

"(4) This section does not apply to—

(a) Crown lands; or

(b) any land vested in—

(i) the Roads Corporation within the meaning of section 3 of the Transport Integration Act 2010; or

(ii) Victorian Rail Track within the meaning of section 3 of the Transport Integration Act 2010; or

(iii) V/Line Corporation within the meaning of section 3 of the Transport Integration Act 2010; or

(iv) a passenger transport company within the meaning of the Transport (Compliance and Miscellaneous) Act 1983; or

(v) any "Authority" under the Water Act 1989.".
23 Forests Act 1958

In section 99(29) for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983".

24 Graffiti Prevention Act 2007

In section 3 in the definition of transport company—

(a) for "Transport Act 1983" (wherever occurring) substitute "Transport (Compliance and Miscellaneous) Act 1983";

(b) for "Rail Corporations Act 1996" substitute "Rail Management Act 1996".

25 Housing Act 1983

In clause 1 of Schedule 5 in the definition of owner for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983".

26 Infringements Act 2006

26.1 In section 3(1) in the definition of VicRoads for "established under Part II of the Transport Act 1983" substitute "within the meaning of section 3 of the Transport Integration Act 2010".

26.2 In section 16(2)(b) for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983".

26.3 In section 17(2)(b) for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983".

26.4 In section 18(6)(b) for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983".
26.5 In section 21(b) for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983".

26.6 In section 28(b) for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983".

26.7 In section 31(b) for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983".

26.8 In section 36(c) for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983".

26.9 In section 61(1)—

(a) in paragraph (a) for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983";

(b) in paragraph (b) for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous Act 1983".

26.10 In section 63A(1)(b) for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983".

26.11 In section 163A(3)(b) for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983".

27 Land Act 1958

27.1 In section 22A(6) for "Transport Act 1983" substitute "Transport Integration Act 2010".

27.2 In section 339A(7)(b)—

(a) omit "declared";

(b) for "Transport Act 1983" substitute "Road Management Act 2004".
27.3 In section 341(1)(c) for "established by Division 2 of Part 2 of the Rail Corporations Act 1996" substitute "within the meaning of section 3 of the Transport Integration Act 2010".

27.4 In section 348—

(a) for "established by Division 2 of Part 2 of the Rail Corporations Act 1996" substitute "within the meaning of section 3 of the Transport Integration Act 2010";

(b) for "Rail Track within the meaning of section 3(2) of the Rail Corporations Act 1996" substitute "Victorian Rail Track".

27.5 In section 355 for "established by Division 2 of Part 2 of the Rail Corporations Act 1996" substitute "within the meaning of section 3 of the Transport Integration Act 2010".

28 Limitation of Actions Act 1958

In section 7A for "established by Division 2 of Part 2 of the Rail Corporations Act 1996" substitute "within the meaning of section 3 of the Transport Integration Act 2010".

29 Local Government Act 1989

29.1 In section 3(2)(b) for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983".

29.2 In section 154(3A)(a) for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 2003".

29.3 For the heading to section 208 substitute—

29.4 In section 208—

(a) in subsection (1) for "Transport Act 1983" substitute "Transport Integration Act 2010, the Transport (Compliance and Miscellaneous) Act 1983";

(b) in subsection (2) for "Transport Act 1983" substitute "Transport Integration Act 2010, the Transport (Compliance and Miscellaneous) Act 1983".

30 Major Transport Projects Facilitation Act 2009

In section 3—

(a) for the definition of Director of Public Transport substitute—

"Director of Public Transport has the same meaning as it has in section 3 of the Transport Integration Act 2010;";

(b) for the definition of VicRoads substitute—

"VicRoads means the Roads Corporation within the meaning of section 3 of the Transport Integration Act 2010;".

31 Melbourne City Link Act 1995

31.1 In section 3—

(a) in paragraph (g) of the definition of public body for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983";

(b) in the definition of Roads Corporation for "Transport Act 1983" substitute "Transport Integration Act 2010".

31.2 In section 12(1)—

(a) in paragraph (c) for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983";
(b) in paragraph (d) for "section 183B(4) of the Transport Act 1983" substitute "section 43 of the Accident Towing Services Act 2007".

31.3 In section 12(1A)—

(a) in paragraph (c) for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983";

(b) in paragraph (d) for "section 183B(4) of the Transport Act 1983" substitute "section 43 of the Accident Towing Services Act 2007".

31.4 In section 12C(1)—

(a) in paragraph (e) for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983";

(b) in paragraph (f) for "section 183B(4) of the Transport Act 1983" substitute "section 4 of the Accident Towing Services Act 2007".

31.5 Section 20B is repealed.

31.6 In section 21(1)—

(a) for the definition of Utility substitute—

"Utility means—

(a) a utility within the meaning of the Road Management Act 2004; or

(b) a provider of public transport within the meaning of the Road Management Act 2004; or

(c) the Director of Public Transport within the meaning of section 3 of the Transport Integration Act 2010; or
(d) any person who manages rail infrastructure within the meaning of Part 5 of the *Rail Safety Act 2006*; or

(e) any person who operates rolling stock within the meaning of Part 5 of the *Rail Safety Act 2006*;"

(b) in paragraph (b) of the definition of *Utility infrastructure* for "*Rail Corporations Act 1996*" substitute "*Rail Management Act 1996*".

31.7 In section 62(1) for "*Transport Act 1983*" substitute "*Transport Integration Act 2010* or the regulations under that Act, the *Transport (Compliance and Miscellaneous) Act 1983*".

31.8 In section 69 in the definition of *taxi-cab* for "*Transport Act 1983*" substitute "*Transport (Compliance and Miscellaneous) Act 1983*".

31.9 In section 90 for "*Transport Act 1983*" substitute "*Transport (Compliance and Miscellaneous) Act 1983*".

31.10 In section 90A(2)(ab)(ii) for "*Transport Act 1983*" substitute "*Transport (Compliance and Miscellaneous) Act 1983*".

31.11 In section 90A(3)(a) for "*Transport Act 1983*" substitute "*Transport (Compliance and Miscellaneous) Act 1983*".

31.12 In section 90E(2)(b) for "*Transport Act 1983*" substitute "*Transport (Compliance and Miscellaneous) Act 1983*".

31.13 In section 93I(1) for "*Transport Act 1983*" substitute "*Transport Integration Act 2010* or the regulations under that Act or the *Transport (Compliance and Miscellaneous) Act 1983*".
31.14 In section 94(1)—

(a) in paragraph (b) for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983";

(b) after paragraph (b) insert—

"(ba) the Transport Integration Act 2010 or the regulations made under that Act; or";

(c) for "Transport Act 1983" (where secondly occurring) substitute "Transport Integration Act 2010 or the regulations under that Act or the Transport (Compliance and Miscellaneous) Act 1983".

31.15 In section 94(3)—

(a) in paragraph (b) for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983";

(b) after paragraph (b) insert—

"(ba) the Transport Integration Act 2010 or the regulations made under that Act; or";

(c) for "Transport Act 1983" (where secondly occurring) substitute "Transport Integration Act 2010 or the regulations under that Act or the Transport (Compliance and Miscellaneous) Act 1983".

31.16 In section 103(2) for "Transport Act 1983" substitute "Transport Integration Act 2010 or the regulations under that Act or the Transport (Compliance and Miscellaneous) Act 1983".
32 National Parks Act 1975
  32.1 In section 3(2) for "established by Division 2 of Part 2 of the Rail Corporations Act 1996" substitute "within the meaning of section 3 of the Transport Integration Act 2010".
  32.2 In section 33(3)(e) for "Part 4 of the Transport Act 1983" substitute "the Transport Integration Act 2010".

33 Owner Drivers and Forestry Contractors Act 2005
   In section 56(3) in the definition of Roads Corporation for "established by section 15 of the Transport Act 1983" substitute "within the meaning of section 3 of the Transport Integration Act 2010".

34 Pipelines Act 2005
   In section 5 for the definition of Victorian Rail Track substitute—
   "Victorian Rail Track has the same meaning as it has in section 3 of the Transport Integration Act 2010;".

35 Planning and Environment Act 1987
  35.1 In section 201R for the definition of Director of Public Transport substitute—
   "Director of Public Transport has the same meaning as it has in section 3 of the Transport Integration Act 2010;".
  35.2 Insert the following definition in section 201R—
   "Secretary to the Department of Transport means the Secretary within the meaning of section 3 of the Transport Integration Act 2010;".
  35.3 In section 201TC(1)(b) before "the Director of Public Transport" insert "the Secretary to the Department of Transport or".
35.4 In sections 201TC(1)(b)(i) and 201TC(1)(b)(ii) before "the Director" insert "the Secretary to the Department of Transport or".

35.5 In section 201TF(6) after "public authority" insert "the Secretary to the Department of Transport".

36 Port Services Act 1995

36.1 In section 3(1)—

(a) for the definition of Director of Marine Safety substitute—
"Director, Transport Safety" has the same meaning as it has in section 3 of the Transport Integration Act 2010;";

(b) in the definition of licensed harbour master for "Director of Marine Safety" substitute "Director, Transport Safety".

36.2 In sections 13(1)(ga), 13(1)(gb), 21(1)(a), 21(1)(b), 44A(3)(c), 44A(3)(e), 55(2), 84(5), 88A(1), 93(1)(a), 93(1)(c) and 93(1)(d) for "Director of Marine Safety" (wherever occurring) substitute "Director, Transport Safety".

36.3 In section 117 in the definition of designated agency for "Director of Marine Safety" substitute "Director, Transport Safety".

37 Private Security Act 2004

In section 4(d) for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983".

38 Project Development and Construction Management Act 1994

In section 80, in the definition of relevant Ministers for "Transport Act 1983" substitute "Transport Integration Act 2010".
39 Public Transport Competition Act 1995

39.1 In sections 3(2), 3(3), 10(1)(a) and 20(2)(d)(vi)(A) for "Transport Act 1983" (wherever occurring) substitute "Transport (Compliance and Miscellaneous) Act 1983".

39.2 For section 26(5) substitute—

"(5) Nothing in this section limits any authority conferred on the Director by section 68(2) of the Transport Integration Act 2010."

40 Rail Safety Act 2006

40.1 In section 3(1)—

(a) in the definition of binding access arrangement for "Rail Corporations Act 1996" substitute "Rail Management Act 1996";

(b) for the definition of Chief Investigator substitute—

"Chief Investigator means the Chief Investigator, Transport Safety within the meaning of section 3 of the Transport Integration Act 2010;";

(c) in the definition of dispute resolution decision for "Rail Corporations Act 1996" substitute "Rail Management Act 1996";

(d) for the definition of public transport safety matter substitute—

"public transport safety matter has the same meaning as it has in section 3 of the Transport Integration Act 2010;";
(e) for the definition of **Safety Director** substitute—

"**Safety Director** means the Director, Transport Safety within the meaning of section 3 of the Transport Integration Act 2010;";

(f) in the definition of **transport safety officer** for "in the Transport Act 1983" substitute "it has in section 2(1) of the Transport (Compliance and Miscellaneous) Act 1983".

40.2 In section 33A(1) for the definition of **Rail Track** substitute—

"**Rail Track** means Victorian Rail Track within the meaning of section 3 of the Transport Integration Act 2010;";

40.3 In section 59(2)(a) for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983".

40.4 In section 75 for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983".

40.5 In section 100(5) in the definition of **agency** for "Transport Act 1983" substitute "Transport Integration Act 2010".

40.6 Part 10 of the Rail Safety Act 2006 is repealed.

40.7 Divisions 1, 2 and 3 of Part 11 of the Rail Safety Act 2006 are repealed.

41 Road Management Act 2004

41.1 In section 3(1)—

(a) in paragraph (a) of the definition of **provider of public transport** for "Rail Corporations Act 1996" substitute "Rail Management Act 1996";
(b) in paragraph (a)(iv) of the definition of road management function for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983";

(c) after paragraph (a)(iv) of the definition of road management function insert—

"(iva) the Transport Integration Act 2010;";

(d) in the definition of VicRoads for "established under Part II of the Transport Act 1983" substitute "within the meaning of section 3 of the Transport Integration Act 2010".

41.2 In section 5(3) for "Transport Act 1983" substitute "Transport Integration Act 2010 and the Transport (Compliance and Miscellaneous) Act 1983".

41.3 Section 5(10)(a) is repealed.

41.4 In section 5(10)(b) for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983".

41.5 In section 31(2)—

(a) in paragraph (a) for "Transport Act 1983" substitute "Transport Integration Act 2010";

(b) in paragraph (d) for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983";

(c) in paragraph (k) for "Rail Corporations Act 1996" substitute "Rail Management Act 1996".

41.6 In section 125(3) for "Transport Act 1983" substitute "Transport Integration Act 2010".
42  Road Safety Act 1986

42.1 In section 3(1)—

(a) in the definition of *bus company* for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983";

(b) in paragraph (a) of the definition of *commercial motor vehicle* for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983";

(c) in the definition of *passenger transport company* for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983";

(d) for the definition of *Rail Track* substitute—
"*Rail Track* means Victorian Rail Track within the meaning of section 3 of the Transport Integration Act 2010;"

(e) in the definition of *road or transport law* for "Transport Act 1983" (wherever occurring) substitute "Transport (Compliance and Miscellaneous) Act 1983";

(f) in the definition of *taxi-cab* for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983";

(g) in paragraph (c) in the definition of *traffic infringement* for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983".
42.2 In section 77(2)(db) for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983".

42.3 In section 87(1AD) for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983".

42.4 In section 91(2) for "section 32 of the Transport Act 1983" substitute "section 115 of the Transport Integration Act 2010".

42.5 In section 92(1) for the definition of public transport regulator substitute—

"public transport regulator" means—

(a) the Director of Public Transport within the meaning of section 3 of the Transport Integration Act 2010;

(b) the Director, Transport Safety within the meaning of section 3 of the Transport Integration Act 2010;".

42.6 In section 191BA for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983".

43 Safety on Public Land Act 2004

In section 3 in the definition of transport authority—

(a) for "Rail Corporations Act 1996" (wherever occurring) substitute "Rail Management Act 1996";

(b) in paragraph (d) for "Transport Act 1983" substitute "Transport Integration Act 2010".
44 Southgate Project Act 1994

In section 3 in paragraph (a) of the definition of owner—

(a) for "a declared road within the meaning of the Transport Act 1983" substitute "a road within the meaning of the Road Management Act 2004";

(b) for "established by Division 2 of Part 2 of the Rail Corporations Act 1996" substitute "within the meaning of section 3 of the Transport Integration Act 2010".

45 Taxation Administration Act 1997

In section 92(1)(e)(ve) for "established by section 15 of the Transport Act 1983" substitute "within the meaning of section 3 of the Transport Integration Act 2010".

46 Transport Accident Act 1986

46.1 In section 3(1) in paragraph (a) of the definition of recreation vehicle for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983";

46.2 In section 134 in paragraph (d) of the definition of registered motor car for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983".

46.3 In section 135(3)(e)(i) for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983".

46.4 In section 135(4)(b) for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983".

46.5 In section 135(5) for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983".
47  Treasury Corporation of Victoria Act 1992
47.1 In section 36A in the definition of public authority for "V/Line Passenger Corporation" substitute "V/Line Corporation".
47.2 In column 1 of Schedule 1 for "V/Line Passenger Corporation" substitute "V/Line Corporation".
47.3 In column 2 of Schedule 1 for "Rail Corporations Act 1996" (wherever occurring) substitute "Transport Integration Act 2010".

48  Victims of Crime Assistance Act 1996
In section 16(ac) for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983".

49  Victorian Civil and Administrative Tribunal Act 1998
49.1 In section 52(4) in paragraph (h) of the definition of planning enactment for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983".
49.2 In clause 2 of Schedule 1 in paragraph (h) of the definition of planning enactment for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983".

50  Victorian Urban Development Authority Act 2003
50.1 In section 53(2)—
(a) paragraph (b) is repealed;
(b) for paragraph (c) substitute—
"(c) Victorian Rail Track within the meaning of section 3 of the Transport Integration Act 2010; or";
(c) in paragraph (d) for "Rail Corporations Act 1996" substitute "Rail Management Act 1996".
50.2 In section 53(3)—

(a) **omit** "or the Southern Cross Station Authority";

(b) for "Transport Act 1983" substitute "Transport Integration Act 2010".

51 Water Act 1989

51.1 In section 152(5)—

(a) in paragraph (a) for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983";

(b) in paragraph (b) for "Rail Corporations Act 1996" substitute "Rail Management Act 1996".

51.2 In section 241(2A) for "established by Division 2 of Part 2 of the Rail Corporations Act 1996" substitute "within the meaning of section 3 of the Transport Integration Act 2010".

52 Water Industry Act 1994

52.1 In clause 1 of Schedule 1 for "established by Division 2 of Part 2 of the Rail Corporations Act 1996" substitute "within the meaning of section 3 of the Transport Integration Act 2010".

52.2 In clause 2 of Schedule 1 for "established by Division 2 of Part 2 of the Rail Corporations Act 1996" substitute "within the meaning of section 3 of the Transport Integration Act 2010".

53 Working with Children Act 2005

53.1 In section 32A(1) for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983".

53.2 In section 32A(2) for "Transport Act 1983" (where first occurring) substitute "Transport Integration Act 2010".
53.3 In section 32A(2)(a) for "Transport Act 1983" substitute "Transport (Compliance and Miscellaneous) Act 1983".
ENDNOTES

† Minister’s second reading speech—
Legislative Assembly: 10 December 2009
Legislative Council: 4 February 2010

The long title for the Bill for this Act was "A Bill for an Act to create a new framework for the provision of an integrated and sustainable transport system in Victoria, to amend the Transport Act 1983, the Marine Act 1988, the Rail Corporations Act 1996, the Eastlink Project Act 2004 and certain other Acts, to repeal the Southern and Eastern Integrated Transport Authority Act 2003 and for other purposes.”
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