

Authorised Version No. 006
Regional Development Victoria Act 2002

No. 53 of 2002

Authorised Version incorporating amendments as at
1 July 2015

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Authorised Version No. 006
Regional Development Victoria Act 2002

No. 53 of 2002

Authorised Version incorporating amendments as at
1 July 2015

The Parliament of Victoria enacts as follows:

Part 1—Preliminary

Part 1
(Heading)
inserted by
No. 18/2015
s. 3.

1 Purposes

S. 1
substituted by
No. 18/2015
s. 4.

The main purposes of this Act are—

- (a) to establish Regional Development Victoria to facilitate economic and community development in rural and regional Victoria; and
- (b) to establish the Regional Development Advisory Committee to advise and assist the Minister in relation to policies, projects and issues related to rural and regional Victoria; and
- (c) to establish the Regional Jobs and Infrastructure Fund.

2 Commencement

- (1) Subject to subsection (2), this Act comes into operation on a day or days to be proclaimed.
- (2) If a provision of this Act does not come into operation before 1 July 2003, it comes into operation on that day.

3 Definitions

(1) In this Act—

Acting Chief Executive means the person who is appointed under section 9 to be Acting Chief Executive of Regional Development Victoria;

S. 3 amended by No. 18/2015 s. 5(2) (ILA s. 39B(1)).

agency means public service body within the meaning of the **Public Administration Act 2004**;

S. 3 def. of *agency* substituted by No. 108/2004 s. 117(1) (Sch. 3 item 173.1).

Chief Executive means the Chief Executive of Regional Development Victoria appointed under section 6;

Council has the meaning given in section 3(1) of the **Local Government Act 1989**;

S. 3 def. of *Council* inserted by No. 18/2015 s. 5(1)(a).

municipal district has the meaning given in section 3(1) of the **Local Government Act 1989**;

S. 3 def. of *municipal district* inserted by No. 18/2015 s. 5(1)(a).

Regional Development Advisory Committee means the committee established by section 11;

S. 3 def. of *Regional Development Advisory Committee* inserted by No. 18/2015 s. 5(1)(a).

Regional Jobs and Infrastructure Fund means the fund established by section 15;

S. 3 def. of *Regional Jobs and Infrastructure Fund* inserted by No. 18/2015 s. 5(1)(a).

Regional Development Victoria Act 2002
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Part 1—Preliminary

S. 3 def. of
*rural and
regional
Victoria*
substituted by
Nos 8/2011
s. 11, 18/2015
s. 5(1)(b).

rural and regional Victoria means—

- (a) the municipal districts of the Councils set out in Column 3 of Schedule 2; and
 - (b) the alpine resorts within the meaning of the **Alpine Resorts Act 1983**.
- (2) In this Act a reference to *rural and regional Victoria* includes any other geographical area prescribed by the regulations, in the circumstances (if any) prescribed by the regulations.

S. 3(2)
inserted by
No. 18/2015
s. 5(2).

Part 2—Regional Development Victoria

Pt 2 (Heading)
inserted by
No. 18/2015
s. 6.

4 Regional Development Victoria

- (1) There is established a body to be known as Regional Development Victoria.
- (2) Regional Development Victoria consists of—
 - (a) the Chief Executive of Regional Development Victoria;
 - (b) all persons employed under Part 3 of the **Public Administration Act 2004** in an agency who are—
 - (i) seconded to Regional Development Victoria; or
 - (ii) transferred to duties in Regional Development Victoria; or
 - (iii) assigned work in Regional Development Victoria.

S. 4(2)(b)
amended by
No. 108/2004
s. 117(1)
(Sch. 3
item 173.2).

5 Functions and powers of Regional Development Victoria

- (1) Regional Development Victoria has the following functions—
 - (a) to facilitate new investment in rural and regional Victoria;
 - (b) to facilitate the operation and growth of existing businesses in rural and regional Victoria;
 - (c) to facilitate the creation of jobs within the private and public sectors in rural and regional Victoria;
 - (d) to propose infrastructure development opportunities in rural and regional Victoria;

S. 5(1)
amended by
No. 8/2011
s. 12,
substituted by
No. 18/2015
s. 7.

- (e) to facilitate the coordinated delivery of government programs, services and resources in rural and regional Victoria;
 - (f) to facilitate consultation between the public and private sectors and communities about economic and community development in rural and regional Victoria;
 - (g) to administer money paid out of the Regional Jobs and Infrastructure Fund in accordance with Part 4;
 - (h) to promote rural and regional Victoria as a place to invest, work and live in;
 - (i) to report to the Minister about the state of rural and regional Victoria having regard to economic, social and environmental factors;
 - (j) to advise the Minister generally about matters relating to development in rural and regional Victoria and about any particular matters referred to Regional Development Victoria by the Minister;
 - (k) any other function that the Minister directs it in writing to perform;
 - (l) any other function under this or any other Act.
- (2) Regional Development Victoria has power to do all things necessary or convenient to be done for or in connection with the performance of its functions.
- (3) Without limiting subsection (2), Regional Development Victoria may—
- (a) request assistance or information from any public entity within the meaning of the **Public Administration Act 2004**;

S. 5(3)(a)
substituted by
No. 108/2004
s. 117(1)
(Sch. 3
item 173.3).

- (b) engage consultants to assist it in the performance of its functions and the exercise of its powers.

6 Chief Executive

- (1) For the purposes of this Act, there is to be a Chief Executive of Regional Development Victoria.
- (2) The Governor in Council may appoint a person to be Chief Executive.
- (3) The Chief Executive holds office for a term, not exceeding 3 years, specified in his or her instrument of appointment, but is eligible for reappointment for a term not exceeding 3 years.
- (4) The Governor in Council may specify the terms and conditions of appointment in the Chief Executive's instrument of appointment.
- (5) The Chief Executive is entitled to be paid the remuneration and allowances that are fixed from time to time by the Governor in Council.
- (6) The Chief Executive ceases to hold office if he or she is convicted of an indictable offence or an offence which if committed in Victoria would be an indictable offence.
- (7) The Governor in Council may remove the Chief Executive from office if he or she has refused, neglected or failed to carry out his or her duties or has demonstrated inefficiency or misbehaviour in carrying out his or her duties.
- (8) The Chief Executive may at any time resign by writing signed and delivered to the Governor in Council.

7 Functions, powers and duties of Chief Executive

- (1) The Chief Executive has all the functions and may exercise all of the powers of Regional Development Victoria.

S. 7(3)
amended by
No. 18/2015
s. 8(1).

(2) The Chief Executive must advise the Minister about the development and implementation of economic and community development policy for rural and regional Victoria.

(3) If the Minister gives written directions to the Chief Executive to perform his or her functions and exercise his or her powers in, and in relation to, a municipal district of a Council referred to in Schedule 1 or 2 the Chief Executive's functions and powers extend and apply to those districts.

S. 7(4)
amended by
Nos 8/2011
s. 13,
70/2013
s. 4(Sch. 2
item 41),
18/2015
s. 8(2).

(4) The Chief Executive is responsible to the Secretary to the Department of Economic Development, Jobs, Transport and Resources for the general conduct and management of the functions and activities of Regional Development Victoria and must advise the Secretary in all matters relating to that conduct and management.

S. 8
amended by
No. 108/2004
s. 117(1)
(Sch. 3
item 173.4).

8 Delegation

The Chief Executive, by instrument in writing, may delegate to any person employed under the **Public Administration Act 2004** any power under this Act, other than this power of delegation.

9 Acting Chief Executive

- (1) The Minister may appoint an Acting Chief Executive—
- (a) during a vacancy in the office of Chief Executive; or
 - (b) during any period when the Chief Executive is absent or, for any reason, is unable to perform the functions of Chief Executive.
- (2) The Minister may—
- (a) appoint an Acting Chief Executive for a period not exceeding 6 months;

- (b) determine the terms and conditions of appointment of the Acting Chief Executive;
 - (c) terminate the appointment of the Acting Chief Executive at any time.
- (3) An Acting Chief Executive is entitled to receive the remuneration and allowances that the Chief Executive would have been entitled to for performing the duties of office.
- (4) While a person is acting in the office of the Chief Executive in accordance with subsection (1), the Acting Chief Executive has all the functions and powers of the Chief Executive.
- (5) If a person is acting in the office of Chief Executive in accordance with subsection (1)(b) and that office becomes vacant while that person is so acting, that person may continue to so act until the first of the following happens—
 - (a) the Minister otherwise directs;
 - (b) the vacancy is filled;
 - (c) 6 months after the date on which the vacancy occurred.
- (6) The validity of anything done by or in relation to a person purporting to act in the office of Chief Executive under an appointment made under subsection (1) shall not be called in question on the ground that—
 - (a) the occasion for his or her appointment has not arisen; or
 - (b) that there is a defect or irregularity in or in connection with his or her appointment; or
 - (c) that the appointment had ceased to have effect; or
 - (d) that the occasion for him or her to act had not arisen or had ceased.

10 Ministerial directions

- (1) The Minister may give written directions to Regional Development Victoria and the Chief Executive about the performance of the functions of Regional Development Victoria.
- (2) Without limiting subsection (1), the Minister may give written directions to the Chief Executive to perform his or her functions and exercise his or her powers in, and in relation to, a municipal district of a Council referred to in Schedule 1 or 2.

S. 10(2)
amended by
No. 18/2015
s. 9.

10A Reporting

- (1) Regional Development Victoria must, within 3 months after the end of a financial year, submit a report to the Minister relating to the operation and performance of Regional Development Victoria during that financial year as if the report were an annual report of operations under Part 7 of the **Financial Management Act 1994**.
- (2) The Minister must cause the report to be laid before each House of the Parliament—
 - (a) on or before 31 October; or
 - (b) if a House is not sitting during that period, on the first sitting day of that House after 31 October.

S. 10A
inserted by
No. 18/2015
s. 10.

Part 3—Regional Development Advisory Committee

Pt 3 (Heading)
inserted by
No. 18/2015
s. 11.

11 Establishment

S. 11
(Heading)
substituted by
No. 18/2015
s. 12(1).

S. 11
substituted by
No. 8/2011
s. 10.

(1) There is to be a Regional Development Advisory Committee.

S. 11(1)
amended by
No. 18/2015
s. 12(2).

(2) The Regional Development Advisory Committee consists of—

S. 11(2)
amended by
No. 18/2015
s. 12(2).

(a) a member who is to be Chairperson appointed by the Governor in Council on the recommendation of the Minister; and

(b) no more than 8 other members appointed by the Governor in Council on the recommendation of the Minister.

(3) The Minister, in recommending people to be members of the Committee, must ensure that—

(a) the majority of members are from rural and regional Victoria; and

(b) the Committee consists of at least one member from each region specified in an item in column 2 of Schedule 2, being the region consisting of the municipal districts of the municipal councils and the areas of the alpine resorts set out in column 3 of Schedule 2 opposite that item; and

- (c) the members of the Committee have between them skills and knowledge in economic development and community development.

S. 12
substituted by
Nos 8/2011
s. 10, 28/2014
s. 13.

12 Functions

- (1) The Regional Development Advisory Committee has the following functions—
- (a) to advise the Minister on policies, projects and issues related to rural and regional Victoria;
 - (b) to undertake research in relation to rural and regional Victoria;
 - (c) to consult with persons who are stakeholders in relation to the development of rural and regional Victoria;
 - (d) to undertake other activities related to rural and regional Victoria as directed by the Minister.
- (2) The Regional Development Advisory Committee is to exercise the functions set out in subsection (1)(a), (b) and (c) only—
- (a) as directed by the Minister; or
 - (b) with the Minister's approval.

S. 13
(Heading)
substituted by
No. 18/2015
s. 14(1).

13 Terms and conditions of appointment

S. 13
substituted by
No. 8/2011
s. 10.

- (1) A member of the Regional Development Advisory Committee appointed under section 11(2) holds office—
- (a) for a term not exceeding 4 years; and

S. 13(1)
amended by
No. 18/2015
s. 14(2).

- (b) in accordance with the terms and conditions specified in his or her instrument of appointment.
- (2) A member of the Committee appointed under section 11(2) is eligible for re-appointment.
- (3) A member of the Committee appointed under section 11(2) is entitled to be paid the remuneration and allowances for that member that are fixed from time to time by the Governor in Council on the recommendation of the Minister.
- (4) A member of the Committee appointed under section 11(2) may at any time resign by writing signed and delivered to the Minister.
- (5) The Governor in Council may remove any member of the Committee appointed under section 11(2) from office.

14 Meetings

- (1) Meetings of the Regional Development Advisory Committee must be held at least 6 times a year or at the times determined by the Minister.
- (2) The Chairperson must preside at any meeting of the Committee at which he or she is present.
- (3) If the Chairperson is absent a member elected by the members present must preside.
- (4) A majority of members currently in office constitutes a quorum for a meeting of the Committee.

**S. 14
(Heading)
amended by
No. 18/2015
s. 15(1).**

**S. 14
substituted by
No. 8/2011
s. 10.**

**S. 14(1)
amended by
No. 18/2015
s. 15(2).**

Pt 4 (Heading
and ss 15–18)
inserted by
No. 18/2015
s. 16.

Part 4—Regional Jobs and Infrastructure Fund

S. 15
substituted by
No. 18/2015
s. 16.

15 Regional Jobs and Infrastructure Fund

There is established in the Public Account as part of the Trust Fund an account to be known as the Regional Jobs and Infrastructure Fund.

S. 16
inserted by
No. 18/2015
s. 16.

16 Payments into Fund

There must be paid into the Regional Jobs and Infrastructure Fund—

- (a) all money that is appropriated by Parliament for the purposes of the Fund; and
- (b) all money that is received from the investment of money in the Fund; and
- (c) money received from any other source for the purposes of the Fund.

S. 17
inserted by
No. 18/2015
s. 16.

17 Payments from Fund

- (1) There must be paid from the Regional Jobs and Infrastructure Fund amounts to be used for the following purposes—
 - (a) to provide for better infrastructure, facilities and services in rural and regional Victoria;
 - (b) to strengthen the economic, social and environmental bases of communities in rural and regional Victoria;
 - (c) to create jobs and improve career opportunities in rural and regional Victoria;
 - (d) to support the development and planning of local projects in rural and regional Victoria;
 - (e) for projects, determined by the Minister, to support the economic or community development of rural and regional Victoria.

- (2) A payment made for a purpose set out in subsection (1) must not be made without the authorisation of—
- (a) if the payment is for less than \$5 000 000, the Minister; or
 - (b) otherwise, the Minister and the Treasurer.
- (3) There must be paid from the Regional Jobs and Infrastructure Fund amounts authorised by the Minister for the payment of costs and expenses incurred in—
- (a) administering Part 3 and this Part; and
 - (b) monitoring and reporting on the financial operations and financial position of the Fund.

18 Delegation of power to authorise payments

The Minister, by instrument, may delegate the Minister's power to authorise payments under section 17 to—

- (a) the Chief Executive; or
- (b) a person employed under Part 3 of the **Public Administration Act 2004**.

S. 18
inserted by
No. 18/2015
s. 16.

Pt 5 (Heading
and s. 19
inserted by
No. 18/2015
s. 16.

Part 5—General

S. 19
inserted by
No. 18/2015
s. 16.

19 Regulations

The Governor in Council may make regulations for or with respect to—

- (a) prescribing geographical areas to be included in rural and regional Victoria for the purposes of this Act and the circumstances (if any) in which the prescribed geographical areas are to be included in rural and regional Victoria for the purposes of this Act; and
- (b) any other matter or thing required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to this Act.

Part 6—Transitional provisions

Pt 6 (Heading
and s. 20)
inserted by
No. 18/2015
s. 16.

20 Transitional provision—Regional Development Victoria Amendment (Jobs and Infrastructure) Act 2015

S. 20
inserted by
No. 18/2015
s. 16.

- (1) On the commencement day—
 - (a) the Regional Growth Fund is abolished; and
 - (b) all money standing to the credit of the Regional Growth Fund immediately before the commencement day becomes part of the Regional Jobs and Infrastructure Fund; and
 - (c) all property, rights and liabilities of the Regional Growth Fund immediately before the commencement day become property, rights and liabilities of the Regional Jobs and Infrastructure Fund.
- (2) A reference to the Regional Growth Fund in any Act, subordinate instrument, agreement or other document is taken to be a reference to the Regional Jobs and Infrastructure Fund to the extent that the reference relates to any matter on or after the commencement day unless the contrary intention appears.
- (3) No duty or other tax is chargeable under any Act in respect of anything done by this section or in respect of any act or transaction connected with or necessary to be done because of this section, including a transaction entered into or an instrument made, executed, lodged or given, for the purposes of, or connected with, the transfer of property to or from the Regional Jobs and Infrastructure Fund.

- (4) Despite the repeal of the **Regional Growth Fund Act 2011**, on and after the commencement day any agreement for the payment of an amount from the Regional Growth Fund is taken to be an agreement for the payment of an amount from the Regional Jobs and Infrastructure Fund to the extent that the agreement relates to any matter on or after the commencement day unless the contrary intention appears.
- (5) Despite the repeal of the **Regional Growth Fund Act 2011**, on and after the commencement day any authorisation given by the Minister or the Treasurer under section 5(2) of that Act before the commencement day—
- (a) continues to have effect; and
 - (b) to the extent that it relates to any matter on or after the commencement day, is taken to be an authorisation under section 17(2) of this Act for the payment of an amount out of the Regional Jobs and Infrastructure Fund.
- (6) Nothing effected by this section is to be regarded as—
- (a) placing a person in breach of a contract; or
 - (b) constituting a default under a provision of a contract.
- (7) In this section—
- commencement day*** means the day on which section 16 of the **Regional Development Victoria Amendment (Jobs and Infrastructure) Act 2015** comes into operation;
- liabilities*** means all liabilities, duties and obligations, whether actual, contingent or prospective;

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;

Regional Growth Fund means the Fund within the meaning of the **Regional Growth Fund Act 2011** as in force immediately before its repeal;

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

Sch.
(Heading)
substituted
as Schs
(Heading) by
No. 8/2011
s. 14(1).

SCHEDULES

Sch. 1
(Heading)
inserted by
No. 8/2011
s. 14(1).

SCHEDULE 1

COUNCILS

Cardinia Shire Council
Casey City Council
Hume City Council
Melton Shire Council
Mornington Peninsula Shire Council
Nillumbik Shire Council
Whittlesea City Council
Wyndham City Council
Yarra Ranges Shire Council

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SCHEDULE 2

Sch. 2
inserted by
No. 8/2011
s. 14(2).

REGIONS

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item No.</i>	<i>Region</i>	<i>Municipal Council or Alpine Resort</i>
1	Hume	Alpine Shire Council Benalla Rural City Council Falls Creek Alpine Resort Greater Shepparton City Council Indigo Shire Council Lake Mountain Alpine Resort Mansfield Shire Council Mitchell Shire Council Moirra Shire Council Mount Buller Alpine Resort Mount Hotham Alpine Resort Mount Stirling Alpine Resort Murrindindi Shire Council Strathbogie Shire Council Towong Shire Council Wangaratta Rural City Council Wodonga City Council
2	Loddon Mallee	Buloke Shire Council Campaspe Shire Council Central Goldfields Shire Council Gannawarra Shire Council Greater Bendigo City Council Loddon Shire Council Macedon Ranges Shire Council Mildura Rural City Council Mount Alexander Shire Council Swan Hill Rural City Council

Regional Development Victoria Act 2002
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Schedules

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item No.</i>	<i>Region</i>	<i>Municipal Council or Alpine Resort</i>
3	Grampians	Ararat Rural City Council Ballarat City Council Golden Plains Shire Council Hepburn Shire Council Hindmarsh Shire Council Horsham Rural City Council Moorabool Shire Council Northern Grampians Shire Council Pyrenees Shire Council West Wimmera Shire Council Yarriambiack Shire Council
4	Barwon South West	Borough of Queenscliffe Colac-Otway Shire Council Corangamite Shire Council Glenelg Shire Council Greater Geelong City Council Moyne Shire Council Southern Grampians Shire Council Surf Coast Shire Council Warrnambool City Council
5	Gippsland	Bass Coast Shire Council Baw Baw Shire Council East Gippsland Shire Council Latrobe City Council Mount Baw Baw Alpine Resort South Gippsland Shire Council Wellington Shire Council

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

Minister's second reading speech—

Legislative Assembly: 12 September 2002

Legislative Council: 17 October 2002

The long title for the Bill for this Act was "to establish a body to facilitate economic and community development in rural and regional Victoria to be known as Regional Development Victoria and for other purposes."

The **Regional Development Victoria Act 2002** was assented to on 4 November 2002 and came into operation on 3 March 2003: Government Gazette 27 February 2003 page 323.

2 Table of Amendments

This publication incorporates amendments made to the **Regional Development Victoria Act 2002** by Acts and subordinate instruments.

Public Administration Act 2004, No. 108/2004

Assent Date: 21.12.04
Commencement Date: S. 117(1)(Sch. 3 item 173) on 5.4.05: Government Gazette 31.3.05 p. 602
Current State: This information relates only to the provision/s amending the **Regional Development Victoria Act 2002**

Regional Growth Fund Act 2011, No. 8/2011

Assent Date: 12.4.11
Commencement Date: Ss 10–14 on 1.6.11: Special Gazette (No. 150) 17.5.11 p. 1
Current State: This information relates only to the provision/s amending the **Regional Development Victoria Act 2002**

Statute Law Revision Act 2013, No. 70/2013

Assent Date: 19.11.13
Commencement Date: S. 4(Sch. 2 item 41) on 1.12.13: s. 2(1)
Current State: This information relates only to the provision/s amending the **Regional Development Victoria Act 2002**

Regional Development Victoria Amendment (Jobs and Infrastructure) Act 2015, No. 18/2015

Assent Date: 2.6.15
Commencement Date: Ss 3–16: on 1.7.15: Special Gazette (No. 183) 30.6.15 p. 2
Current State: This information relates only to the provision/s amending the **Regional Development Victoria Act 2002**

3 Amendments Not in Operation

Not updated for this publication.

4 Explanatory details

No entries at date of publication.