

Authorised Version No. 001
Infrastructure Victoria Act 2015

No. 38 of 2015

Authorised Version as at
1 October 2015

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The Parliament of Victoria enacts:

Part 1—Preliminary

1 Purposes

The purposes of this Act are—

- (a) to establish Infrastructure Victoria, having the object and functions set out in this Act; and
- (b) to establish a new strategic infrastructure planning process in Victoria.

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 has not come into operation before 1 January 2016, it comes into operation on that day.

3 Definitions

In this Act—

5-year infrastructure plan means the plan prepared in accordance with Division 2 of Part 3 and as in force from time to time after it is prepared or amended;

30-year infrastructure strategy means the strategy prepared in accordance with Division 1 of Part 3 and as in force from time to time after it is reviewed and updated;

appointed director means a person appointed to the board under section 13;

board means the board of directors of Infrastructure Victoria;

chairperson means an appointed director appointed as chairperson under section 13;

chief executive officer means the chief executive officer of Infrastructure Victoria appointed under section 27;

Department has the same meaning as in the **Public Administration Act 2004**;

Department Head has the same meaning as in the **Public Administration Act 2004**;

deputy chairperson means an appointed director appointed as deputy chairperson under section 13;

director means an appointed director or a statutory director;

Government response means the response prepared in accordance with section 37;

Infrastructure Victoria means the body corporate established under section 5;

public entity has the same meaning as in **Public Administration Act 2004**;

public service body has the same meaning as in the **Public Administration Act 2004**;

statutory director means a Department Head who is on the board under section 12(2)(d).

4 Act binds the Crown

This Act binds the Crown, in right of Victoria and, to the extent that the legislative power of the Parliament permits, the Crown in all its other capacities.

Part 2—Infrastructure Victoria

Division 1—Establishment, functions and powers

5 Infrastructure Victoria

- (1) Infrastructure Victoria is established.
- (2) Infrastructure Victoria—
 - (a) is a body corporate with perpetual succession; and
 - (b) has an official seal; and
 - (c) may sue and be sued; and
 - (d) may acquire, hold and dispose of real and personal property; and
 - (e) may do and suffer all acts and things that a body corporate may by law do and suffer.

6 Official seal

- (1) The official seal of Infrastructure Victoria must—
 - (a) be kept in such custody as Infrastructure Victoria directs; and
 - (b) not be used except as authorised by Infrastructure Victoria.
- (2) All courts must take judicial notice of the official seal of Infrastructure Victoria affixed to any document.

7 Object of Infrastructure Victoria

The object of Infrastructure Victoria is to provide independent and expert advice about Victoria's current and future infrastructure needs and priorities to support improved social, economic and environmental outcomes for the State.

8 Functions of Infrastructure Victoria

The functions of Infrastructure Victoria are—

- (a) to prepare and publish a 30-year infrastructure strategy that assesses the current state of infrastructure in Victoria and identifies Victoria's infrastructure needs and priorities for the next 30 years; and
- (b) to provide written advice to the Minister on infrastructure matters as requested under section 44; and
- (c) to provide support as requested during the development of sectoral infrastructure strategies by public service bodies or public entities; and

Note

The transport plan that must be prepared under section 63 of the **Transport Integration Act 2010** is an example of a sectoral infrastructure strategy.

- (d) to undertake and publish research on matters relating to infrastructure, including—
 - (i) impediments to delivery; and
 - (ii) improving the measurement of costs and benefits; and
 - (iii) financing and funding models; and
 - (iv) policy and reform issues; and
 - (v) infrastructure policy issues arising from climate change, such as the measurement of greenhouse gas emissions produced by infrastructure; and
- (e) to perform any other function conferred under any other Act or regulations under any other Act.

9 Powers of Infrastructure Victoria

Infrastructure Victoria 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 Infrastructure Victoria and the performance of its functions.

10 Performance of functions

- (1) In the performance of its functions, Infrastructure Victoria—
 - (a) is not required to act in a formal manner; and
 - (b) may inform itself on any matter in any way it thinks fit; and
 - (c) may consult with anyone it thinks fit, including academics and professional bodies; and
 - (d) may receive written or oral information or submissions; and
 - (e) may hold public seminars, conduct workshops and establish working groups and task forces.
- (2) In performing its functions, Infrastructure Victoria must collaborate and consult with public entities and public service bodies.
- (3) In performing its functions, Infrastructure Victoria must have regard to its object of supporting improved social, economic and environmental outcomes for the State.

11 Extra territoriality

Infrastructure Victoria may perform its functions and exercise its powers within or outside Victoria.

Division 2—Board of Infrastructure Victoria

12 Board of directors

- (1) Infrastructure Victoria must have a board of directors.
- (2) The board consists of—
 - (a) a chairperson; and
 - (b) a deputy chairperson; and
 - (c) 2 other directors appointed by the Governor in Council under section 13; and
 - (d) the following persons—
 - (i) the Department Head of the Department of Premier and Cabinet; and
 - (ii) the Department Head of the Department of Treasury and Finance; and
 - (iii) the Department Head responsible to the Minister administering the **Planning and Environment Act 1987**.
- (3) The board—
 - (a) is responsible for determining the general policies and strategic direction of Infrastructure Victoria for the purpose of achieving its object; and
 - (b) may exercise the powers of Infrastructure Victoria.

13 Appointed directors

- (1) The chairperson, deputy chairperson and other appointed directors are to be appointed by the Governor in Council on the recommendation of the Minister.

- (2) An appointed director is appointed for a term of 3 to 5 years as specified in the instrument of appointment.
- (3) An appointed director is appointed—
 - (a) on a part-time basis; and
 - (b) on the terms and conditions (including remuneration and allowances) that are specified in the instrument of appointment.
- (4) An appointed director cannot continue in office for consecutive periods exceeding 10 years.

14 Qualifications and eligibility

- (1) The Minister must not recommend a person to be appointed as an appointed director unless the Minister is satisfied that—
 - (a) the person is not employed by a public entity or public service body; and
 - (b) the person has appropriate knowledge or experience in relation to one or more of the following—
 - (i) policy and strategy; or
 - (ii) infrastructure planning; or
 - (iii) infrastructure funding; or
 - (iv) infrastructure delivery.
- (2) When making a recommendation under section 13(1), the Minister must have regard, as far as is practicable, to the need for the appointed directors collectively to have appropriate knowledge or experience gained in the private sector, within Australia or internationally.

15 Vacancies, resignations, removal from office

- (1) The office of an appointed director becomes vacant if the appointed director—
 - (a) without the approval of the board, fails to attend 3 consecutive meetings of the board;
or
 - (b) becomes insolvent under administration; or
 - (c) is convicted of an indictable offence or an offence that, if committed in Victoria, would be an indictable offence.
- (2) An appointed director may resign by notice in writing delivered to the Minister.
- (3) The Governor in Council on the recommendation of the Minister at any time may remove or suspend an appointed director from office on any of the following grounds—
 - (a) misconduct; or
 - (b) neglect of duty; or
 - (c) inability to perform the duties of the office;
or
 - (d) any other ground on which the Governor in Council is satisfied that the director should not hold office.
- (4) The Minister must recommend that an appointed director be removed from office if the appointed director is convicted of an offence (other than an indictable offence) relating to director's duties as a director.
- (5) If the chairperson is removed from office under subsection (3) or (4), the Minister must cause to be laid before each House of Parliament a full statement of the grounds for removal within 10 sitting days of that house after the removal.

16 Acting appointments

- (1) The deputy chairperson must act as chairperson—
 - (a) if the office of chairperson is vacant; or
 - (b) during any period when the chairperson is absent; or
 - (c) if the chairperson is, for any other reason, unable to attend meetings of the board 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; and
 - (b) is entitled to be paid the remuneration and allowances which the chairperson would have been entitled to.
- (3) The Minister may appoint an appointed director 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 or otherwise unable to perform the duties of the office.
- (4) While an appointed director is acting as deputy chairperson, the director has and may exercise all the powers, and must perform all the functions and duties, of the deputy chairperson.

- (5) The Minister may appoint a person to act as a director (other than the chairperson or deputy chairperson)—
- (a) during a vacancy in the office of an appointed director; or
 - (b) during any period when the appointed director is absent; or
 - (c) during any period when the appointed director is acting as deputy chairperson; or
 - (d) if the appointed director is, for any other reason, unable to attend meetings of the board or otherwise unable to perform the duties of the office.
- (6) While a person is acting as director, the person—
- (a) has and may exercise all the powers, and must perform all the functions and duties, of the director; and
 - (b) is entitled to be paid the remuneration and allowances which the director would have been entitled to.
- (7) The Minister must not appoint a person to act as director unless the Minister is satisfied that—
- (a) the person is not employed by a public entity or public service body; and
 - (b) the person has appropriate knowledge or experience in relation to one or more of the following—
 - (i) policy and strategy; or
 - (ii) infrastructure planning; or
 - (iii) infrastructure funding; or
 - (iv) infrastructure delivery.

- (8) When making an appointment under subsection (5), the Minister must have regard, as far as is practicable, to the need for the appointed directors collectively to have appropriate knowledge or experience gained in the private sector, within Australia or internationally.

17 Validity of acts or decisions

An act or a decision of the board is not invalid only—

- (a) because of a vacancy in the membership of the board, 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.

18 Application of the Public Administration Act 2004 to directors

The **Public Administration Act 2004** (other than Part 3 of that Act) applies to a director in respect of the office of director.

19 Proceedings of board

- (1) Subject to subsection (2), meetings of the board must be held at the times and places determined by the board.
- (2) The chairperson—
 - (a) may at any time convene a meeting of the board; and
 - (b) must convene a meeting of the board when requested by a director to do so.

- (3) A majority of the directors for the time being constitutes a quorum of the board.
- (4) A question arising at a meeting of the board is determined by a majority of votes.
- (5) The board must ensure that accurate minutes are kept of its meetings.
- (6) The person presiding at a meeting of the board has—
 - (a) a deliberative vote; and
 - (b) in the case of an equality of votes, a second or casting vote.
- (7) The board may permit directors to participate in a particular meeting by any means of communication that does not require the physical presence of each director in the same place.
- (8) Subject to this Act, the board may regulate its own proceedings.

20 Resolutions without meetings

- (1) If the directors for the time being (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 taken to have been passed at a meeting of the board held—
 - (a) on the day on which the document is signed; or
 - (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 taken under subsection (1) to have been passed at a meeting of the board, 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 taken to constitute one document.

21 No remuneration for statutory directors

A statutory director is not entitled to remuneration or allowances in respect of the office of director but is entitled to reimbursement of expenses reasonably incurred.

Division 3—General provisions relating to Infrastructure Victoria

22 Infrastructure Victoria not subject to direction or control

Except as provided by or under this Act or any other Act, Infrastructure Victoria is not subject to the direction or control of the Minister.

23 Infrastructure Victoria may request information to perform its functions

- (1) Infrastructure Victoria, by written notice delivered to a public entity or public service body, may make a reasonable request for the entity or body to provide information of a kind specified in the notice.
- (2) Infrastructure Victoria must not disclose to any person any document that it has obtained from any agency (as defined in the **Freedom of Information Act 1982**) or Minister that is an exempt document under the **Freedom of Information Act 1982** in the hands of the agency or Minister.

24 Obligations of public entities and public service bodies

A public entity or public service body must—

- (a) co-operate with Infrastructure Victoria in the performance of the functions of Infrastructure Victoria; and
- (b) respond to a reasonable request under section 23(1) in a timely and efficient manner.

25 Infrastructure Victoria must seek consent before disclosing confidential information

- (1) This section applies if—
 - (a) information or a document is given to Infrastructure Victoria; and
 - (b) the person or body giving the information or document states that it is of a confidential nature.
- (2) Infrastructure Victoria must not disclose the information or the contents of the document to any person or body unless the person or body who supplied the information or document has consented to the disclosure.

26 Conflicts of interest or duties

- (1) Infrastructure Victoria must publish details of any code of conduct, policy or process that it has put in place under section 81 of the **Public Administration Act 2004** to manage conflicts of interest or duties of directors.

Note

Section 81 of the **Public Administration Act 2004** requires the board of a public entity to, among other things, ensure that processes are in place to deal with conflicts of interest or duties of directors.

- (2) If a director has an interest in a matter being considered, or about to be considered, by Infrastructure Victoria, the director must, as soon as is practicable after the relevant facts come to the director's knowledge, disclose the nature of the interest to the board.
- (3) Infrastructure Victoria must include in the report of its operations under Part 7 of the **Financial Management Act 1994** details of any conflict of interest disclosed by a director in that year.

27 Chief executive officer

- (1) The board, after consultation with the Minister, may appoint a person as the chief executive officer.
- (2) The chief executive officer is responsible for the management of the affairs of Infrastructure Victoria in accordance with the general policies and strategic direction determined by the board.
- (3) The board may at any time remove or suspend a person from the office of chief executive officer.
- (4) The chief executive officer holds office, subject to this Act—
 - (a) on a full-time or part-time basis; and
 - (b) on such terms and conditions as are determined by the board, after consultation with the Minister, and specified in the instrument of appointment.
- (5) The chief executive officer must not be a director of Infrastructure Victoria.
- (6) The chief executive officer may resign from the office in writing signed by the chief executive officer and delivered to the chairperson.

- (7) 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 may appoint another person to act in the place of the chief executive officer during the period of the inability—
- (a) for a specified period not exceeding 1 month; or
 - (b) after consultation with the Minister, for a specified period of more than 1 month.
- (8) 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; and
 - (b) is to be paid any remuneration and travelling or other allowances fixed by the board from time to time, having regard to the rate of remuneration and allowances for the time being payable to the chief executive officer.

28 Staff of Infrastructure Victoria

- (1) Any employees that are necessary to enable Infrastructure Victoria to perform its functions may be employed under Part 3 of the **Public Administration Act 2004**.
- (2) Infrastructure Victoria may enter into agreements or arrangements for the use of the services of any staff of a public entity or public service body.

29 Infrastructure Victoria may engage consultants

Infrastructure Victoria may engage consultants, contractors or agents to assist with the performance of its functions.

30 Indemnity

The powers of Infrastructure Victoria do not include a power to exempt, whether directly or indirectly, a director from, or to indemnify (whether by paying a premium in respect of a contract of insurance or otherwise) a director 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 Infrastructure Victoria.

31 Delegation by Infrastructure Victoria

- (1) Subject to subsection (2), Infrastructure Victoria, by instrument, may delegate any power, function or duty of Infrastructure Victoria under any Act or regulations under any Act to—
 - (a) the chief executive officer; and
 - (b) an employee of Infrastructure Victoria; and
 - (c) a person engaged by Infrastructure Victoria to assist in the performance of its functions.
- (2) Infrastructure Victoria may not delegate any of the following powers or functions—
 - (a) the power of delegation under subsection (1); and
 - (b) the power to appoint or remove a chief executive officer under section 27.

Part 3—Infrastructure strategy, planning and advice

Division 1—30-year infrastructure strategy

32 Preparation of 30-year infrastructure strategy

- (1) Infrastructure Victoria must prepare and periodically review and update a 30-year infrastructure strategy.
- (2) Infrastructure Victoria must transmit the 30-year infrastructure strategy to the Parliament on or before 31 December 2016.

33 Content of 30-year infrastructure strategy

- (1) The 30-year infrastructure strategy must assess the current state of infrastructure in Victoria and identify Victoria's infrastructure needs and priorities for the next 30 years.
- (2) The 30-year infrastructure strategy must include—
 - (a) a statement of social, economic and environmental objectives against which Victoria's infrastructure needs are able to be assessed and benchmarked; and
 - (b) an assessment of the current state of infrastructure in Victoria; and
 - (c) the identification of Victoria's short, medium and long term infrastructure needs and priorities to achieve the social, economic and environmental objectives referred to in paragraph (a), on the basis of detailed, objective and quantitative evidence, including land use plans, population projections and economic data; and
 - (d) an assessment of options available to meet the identified infrastructure needs and priorities, including—

- (i) new infrastructure projects; and
 - (ii) policy or reform options including demand management and regulatory reform; and
 - (iii) consideration of the balance between investing in new infrastructure and making better use of existing infrastructure in order to meet the identified infrastructure needs; and
- (e) recommendations regarding—
- (i) specific major projects, policies or reforms that will meet the identified infrastructure needs; and
 - (ii) the funding options for the specified major projects, policies or reforms; and
 - (iii) the level of priority for the specified major projects, policies or reforms.
- (3) When preparing or updating the 30-year infrastructure strategy, Infrastructure Victoria must have regard to any current land use, transport or other relevant social, economic or environmental policy in Victoria.

34 Public consultation on a draft 30-year infrastructure strategy

Before transmitting the 30-year infrastructure strategy or an updated 30-year infrastructure strategy (as the case may be) to the Parliament under section 35, Infrastructure Victoria must undertake public consultation on—

- (a) a draft of the statement of social, economic and environmental objectives referred to in section 33(2)(a); and
- (b) a draft of the strategy.

35 Transmission of 30-year infrastructure strategy to Parliament

- (1) Infrastructure Victoria must cause the strategy or updated strategy (as the case may be) to be transmitted to each House of the Parliament as soon as is practicable after it has been completed.
- (2) The clerk of each House of the Parliament must cause the strategy or updated strategy (as the case may be) to be laid before the House on the day on which it is received or on the next sitting day of the House.
- (3) If Infrastructure Victoria proposes to transmit the strategy or updated strategy (as the case may be) to the Parliament on a day on which neither House of the Parliament is actually sitting, Infrastructure Victoria must—
 - (a) give one business day's notice of intention to do so to the clerk of each House of the Parliament; and
 - (b) give the strategy or updated strategy (as the case may be) to the clerk of each House on the day indicated in the notice; and
 - (c) publish the strategy or updated strategy (as the case may be) as soon as practicable after giving it to the clerks.
- (4) The clerk of each House must—
 - (a) notify each member of the House of the receipt of a notice under subsection (3)(a) on the same day that the clerk receives that notice; and
 - (b) give a copy of the strategy or updated strategy (as the case may be) to each member of the House as soon as practicable after the strategy or updated strategy (as the case may be) is received under subsection (3)(b); and

- (c) cause the strategy or updated strategy (as the case may be) to be laid before the House on the next sitting day of the House.
- (5) Subject to section 25, upon the strategy or updated strategy (as the case may be) being laid before each House under subsection (4)(c), Infrastructure Victoria must publish, as far as is reasonably practicable, the evidence and analysis relied upon in preparing the strategy or updated strategy (as the case may be).

36 Infrastructure Victoria must review and update the 30-year infrastructure strategy every 3 to 5 years

Infrastructure Victoria must review and update the 30-year infrastructure strategy no less than 3 years, but no more than 5 years, after the most recent date on which the strategy or updated strategy (as the case may be) is laid before each House under section 35..

Division 2—Government response and 5-year infrastructure plan

37 Government response to 30-year infrastructure strategy

- (1) The Minister must cause to be prepared a Government response to the 30-year infrastructure strategy.
- (2) The Government response must—
 - (a) include a response to any recommendations made in the 30-year infrastructure strategy; and
 - (b) set out any major projects, policies or reforms that the Government intends to pursue in relation to infrastructure matters; and

- (c) provide a detailed rationale for the major projects, policies or reforms set out under paragraph (b).
- (3) The Minister must cause the Government response to be laid before each House on or before the date specified in subsection (4).
- (4) For the purposes of subsection (3), the date is the first sitting day after the first anniversary of the sitting day on which the 30-year infrastructure strategy or updated 30-year infrastructure strategy (as the case may be) is laid before each House of the Parliament under section 35.

38 Preparation of 5-year infrastructure plan

- (1) The Minister must cause to be prepared a 5-year infrastructure plan.
- (2) The Minister may amend the 5-year infrastructure plan at any time.

39 Content of 5-year infrastructure plan

- (1) In preparing or amending the 5-year infrastructure plan, regard must be had to—
 - (a) Victoria's infrastructure needs and priorities; and
 - (b) the 30-year infrastructure strategy.
- (2) The 5-year infrastructure plan must—
 - (a) identify specific major infrastructure projects that should be undertaken as a priority in the next 5 years (the *priority projects*); and
 - (b) contain the rationale for selection of the priority projects, including an explanation of how the priority projects will achieve the social, economic and environmental objectives stated in the 30-year infrastructure strategy; and

- (c) indicate—
 - (i) the estimated cost of the priority projects; and
 - (ii) the proposed funding and delivery arrangements for the priority projects; and
 - (iii) the estimated time for delivery of the priority projects; and
- (d) contain a consideration of policy changes or reforms that may assist in meeting Victoria's infrastructure needs and priorities.

40 Minister may require Infrastructure Victoria to provide information for preparing the Government response or 5-year infrastructure plan

- (1) The Minister, by written notice, may require Infrastructure Victoria to give the Minister any information that the Minister reasonably requires to cause the Government response or 5-year infrastructure plan to be prepared or amended.
- (2) A requirement under subsection (1) must specify—
 - (a) the period within which the information is to be given; and
 - (b) any other manner or circumstances in which the information is to be given.

41 Minister may submit draft 5-year infrastructure plan to Infrastructure Victoria for advice

- (1) Before laying the 5-year infrastructure plan or amended plan (as the case may be) before each House of the Parliament, the Minister may cause a draft plan to be provided to Infrastructure Victoria for advice.
- (2) Infrastructure Victoria must provide advice on the draft plan as requested by the Minister.

42 Laying of 5-year infrastructure plan before Parliament

- (1) Upon the preparation or amendment of the 5-year infrastructure plan under this Division, the Minister must cause the 5-year infrastructure plan or amended plan (as the case may be) to be laid before each House of the Parliament by the date specified in subsection (2).
- (2) For the purposes of subsection (1), the date is the first sitting day after the first anniversary of the sitting day on which the 30-year infrastructure strategy or updated 30-year infrastructure strategy (as the case may be) is laid before each House of the Parliament under section 35.

43 Infrastructure Victoria must include progress report on 5-year infrastructure plan in annual report

Infrastructure Victoria must include in the report of its operations under Part 7 of the **Financial Management Act 1994** an assessment of the Government's specified priorities and progress in meeting the infrastructure needs identified in the 5-year infrastructure plan.

Division 3—Advice to the Minister

44 Minister may request advice from Infrastructure Victoria

- (1) The Minister may request written advice from Infrastructure Victoria on infrastructure matters, including but not limited to the following—
 - (a) Government or private sector proposals for major infrastructure projects; and
 - (b) intergovernmental submissions.

- (2) A request under subsection (1) must be in writing and may specify any of the following—
 - (a) a reasonable period within which the advice is to be given; and
 - (b) any matter to which Infrastructure Victoria is to have regard in giving the advice.
- (3) The Minister may withdraw or amend a request for advice under this section at any time before Infrastructure Victoria gives the advice.

45 Restrictions on publication of advice by Infrastructure Victoria

Infrastructure Victoria must include in the report of its operations under Part 7 of the **Financial Management Act 1994**—

- (a) the subject of any advice requested under this Division; and
- (b) the date of the request for advice, including the date of any withdrawal or amendment of a request for advice; and
- (c) the date that the advice was provided.

46 Minister may publish advice from Infrastructure Victoria

- (1) The Minister may publish advice the Minister receives from Infrastructure Victoria under this Division.
- (2) If the Minister is of the opinion that the publication of certain information contained in advice received from Infrastructure Victoria under this Division would be contrary to the public interest, the Minister may publish the advice with that information deleted.

- (3) If the Minister publishes advice with deletions under subsection (2), the Minister must include in the publication a notice that the advice is published with deletions.

Part 4—General provisions

47 Delegation by Minister

The Minister, by instrument, may delegate to any person any power, duty or function of the Minister under this Act other than this power of delegation.

Part 5—Amendment and repeal

48 Amendment of Public Administration Act 2004

After section 16(1)(j) of the **Public Administration Act 2004** insert—

"(ja) the chairperson of Infrastructure Victoria in relation to the office of Infrastructure Victoria within the meaning of the **Infrastructure Victoria Act 2015**;"

49 Repeal of amending Part

This Part is **repealed** on 1 January 2017.

Note

The repeal of this Part does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

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: 24 June 2015

Legislative Council: 6 August 2015

The long title for the Bill for this Act was "A Bill for an Act to establish Infrastructure Victoria to provide independent and expert advice about Victoria's infrastructure needs and priorities, to establish a new strategic infrastructure planning process and to amend the **Public Administration Act 2004** and for other purposes."

The **Infrastructure Victoria Act 2015**, No. 38/2015 was assented to on 8 September 2015 and came into operation on 1 October 2015: Special Gazette (No.285) 29.9.15 p. 1.

INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided section or clause of a Schedule is amended by the insertion of one or more subsections or subclauses, the original section or clause becomes subsection or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original section or clause.

Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in an Act which is passed on or after 1 January 2001 form part of that Act. Any heading inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. This includes headings to Parts, Divisions or Subdivisions in a Schedule; sections; clauses; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in an Act which is passed on or after 1 January 2001 form part of that Act. Any examples, diagrams or notes inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, form part of that Act. See section 36(3A).

- **Punctuation**

All punctuation included in an Act which is passed on or after 1 January 2001 forms part of that Act. Any punctuation inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. See section 36(3B).

- **Provision numbers**

All provision numbers included in an Act form part of that Act, whether inserted in the Act before, on or after 1 January 2001. Provision numbers include section numbers, subsection numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of an Act is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of an Act. See section 36(3)(3D)(3E).

2 Table of Amendments

There are no amendments made to the **Infrastructure Victoria Act 2015** by Acts and subordinate instruments.

3 Amendments Not in Operation

This publication does not include amendments made to the **Infrastructure Victoria Act 2015** by the following Act/s.

Infrastructure Victoria Act 2015, No. 38/2015

<i>Assent Date:</i>	8.9.15
<i>Commencement Date:</i>	S. 49 on 1.10.15: Special Gazette (No. 285) 29.9.15 p. 1
<i>Note:</i>	S. 49 repeals Pt 5 (ss 48, 49) on 1.1.17
<i>Current State:</i>	This information relates only to the provision/s amending the Infrastructure Victoria Act 2015

At the date of this publication, the following provisions amending the **Infrastructure Victoria Act 2015** were Not in Operation:

Amending Act/s:

Infrastructure Victoria Act 2015, No. 38/2015

49 Repeal of amending Part

This Part is **repealed** on 1 January 2017.

4 Explanatory details