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## Transport Integration Act 2010

### TRANSPORT RESTRUCTURING ORDER (ESTABLISHMENT OF SAFE TRANSPORT VICTORIA) NO. 1/2022

Order in Council

The Governor in Council under Division 1 of Part 4B of the **Transport Integration Act 2010** makes the following Order –

#### PART 1 – PRELIMINARY

##### 1. Commencement

This Order comes into operation on 1 July 2022 (the *commencement day*).

##### 2. Definitions

- (1) Subject to subclauses (2) and (3), a term used in this Order has the same meaning as in section 3 of the **Transport Integration Act 2010**.

###### Notes

- Section 3 of the **Transport Integration Act 2010** includes the following definitions –  
*commercial passenger vehicle* has the same meaning as it has in the **Commercial Passenger Vehicle Industry Act 2017**;  
*Commercial Passenger Vehicle Commission* means the body corporate established under section 115B;  
*commercial passenger vehicle service* has the same meaning as it has in the **Commercial Passenger Vehicle Industry Act 2017**;  
*Department* means the Department of Transport;  
*Director, Transport Safety* means the person holding the position referred to in section 171(1);  
*Secretary* means the Secretary to the Department;  
*transport system objectives* means the objectives specified in Division 2 of Part 2;  
*vision statement* means the statement set out in section 6.
- Section 3 of the **Transport Integration Act 2010** also includes definitions of *transport legislation* and *sector transport agency*.

- (2) In addition to subclause (1), in this Order –

*Chief Executive* means the person appointed as the Chief Executive of Safe Transport Victoria under section 184 of the **Transport Integration Act 2010** as modified by clause 12 of this Order;

*CPVC* means the Commercial Passenger Vehicle Commission;

###### Note

The Commercial Passenger Vehicle Commission is described differently under certain other related Acts but has the same meaning – see the definitions of *CPVC* in section 3(1) of the **Road Safety Act 1986** and section 2(1) of the **Transport (Compliance and Miscellaneous) Act 1983**.

*Director* means the Director, Transport Safety;

###### Note

The Director, Transport Safety is described differently under certain other related Acts but has the same meaning – see the definition of *Director* in section 3 of the **Marine (Drug, Alcohol and Pollution Control) Act 1988**.

*licensing authority* means the Commercial Passenger Vehicle Commission;

###### Note

The Commercial Passenger Vehicle Commission is described differently under certain other related Acts but has the same meaning – see the definition of *licensing authority* in section 2(1) of the **Transport (Compliance and Miscellaneous) Act 1983**.

**SPECIAL**

**Minister** means the Minister administering Division 3 of Part 5 and the Minister administering Division 1 of Part 7 of the **Transport Integration Act 2010** unless the context otherwise requires;

**regulator** means the Commercial Passenger Vehicle Commission;

**Note**

The Commercial Passenger Vehicle Commission is described differently under certain other related Acts but has the same meaning – see the definition of **regulator** in section 3 of the **Commercial Passenger Vehicle Industry Act 2017**.

**Safety Director** means the Director, Transport Safety;

**Note**

The Director, Transport Safety is described differently under certain other related Acts but has the same meaning – see the definitions of **Safety Director** in section 3(1) of the **Bus Safety Act 2009**, section 3(1) of the **Marine Safety Act 2010** and section 2(1) of the **Transport (Compliance and Miscellaneous) Act 1983**.

**Safe Transport Victoria** means the new sector transport agency constituted by clause 6 of this Order.

- (3) In section 3 of the **Transport Integration Act 2010**, the definition of **transport safety appointee** applies but is modified as if paragraph (b) were omitted.

**Notes**

1. A Transport Restructuring Order may provide, among other things, that while the Order is in force, the provisions of any transport legislation specified in the Order apply as varied or modified by the Order – see section 65A(4)(g) of the **Transport Integration Act 2010**.
2. An effect of clause 2(3) of this Order is that the person holding the office of Director, Transport Safety goes out of office on the commencement day. The Minister may, if appropriate, appoint a person to perform any residual functions of that office on and after the commencement day – see clause 26 of this Order.

### 3. Objectives

The objectives of this Order are –

- (a) to constitute a new sector transport agency called Safe Transport Victoria; and
- (b) to provide for the constitution and membership of Safe Transport Victoria; and
- (c) to set out the objects of Safe Transport Victoria; and
- (d) to confer all of the duties, functions and powers of the Director, Transport Safety on Safe Transport Victoria, other than as provided for by this Order; and
- (e) to confer all of the duties, functions and powers of the Commercial Passenger Vehicle Commission on Safe Transport Victoria; and
- (f) to enable the Minister to direct Safe Transport Victoria to engage persons to provide advice and expertise to assist Safe Transport Victoria; and
- (g) to modify provisions in relation to the office of the Director, Transport Safety; and
- (h) to modify provisions in relation to the constitution and membership of the Commercial Passenger Vehicle Commission; and
- (i) to modify corporate planning and annual reporting requirements and related obligations in respect of the Director, Transport Safety, the Commercial Passenger Vehicle Commission and Safe Transport Victoria; and
- (j) to apply, adopt or incorporate the provisions of transport legislation and other legislation as modified by this Order; and
- (k) to provide that while this Order is force, a provision of any transport legislation specified in this Order (including the **Transport Integration Act 2010**) applies as varied or modified by this Order, and any references in any transport legislation, regulation, instrument or other document of any kind are to be construed as provided in this Order; and
- (l) to provide for matters of a savings, transitional and consequential nature.

#### 4. **Transfer Orders necessary**

Transfer Orders are required in relation to the restructuring that is the subject of this Order to transfer all of the property, rights and liabilities of the Director, Transport Safety and the Commercial Passenger Vehicle Commission to Safe Transport Victoria, as specified in the Transfer Orders, except for contracts of employment and the official seal of the Commercial Passenger Vehicle Commission.

**Note**

See section 65A(1)(c) of the **Transport Integration Act 2010**.

#### 5. **Transfer of employees necessary**

The transfer of employees from the group supporting the Director, Transport Safety comprising of staff employed by the Secretary in the Department on behalf of the Crown and from the Commercial Passenger Vehicle Commission to Safe Transport Victoria is necessary to give effect to the restructuring that is the subject of this Order.

**Note**

See section 65A(1)(c) of the **Transport Integration Act 2010**.

### **PART 2 – SAFE TRANSPORT VICTORIA**

#### 6. **Establishment of Safe Transport Victoria**

Safe Transport Victoria is constituted as a new sector transport agency.

**Notes**

1. A Transport Restructuring Order may constitute a new sector transport agency – see section 65E(1) of the **Transport Integration Act 2010**.
2. A new sector transport agency constituted by a Transport Restructuring Order is a body corporate with perpetual succession, has an official seal, may sue and be sued, may acquire, hold and dispose of real and personal property and may do and suffer all acts and things that a body corporate may by law do and suffer – see section 65E(3) of the **Transport Integration Act 2010**.
3. A sector transport agency includes any new sector transport agency constituted under a Transport Restructuring Order – see paragraph (i) of the definition of *sector transport agency* in section 3 of the **Transport Integration Act 2010**.

#### 7. **Official seal**

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

#### 8. **Safe Transport Victoria represents the Crown**

Safe Transport Victoria represents the Crown.

#### 9. **Objects of Safe Transport Victoria**

The objects of Safe Transport Victoria are –

- (a) the object of the Director, Transport Safety set out in section 172 of the **Transport Integration Act 2010** adopted and modified, for the purposes of this Order, as follows –
  - “(i) to seek the highest bus safety and marine safety standards that are reasonably practicable, consistent with the vision statement and the transport system objects; and
  - (ii) without limiting the generality of sub-paragraph (i), the object includes the specific objects or purposes specified in –
    - (A) section 14 of the **Marine Safety Act 2010**; and
    - (B) section 3 of Schedule 1 to the Marine Safety (Domestic Commercial Vessel) National Law Act 2012 of the Commonwealth; and
    - (C) section 4 of the **Bus Safety Act 2009**”; and

- (b) the object of the Commercial Passenger Vehicle Commission set out in section 115E of the **Transport Integration Act 2010** adopted and modified, for the purposes of this Order, as follows –
- “(iii) to regulate the commercial passenger vehicle industry in a manner that –
- (A) promotes the provision of commercial passenger vehicle services that are customer responsive, safe, competitive, efficient and accessible; and
  - (B) is consistent with the vision statement and the transport system objectives; and
- (iv) without limiting the generality of sub-paragraph (iii), the object set out in that sub-paragraph includes the following –
- (A) to pursue and promote major and enduring improvements in the commercial passenger vehicle industry;
  - (B) to facilitate competition and innovation in the industry;
  - (C) to improve the safety of drivers and passengers of commercial passenger vehicles;
  - (D) to promote public confidence in the safety of the commercial passenger vehicle industry.”.

**Note**

1. A Transport Restructuring Order may apply, adopt or incorporate, with or without modification, the provisions of any Act or of any regulations made under any Act – see section 65A(4)(e) of the **Transport Integration Act 2010**.
2. A provision of any Act or of any regulations made under any Act that is adopted, with or without modification, in this Order is to be taken to be the provision as in force immediately before the commencement day – see clause 29 of this Order.

**10. Duties, functions and powers of Safe Transport Victoria – conferral of duties, functions and powers of Director, Transport Safety and Commercial Passenger Vehicle Commission**

- (1) The following duties, functions and powers are conferred on Safe Transport Victoria –
- (a) in respect of duties, functions and powers previously conferred on the Director, Transport Safety, Safety Director or Director –
    - (i) the duties, functions and powers of the Director, Transport Safety set out under Division 1 of Part 7 of the **Transport Integration Act 2010**;
    - (ii) the duties, functions and powers of the Safety Director set out under Division 1 of Part 8.1 of the **Marine Safety Act 2010**;
    - (iii) the duties, functions and powers of the Safety Director set out under the **Bus Safety Act 2009**;
    - (iv) any other duties, functions and powers of the Director, Transport Safety, Safety Director or Director under the **Transport Integration Act 2010**, the **Marine Safety Act 2010**, the **Transport (Safety Schemes Compliance and Enforcement) Act 2014**, the **Marine (Drug, Alcohol and Pollution Control) Act 1988** and any other transport legislation;
  - (b) in respect of duties, functions and powers previously conferred on the Commercial Passenger Vehicle Commission, licensing authority or regulator –
    - (i) the duties, functions and powers of the Commercial Passenger Vehicle Commission set out under Division 3 of Part 5 of the **Transport Integration Act 2010**;
    - (ii) any other duties, functions and powers of the Commercial Passenger Vehicle Commission, licensing authority or regulator under the **Transport Integration Act 2010**, the **Transport (Compliance and Miscellaneous) Act 1983** the **Commercial Passenger Vehicle Industry Act 2017** and any other transport legislation.

- (2) The duties, functions and powers conferred on Safe Transport Victoria under subclause (1) are only to be performed or exercised by Safe Transport Victoria and are to be performed by Safe Transport Victoria on an ongoing basis.
- (3) The functions conferred on Safe Transport Victoria under subclause (1) include, but are not limited to, the functions set out in Schedule 1 to this Order.
- (4) In the event of any conflict between subclause (3) and Schedule 1 on the one hand, and subclause (1) on the other, subclause (1) prevails.

**Notes**

1. All of the duties, functions or powers conferred on a sector transport agency under any transport legislation may be conferred on a new sector transport agency under a Transport Restructuring Order – see section 65E(2) of the **Transport Integration Act 2010**.
2. The main functions conferred on Safe Transport Victoria and summarised in Schedule 1 include the functions of the Director, Transport Safety and the Commercial Passenger Vehicle Commission under the **Transport Integration Act 2010**, the functions of the Commercial Passenger Vehicle Commission in its capacity as licensing authority for the purposes of the **Transport (Compliance and Miscellaneous) Act 1983** and as regulator for the purposes of the **Commercial Passenger Vehicle Industry Act 2017**, and the functions of the Safety Director under the **Marine Safety Act 2010**, the **Transport (Compliance and Miscellaneous) Act 1983**, the **Transport (Safety Schemes Compliance and Enforcement) Act 2014** and the **Bus Safety Act 2009** and as Director under the **Marine (Drug, Alcohol and Pollution Control) Act 1988**.

**11. Constitution and membership of Safe Transport Victoria**

Safe Transport Victoria consists of one member appointed as Chief Executive in accordance with clause 12 of this Order.

**Note**

A Transport Restructuring Order may provide for the constitution and membership of a new sector transport agency – see section 65A(2)(d) of the **Transport Integration Act 2010**.

**12. Chief Executive of Safe Transport Victoria**

- (1) Section 184 of the **Transport Integration Act 2010** applies but is modified as if –
  - (a) in subsection (1), for “appointee is” there were substituted “appointee and the Chief Executive of Safe Transport Victoria are”;
  - (b) in subsection (3), after “transport safety appointee” there were inserted “or Chief Executive of Safe Transport Victoria”;
  - (c) after subsection (4) there were inserted –
    - “(4A) The Chief Executive of Safe Transport Victoria –
      - (a) holds office on the terms and conditions specified in the instrument of appointment; and
      - (b) is entitled to be paid any remuneration and travelling or other allowances fixed from time to time by the Governor in Council; and
      - (c) is to be appointed on a full-time basis.”;
  - (d) after subsection (5) there were inserted –
    - “(6) The **Public Administration Act 2004** (other than Part 3 of that Act) applies to the Chief Executive in respect of the office of Chief Executive.”.

**Note**

The effect of this clause is that the Chief Executive of Safe Transport Victoria is to be appointed by the Governor in Council for a period of up to 5 years and that the Chief Executive may be re-appointed.

- (2) Section 185 of the **Transport Integration Act 2010** applies but is modified as if, after subsection (4) there were inserted –
  - “(6) If the Chief Executive of Safe Transport Victoria 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.

- (7) A person appointed under this section and acting in the place of the Chief Executive of Safe Transport Victoria –
  - (a) has all the rights and powers, and must perform all the duties, of the Chief Executive; and
  - (b) is to be paid any remuneration and travelling or other allowances for the time being payable to the Chief Executive.”.
- (3) Section 187 of the **Transport Integration Act 2010** applies but is modified as if –
  - (1) after “transport safety appointee” there were inserted “or the Chief Executive of Safe Transport Victoria”; and
  - (2) for “him or her” there were substituted “them”.

### 13. When the Chief Executive ceases to hold office

A person ceases to be the Chief Executive –

- (a) at the expiry of their term of office; or
- (b) if they resign in accordance clause 12 of this Order; or
- (c) if they are removed from office under clause 15 of this Order; or
- (d) if they become an insolvent under administration; or
- (e) if they are convicted of an indictable offence or of an offence which, if committed in Victoria, would be an indictable offence; or
- (f) if they nominate for election as a member of the Parliament of any jurisdiction.

### 14. Suspension of Chief Executive

- (1) The Minister may immediately suspend a person from the office of Chief Executive if the Minister is of the opinion that the person –
  - (a) is incapable of performing their functions or duties; or
  - (b) has refused or neglected to perform their functions or duties; or
  - (c) has engaged in misconduct; or
  - (d) is otherwise unfit to continue to be the Chief Executive.
- (2) A suspension under subsection (1) is for a period not exceeding 3 months.
- (3) If a person is suspended from office under this section, the person remains entitled to their remuneration and allowances as the Chief Executive during the period of suspension.

### 15. Removal of Chief Executive from office

Section 188 of the **Transport Integration Act 2010** applies but is modified as if –

- (a) in subsection (1), after “office as a transport safety appointee” there were inserted “or the office of Chief Executive”; and
- (b) in subsection (2), for “his or her” (wherever occurring) there were substituted “their”; and
- (c) in subsection (2)(d), after “a transport safety appointee” there were inserted “or the Chief Executive”.

#### Note

The effect of this clause is that the Governor in Council may remove a person from the office of Chief Executive on the recommendation of the Minister. The Minister may make the recommendation if the Minister is of the opinion that the person is incapable of performing their functions or duties, or has refused or neglected to perform their functions or duties, or has engaged in misconduct, or is otherwise unfit to continue to be the Chief Executive. Before making such a recommendation in relation to a person, the Minister must 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 consider any submissions made to the Minister by, or on behalf of, the person in response to the notice.

**16. Validity of acts or decisions**

For the purposes of this Order, section 189 of the **Transport Integration Act 2010** is adopted and modified as if –

- (a) in the opening words of the section, for “a transport safety appointee or acting transport safety appointee” there were substituted “the Chief Executive or a person acting in the place of, or performing the functions of, the Chief Executive”; and
- (b) in paragraph (a), for “transport safety appointee or acting transport safety appointee” there were substituted “the Chief Executive or a person acting in the place of, or performing the functions of, the Chief Executive”; and
- (c) in paragraph (b), for “an acting transport safety appointee, on the grounds that the occasion for so acting” there were substituted “a person acting in the place of, or performing the functions of, the Chief Executive, on the grounds that the occasion for so acting or performing the functions”.

**17. Extra-territoriality**

For the purposes of this Order, section 195 of the **Transport Integration Act 2010** is adopted and modified as if, for “A transport safety appointee may perform or exercise his or her” there were substituted “Safe Transport Victoria may perform or exercise its”.

**18. Staff of Safe Transport Victoria**

Any employees that are necessary to enable Safe Transport Victoria to perform its functions may be employed under Part 3 of the **Public Administration Act 2004**.

**19. Delegation by Safe Transport Victoria to any person**

Section 115T of the **Transport Integration Act 2010** applies but is modified as if, in subsection (1) –

- (a) for “The Commission” there were substituted “Safe Transport Victoria”; and
- (b) for “the Commission” there were substituted “Safe Transport Victoria”.

**Notes**

1. The modification of section 115T of the **Transport Integration Act 2010** means that Safe Transport Victoria by instrument may delegate to any person any power, duty or function of Safe Transport Victoria conferred or imposed by or under any Act, including subject to section 115T(3) of that Act as applied by this clause, this power of delegation.
2. To avoid doubt, a delegation under this clause may be made in relation to a person or class of persons specified in the instrument of delegation, or 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. A person to whom a power, duty or function has been delegated under this clause may, subject to and in accordance with the instrument of delegation under this clause, by instrument delegate to another person that power, duty or function. Sections 42 and 42A of the **Interpretation of Legislation Act 1984** apply to a sub-delegation under this clause as if it were a delegation – see section 115T(2) to (4) of the **Transport Integration Act 2010**.

**20. Directions**

For the purposes of this Order, section 174A of the **Transport Integration Act 2010** is adopted and modified as if, in subsection (1), for “The Director, Transport Safety” there were substituted “Safe Transport Victoria”.

**21. Ministerial direction to investigate transport safety matter**

Section 191 of the **Transport Integration Act 2010** applies but is modified as if –

- (a) in subsection (1)(a), for the “Director, Transport Safety” there were substituted “Safe Transport Victoria”; and
- (b) in subsection (2), after “transport safety appointee” (wherever occurring) there were substituted “or Safe Transport Victoria”; and
- (c) in subsection (5), after “transport safety appointee” there were substituted “or Safe Transport Victoria”.



**22. Engagement of persons to provide advice or expertise**

- (1) Without limiting clause 20 or 21 of this Order, the Minister may from time to time direct Safe Transport Victoria to engage persons with experience or expertise in, or able to offer informed advice about, the duties, functions and powers of Safe Transport Victoria to advise Safe Transport Victoria on those matters.
- (2) The Minister, in any direction given under subclause (1), may include in the direction the skills and experience required of them.

**23. Corporate plans**

Section 64 of the **Transport Integration Act 2010** applies but is modified as if –

- (a) in subsections (3), (4) and (5), for “sector transport agency” (wherever occurring) there were substituted “sector transport agency (other than the Director, Transport Safety and the Commercial Passenger Vehicle Commission)”; and
- (b) after subsection (5) there were inserted –
  - “(5A) Despite anything to the contrary in this Act, Safe Transport Victoria, in respect of the financial year 2022 to 2023, must –
    - (a) give a copy of its proposed corporate plan to the Secretary on or before 16 September 2022; and
    - (b) deliver the completed corporate plan to the Secretary on or before 31 December 2022.”.

**Note**

The effect of this clause is that the Director, Transport Safety and the Commercial Passenger Vehicle will no longer be required to prepare corporate plans under section 64 of the **Transport Integration Act 2010**. The **Financial Management Act 1994**, including the annual reporting requirements under Part 7 of that Act, continues to apply – see clause 24 of this Order.

**24. Report of operations and financial statements to be prepared**

The application of Section 45 of the **Financial Management Act 1994** is modified for the purposes of this Order as if –

- (a) after subsection (2) there were inserted –
  - “(2A) Despite subsections (1) and (2), in the case of the Commercial Passenger Vehicle Commission, Safe Transport Victoria must cause to be prepared –
    - (a) a report of operations of the Commercial Passenger Vehicle Commission in respect of the financial year 2021 to 2022; and
    - (b) financial statements of the Commercial Passenger Vehicle Commission in respect of that financial year.
  - (2B) Safe Transport Victoria must provide a copy of any direction given to the Commercial Passenger Vehicle Commission under section 115MA(1)(b) of the **Transport Integration Act 2010**, and a statement of the Commercial Passenger Vehicle Commission’s response to the direction, to the chief executive of the Commercial Passenger Vehicle Commission.
  - (2C) For the purposes of certifying the financial statements of the Commercial Passenger Vehicle Commission, the chief executive of the Commercial Passenger Vehicle Commission may rely on the report of operations, financial statements and information provided by Safe Transport Victoria in so attesting and the attestation may be varied to reflect this clause.”; and
- (b) after subsection (3) there were inserted –
  - “(3AA) In the case of the Commercial Passenger Vehicle Commission, Safe Transport Victoria must provide the report of operations in respect of the financial year 2021 to 2022 to the chief executive as soon as practicable after it has been prepared.”.



**PART 3 – RELATED MODIFICATION OF THE TRANSPORT INTEGRATION ACT 2010****25. Division 3 of Part 5 – Commercial Passenger Vehicle Commission**

- (1) Sections 115E to 115G of the **Transport Integration Act 2010** are modified as if those sections were omitted.
- (2) Section 115H of the **Transport Integration Act 2010** applies but is modified as if, for sections (1) and (2) there were substituted –
  - “(1) The Commission consists of one member appointed as chief executive under subsection (2).
  - (2) The Minister may appoint a person to the office of chief executive of the Commission and may at any time remove or suspend a person from that office.”.

**Note**

An effect of clause 25(2) of this Order is that any person holding the office of Commissioner goes out of office on the date this Order takes effect.

- (3) The following sections of the **Transport Integration Act 2010** are modified as if those sections were omitted –
  - (a) sections 115I to 115L;
  - (b) sections 115MA to 115O;
  - (c) sections 115Q to 115QA.
- (4) Section 115S of the **Transport Integration Act 2010** applies but is modified as if, for “A Commissioner” there were substituted “The Chief Executive or any staff of a Department, statutory authority or other public body providing services to the Commission”.
- (5) The following sections of the **Transport Integration Act 2010** are modified as if those sections were omitted –
  - (a) sections 115SA to 115SF;
  - (b) sections 115U to 115V.

**Note**

Section 25 of the Transport Legislation Amendment (Port Reforms and Other Matters) Act 2022 inserted new section 65DA into the **Transport Integration Act 2010**.

Section 65DA has the effect that despite the conferral of all of the duties, functions and powers of the Commercial Passenger Vehicle Commission on Safe Transport Victoria, and the corresponding modification of provisions in relation to its constitution and membership, the Commercial Passenger Vehicle Commission is taken to have the following functions, powers and duties –

- (a) the duty to comply with any direction given to it by the Minister or Secretary under the **Transport Integration Act 2010**;
- (b) the function of providing any support or assistance that the Minister, the Secretary and any other sector transport agency requires to enable them to give effect to this Transport Restructuring Order;
- (c) the power to do all things that are necessary or convenient to be done for or in connection with, or as incidental to, the performance of the duty under paragraph (a) and the function under paragraph (b);
- (d) the duty to have regard to the transport system objectives in exercising its powers and performing the function under paragraph (b).

**26. Divisions 1 and 3 of Part 7 – Director, Transport Safety**

- (1) Section 171 of the **Transport Integration Act 2010** applies but is modified as if, for subsections (1), (2) and (3) there were substituted –
  - “(1) The Minister may appoint a person as Director, Transport Safety.”.
- (2) Sections 172 to 174 of the **Transport Integration Act 2010** are modified as if those sections were omitted.
- (3) Section 175 of the **Transport Integration Act 2010** applies but is modified as if –
  - (a) in the section heading, for “**Director, Transport Safety**” there were substituted “**Safe Transport Victoria**”; and

- (b) in subsection (2), for “The Director, Transport Safety” there were substituted “Safe Transport Victoria”; and
  - (c) in subsection (3)(b), for “Director, Transport Safety” there were substituted “Safe Transport Victoria”.
- (4) Section 176 of the **Transport Integration Act 2010** applies but is modified as if, in subsection (3)(b), for “the Director, Transport Safety” there were substituted “Safe Transport Victoria”.
- (5) Section 177 of the **Transport Integration Act 2010** applies but is modified as if –
- (a) in the section heading, for “**Director, Transport Safety**” there were substituted “**Safe Transport Victoria**”; and
  - (b) in subsection (1) –
    - (i) for “the Director, Transport Safety” (wherever occurring) there were substituted “Safe Transport Victoria”; and
    - (ii) for “his or her” there were substituted “its”; and
  - (c) in subsection (2), for “the Director, Transport Safety” (wherever occurring) there were substituted “Safe Transport Victoria”; and
  - (d) in subsection (2), for “him or her” (wherever occurring) there were substituted “Safe Transport Victoria”.
- (6) Section 178A of the **Transport Integration Act 2010** applies but is modified as if, in subsection (1), for “the Director, Transport Safety” (wherever occurring) there were substituted “Safe Transport Victoria”.
- (7) Section 196 of the **Transport Integration Act 2010** applies but is modified as if, in subsection (1), for “another transport safety appointee” there were substituted “Safe Transport Victoria”.

**Note**

Section 25 of the Transport Legislation Amendment (Port Reforms and Other Matters) Act 2022 inserted new section 65DA into the **Transport Integration Act 2010**.

Section 65DA has the effect that despite the conferral of all of the duties, functions and powers of the Director, Transport Safety on Safe Transport Victoria, and the corresponding modification of provisions in relation to its constitution and membership, the Director, Transport Safety is taken to have the following functions, powers and duties –

- (a) the duty to comply with any direction given to it by the Minister or Secretary under the **Transport Integration Act 2010**;
- (b) the function of providing any support or assistance that the Minister, the Secretary and any other sector transport agency requires to enable them to give effect to this Transport Restructuring Order;
- (c) the power to do all things that are necessary or convenient to be done for or in connection with, or as incidental to, the performance of the duty under paragraph (a) and the function under paragraph (b);
- (d) the duty to have regard to the transport system objectives in exercising its powers and performing the function under paragraph (b).

**27. Part 7A – Conflict between decisions of Director, Transport Safety and road authority**

Section 197A of the **Transport Integration Act 2010** applies but is modified as if, in the definition of *regulator*, for paragraph (e) there were substituted –

- “(e) Safe Transport Victoria; “.

**PART 4 – GENERAL****28. Application of this Order to transport legislation**

While this Order is in force, a provision of any transport legislation specified in this Order applies as varied or modified by this Order, and any references in any transport legislation, regulation, instrument or other document of any kind are to be construed as provided in this Order.

**29. Prescribing matters by reference to other documents**

A provision of any Act or of any regulations made under any Act that is adopted, with or without modification, in this Order is to be taken to be the provision as in force immediately before the commencement day.

**30. Saving of Director, Transport Safety functions and acts**

Nothing in this Order limits the capacity of the Director, Transport Safety, Safety Director or Director to perform or exercise duties, functions or powers conferred on it by or under any Act (save as modified by this Order), or affects any thing or act lawfully done by the Director, Transport Safety, Safety Director or Director.

**31. Saving of Commercial Passenger Vehicle Commission functions and acts**

Nothing in this Order limits the capacity of the Commercial Passenger Vehicle Commission, licensing authority or regulator to perform or exercise duties, functions or powers conferred on it by or under any Act (save as modified by this Order), or affects any thing or act lawfully done by the Commercial Passenger Vehicle Commission, licensing authority or regulator.

**32. Things done by the Director, Transport Safety taken to be done by Safe Transport Victoria**

Anything done by the Director, Transport Safety, Safety Director or Director in the performance of a duty or function, or exercise of a power, under the **Transport Integration Act 2010** or any other Act before the commencement day, which duty, function or power has been conferred on Safe Transport Victoria by, or as a consequence of the making of, this Order is taken, on and after that day, to have been done by Safe Transport Victoria in the performance of a duty or function, or exercise of a power, under the relevant Act.

**33. Things done by the Safety Director when exercising the powers or performing the functions of a transport safety officer taken to be done by the Chief Executive**

Anything done by the Safety Director in the performance of a duty or function, or exercise of a power, that a transport safety officer has under the **Transport (Safety Schemes Compliance and Enforcement) Act 2014** before the commencement day, which function or power has been conferred on the Chief Executive by, or as a consequence of the making of, this Order is taken, on and after that day, to have been done by the Chief Executive in the performance of a function, or exercise of a power, under that Act.

**34. Things done by the Commercial Passenger Vehicle Commission taken to be done by Safe Transport Victoria**

Anything done by the Commercial Passenger Vehicle Commission, licensing authority or regulator in the performance of a duty or function, or exercise of a power, under the **Transport Integration Act 2010** or any other Act before the commencement day, which duty, function or power has been conferred on Safe Transport Victoria by, or as a consequence of the making of, this Order is taken, on and after that day, to have been done by Safe Transport Victoria in the performance of a duty or function, or exercise of a power, under the relevant Act.

**35. Things commenced by the Director, Transport Safety but not completed to be completed by Safe Transport Victoria**

(1) This clause applies if, before the commencement day, the Director, Transport Safety, Safety Director or Director, in the performance of a duty or function, or exercise of a power, under the **Transport Integration Act 2010** or any other Act, which

duty, function or power has been conferred on Safe Transport Victoria by, or as a consequence of the making of, this Order has commenced a matter or thing and has not completed that matter or thing before that day.

- (2) On and after the commencement day, Safe Transport Victoria must continue and complete that matter or thing and for the purposes of this clause, anything done by the Director, Transport Safety, Safety Director or Director before that day is taken to have been done by Safe Transport Victoria.

**36. Things commenced by the Director, Transport Safety when exercising the powers or performing the functions of a transport safety officer but not completed to be completed by the Chief Executive**

- (1) This clause applies if, before the commencement day, the Safety Director or Director, in the performance of a duty or function, or exercise of a power, that a transport safety officer has under the **Transport (Safety Schemes Compliance and Enforcement) Act 2014** by, or as a consequence of the making of, this Order has commenced a matter or thing and has not completed that matter or thing before that day.
- (2) On and after the commencement day, the Chief Executive must continue and complete that matter or thing and for the purposes of this clause, anything done by the Safety Director or Director before that day is taken to have been done by the Chief Executive.

**37. Things commenced by the Commercial Passenger Vehicle Commission but not completed to be completed by Safe Transport Victoria**

- (1) This clause applies if, before the commencement day, the Commercial Passenger Vehicle Commission, licensing authority or regulator, in the performance of a duty or function, or exercise of a power, under the **Transport Integration Act 2010** or any other Act, which duty, function or power has been conferred on Safe Transport Victoria, or as a consequence of the making of, this Order has commenced a matter or thing and has not completed that matter or thing before that day.
- (2) On and after the commencement day, Safe Transport Victoria must continue and complete that matter or thing and for the purposes of this clause, anything done by the Commercial Passenger Vehicle Commission, licensing authority or regulator before that day is taken to have been done by Safe Transport Victoria.

**38. Superseded reference provision**

For the purpose of giving effect to this Order, on and after the commencement day –

- (1) a reference to the Director, Transport Safety, Safety Director or Director in any Act (other than the **Transport Integration Act 2010**, save as modified by this Order) or in any instrument (including a subordinate instrument) made under or for the purposes of any Act, or in any other document of any kind, must be construed as a reference to Safe Transport Victoria –
  - (a) so far as the reference relates to any period on or after the commencement day; and
  - (b) if not inconsistent with the subject matter; and
- (2) a reference to the Commercial Passenger Vehicle Commission, CPVC, licensing authority or regulator in any Act (other than the **Transport Integration Act 2010**, save as modified by this Order) or in any instrument (including a subordinate instrument) made under or for the purposes of any Act, or in any other document of any kind, must be construed as a reference to Safe Transport Victoria –
  - (a) so far as the reference relates to any period on or after the commencement day; and
  - (b) if not inconsistent with the subject matter; and

- (3) a reference to either the Director, Transport Safety, Safety Director or Director and the Commercial Passenger Vehicle Commission, CPVC, licensing authority or regulator in the same section of any Act (other than the **Transport Integration Act 2010**, save as modified by this Order) or in the same section or clause of any instrument (including a subordinate instrument) made under or for the purposes of any Act, or in any other document of any kind, must be construed as a reference to Safe Transport Victoria –
- (a) so far as the reference relates to any period on or after the commencement day; and
  - (b) if not inconsistent with the subject matter.

**39. Provision for matters of a savings, transitional or consequential nature**

- (1) For the purpose of giving effect to this Order, on and after the commencement day, Schedule 2 to this Order has effect.
- (2) A reference to a provision of an Act or regulations in a paragraph in Schedule 2 is, unless the contrary intention appears, a reference to the Act or regulations specified in the heading to that paragraph.

**40. Severability of any provision or part of this Order**

If any provision or part of this Order is invalid, the invalid provision or part is severed, and the Order otherwise continues to apply.

Dated: 21 June 2022

Responsible Minister:

HON BEN CARROLL MP

Minister for Public Transport

HON MELISSA HORNE MP

Minister for Ports and Freight

SAMUAL WALLACE  
Clerk of the Executive Council

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**Transport Integration Act 2010**  
TRANSPORT RESTRUCTURING ORDER  
(ESTABLISHMENT OF SAFE TRANSPORT VICTORIA) NO. 1/2022

Clause 10

**SCHEDULE 1 – FUNCTIONS OF SAFE TRANSPORT VICTORIA**

- (1) The functions of Safe Transport Victoria include the following –
- (a) to perform any functions or duties conferred on Safe Transport Victoria as a delegate of the National Regulator by the Marine Safety (Domestic Commercial Vessel) National Law or the **Australian Maritime Safety Authority Act 1990** of the Commonwealth;
  - (b) to make recommendations to the Minister with respect to –
    - (i) the operation, administration and enforcement of the **Transport (Safety Schemes Compliance and Enforcement) Act 2014** and regulations made under that Act; and
    - (ii) regulations made under the **Transport (Safety Schemes Compliance and Enforcement) Act 2014**; and
    - (iii) codes of practice that the Minister proposes to approve under Part 8.2 of the **Marine Safety Act 2010** or Part 7 of the **Bus Safety Act 2009**; and
    - (iv) the operation, administration and enforcement of the **Marine Safety Act 2010** and regulations made under that Act; and
    - (v) the enforcement of the Marine Safety (Domestic Commercial Vessel) National Law;
  - (c) to advise and make recommendations to the Minister in respect of matters relating to bus safety and marine safety in the State and related matters;
  - (d) to advise and make recommendations to the Minister on matters relating to the safety of commercial passenger vehicle services in Victoria;
  - (e) to investigate and report on bus safety matters and marine safety matters, and on matters relating to the safety of commercial passenger vehicles in Victoria;
  - (f) to prepare and publish –
    - (i) codes of practice, including codes of practice for approval by the Minister under Part 8.2 of the **Marine Safety Act 2010** or Part 7 of the **Bus Safety Act 2009**; and
    - (ii) guidelines to provide practical guidance to any person who may be placed under an obligation or duty by or under a transport safety law; and
    - (iii) codes of practice and guidelines on how to comply with, or in relation to the operation or enforcement of, the **Commercial Passenger Vehicle Industry Act 2017** (being *relevant legislation* within the meaning of section 115F(4) of the **Transport Integration Act 2010**) or any subordinate instrument made under that Act;
  - (g) to provide guidance and information on bus safety matters and marine safety matters;
  - (h) to promote education and training by –
    - (i) devising, in co-operation with educational and other bodies, courses in bus safety and marine safety; and
    - (ii) approving courses in bus safety and marine 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 bus safety and marine safety;

- (i) to conduct any education or training activity, and approve persons to provide education and training, relevant to the functions of Safe Transport Victoria;
- (j) to collect information and data about, and commission and sponsor research into, bus safety matters and marine safety matters;
- (k) to promote awareness in the bus and marine industry and among the public about bus and marine safety initiatives;
- (l) to conduct and publish research on the commercial passenger vehicle industry or any related matter;
- (m) to inform and educate the public about the operation and performance of the commercial passenger vehicle industry;
- (n) to develop policy in relation to the administration of bus safety and marine safety regulation;
- (o) to develop and implement operational policies, strategies and performance measures that promote subclause (b) of Safe Transport Victoria's objects, being –
  - (i) to regulate the commercial passenger vehicle industry in a manner that –
    - (A) promotes the provision of commercial passenger vehicle services that are customer responsive, safe, competitive, efficient and accessible; and
    - (B) is consistent with the vision statement and the transport system objectives; and
  - (ii) without limiting the generality of subparagraph (i), the object includes the following –
    - (A) to pursue and promote major and enduring improvements in the commercial passenger vehicle industry;
    - (B) to facilitate competition and innovation in the industry;
    - (C) to improve the safety of drivers and passengers of commercial passenger vehicles;
    - (D) to promote public confidence in the safety of the commercial passenger vehicle industry;
- (p) to support the development of strategic policies by the Secretary in relation to the commercial passenger vehicle industry;
- (q) to administer grants made, or subsidy schemes established, in relation to the commercial passenger vehicle industry;
- (r) to promote and monitor compliance with the **Commercial Passenger Vehicle Industry Act 2017** (being *relevant legislation* within the meaning of section 115F(4) of the **Transport Integration Act 2010**) or any subordinate instrument made under that Act);
- (s) to receive complaints relating to the operation and performance of the commercial passenger vehicle industry and deal with them in accordance with any relevant legislation, policies and procedures;
- (t) to provide preliminary assistance in resolving disputes concerning a condition of a driver agreement (within the meaning of Division 5C of Part VI of the **Transport (Compliance and Miscellaneous) Act 1983**) or a proposed such agreement;
- (u) to monitor, investigate and prosecute breaches of the **Commercial Passenger Vehicle Industry Act 2017** (being *relevant legislation* within the meaning of section 115F(4) of the **Transport Integration Act 2010**) or any subordinate instrument made under that Act;
- (v) to conduct inquiries into any matter relating to the commercial passenger vehicle industry, either on its own motion or at the direction of the Secretary or the Minister;



- (w) to report to the Secretary and the Minister on any matter into which it has conducted an inquiry;
  - (x) to perform any functions or duties conferred or imposed on Safe Transport Victoria by or under the **Transport Integration Act 2010**, the **Marine Safety Act 2010**, the **Marine (Drug, Alcohol and Pollution Control) Act 1988**, the **Bus Safety Act 2009**, the **Transport (Compliance and Miscellaneous) Act 1983**, the **Transport (Safety Schemes Compliance and Enforcement) Act 2014**, the **Commercial Passenger Vehicle Industry Act 2017** or any other Act.
- (2) Without limiting the functions referred to in subclause (1), the functions of Safe Transport Victoria include –
- (a) as licensing authority under the **Transport (Compliance and Miscellaneous) Act 1983** –
    - (i) to accredit a person to drive a bus used to provide a commercial bus service, a commercial minibus service or a local bus service; and
    - (ii) to authorise vehicle inspections and the weighing of vehicles to determine compliance with the **Transport (Compliance and Miscellaneous) Act 1983** and other transport laws; and
  - (b) as regulator under the **Commercial Passenger Vehicle Industry Act 2017** –
    - (i) to register commercial passenger vehicles; and
    - (ii) to register Booking Service Providers; and
    - (iii) to accredit the driver of a commercial passenger vehicle to provide a commercial passenger vehicle service; and
    - (iv) to specify conditions for driver agreements and provide assistance in resolving disputes in relation to driver agreements; and
    - (v) to monitor fares for commercial passenger vehicle services; and
    - (vi) to undertake compliance and enforcement activities; and
    - (vii) to develop a policy to promote compliance with, and enforcement of, industry laws; and
  - (c) as Safety Director under the **Marine Safety Act 2010** –
    - (i) to register vessels; and
    - (ii) to license masters of recreational vessels and regulated hire and drive vessels; and
    - (iii) to test, and approve the testing of, masters or registered recreational vessels and regulated hire and drive vessels; and
    - (iv) to develop appropriate standards for the safe construction, equipment and operation of recreational vessels, and to take steps to ensure that those standards are maintained; and
    - (v) to issue local knowledge certificates; and
    - (vi) to determine the fitness of a person to hold a marine licence; and
    - (vii) to license harbour masters and determine standards for training of harbour masters; and
    - (viii) to license pilots and to develop appropriate standards for the training of pilots and pilot exempt masters, and to ensure that those standards are maintained; and
    - (ix) to register pilotage services providers; and
    - (x) to approve appropriate alternative safety standards for the provision of pilotage services by pilotage services providers; and
    - (xi) to make waterway rules; and
    - (xii) to develop and enforce standards and procedures for navigation and maritime safety on State waters; and
    - (xiii) to develop appropriate standards for the provision and maintenance of navigation aids for State waters; and

- (xiv) to develop appropriate standards for the dredging and maintenance of channels in State waters; and
  - (xv) to direct the removal of impediments or obstructions to navigation on State waters; and
  - (xvi) to determine the parts of State waters (other than port waters of the port of Melbourne, the port of Geelong, the port of Portland or the port of Hastings) with respect to which a licensed harbour master is required to be engaged; and
  - (xvii) to investigate incidents adequately in order to identify deficiencies in operational procedures, vessel standards or crew training; and
  - (xviii) to provide vessel survey and consultancy services; and
  - (xix) to monitor compliance with a relevant marine safety law; and
  - (xx) to investigate alleged breaches of a relevant marine safety law and to prosecute for them; and
- (d) as Safety Director under the **Bus Safety Act 2009** –
- (i) to register bus services in accordance with the **Bus Safety Act 2009** that are not commercial bus services or local bus services; and
  - (ii) to conduct safety audits to determine compliance with the **Bus Safety Act 2009** and the regulations; and
  - (iii) to issue guidelines on alcohol and drug management policies; and
- (e) as Safety Director under the **Transport (Safety Schemes Compliance and Enforcement) Act 2014** –
- (i) to investigate contraventions of the **Transport (Safety Schemes Compliance and Enforcement) Act 2014** or a transport safety law; and
  - (ii) to prosecute offences against the **Transport (Safety Schemes Compliance and Enforcement) Act 2014** or a transport safety law; and
  - (iii) to exercise any functions conferred on a transport safety officer under the **Transport (Safety Schemes Compliance and Enforcement) Act 2014** or a transport safety law; and
  - (iv) to undertake compliance and enforcement activities; and
  - (v) to review reviewable decisions; and
- (f) as Safety Director under the **Marine (Drug, Alcohol and Pollution Control) Act 1998**, to specify the procedure to be followed in assessing drug impairment.
- (3) The functions of Safe Transport Victoria –
- (a) include to advise the Secretary in order to assist the Secretary in developing strategic policy and legislation in relation to the commercial passenger vehicle industry; but
  - (b) do not include the function of –
    - (i) developing policy for bus safety and marine safety regulation and related matters; or
    - (ii) developing policy for the development of legislation relating to bus safety and marine safety regulation and related matters; or
    - (ii) developing strategic policy and legislation in relation to the commercial passenger vehicle industry.
- (4) Despite subclause (3), Safe Transport Victoria may advise or comment on the development of policy in relation to bus safety and marine safety regulation and related matters, including the development of legislation relating to those matters.
- (5) In performing the commercial passenger vehicle industry-related functions conferred on it, Safe Transport Victoria must, where relevant, engage and collaborate with stakeholders so as to ensure better outcomes for all Victorians.

**SCHEDULE 2 – SAVINGS, TRANSITIONAL AND CONSEQUENTIAL PROVISIONS****PART 1 – TRANSPORT INTEGRATION ACT 2010**

- (1) Section 27A applies but is modified as if, in subsection (1)(c), for “the Commercial Passenger Vehicle Commission” there were substituted “Safe Transport Victoria”.
- (2) A strategy and implementation plan developed by the Commercial Passenger Vehicle Commission under section 27A that is in effect immediately before the commencement day is taken, on and after that day, to be a strategy and implementation plan developed by Safe Transport Victoria.
- (3) Subject to paragraph (4), any instrument of delegation of any power, duty or function of the Minister under any transport legislation made by the Minister under section 31 and any other enabling powers (whether generally or specifically referred to in the instrument) that refers to the Director, Transport Safety, Safety Director or the Commercial Passenger Vehicle Commission that is in effect immediately before the commencement day is taken, on and after that day, to be an instrument of delegation of those powers, duties or functions that refers to Safe Transport Victoria and continues to have effect according to its tenor on and after that day.

**Note**

A reference to a matter under an Act includes a matter in or under regulations or other subordinate instrument made pursuant to a power in that Act.

- (4) Without limiting paragraph (3), a delegation of any power, duty or function in any instrument referred to in that paragraph to the Director, Transport Safety or the chief executive officer of the Commercial Passenger Vehicle Commission is taken to be a delegation of those powers, duties or functions to the Chief Executive of Safe Transport Victoria and continues to have effect, on and after the commencement day, as if the Chief Executive of Safe Transport Victoria had always been a delegate under the instrument.
- (5) Any instrument of delegation of any power, duty or function of the Minister under any transport legislation made by the Minister under section 31 and any other enabling powers (whether generally or specifically referred to in the instrument) to a person employed or engaged in or by the Department or the Commercial Passenger Vehicle Commission which person, on the commencement day, is employed or engaged by Safe Transport Victoria, that is in effect immediately before that day is taken, on and after that day, to be an instrument of delegation of those powers, duties or functions to the person employed or engaged by Safe Transport Victoria and continues to have effect, on and after that day, as if the person had always been a delegate under the instrument.
- (6) Subject to paragraph (7), any instrument of delegation of any power, duty or function of the Secretary under the **Transport Integration Act 2010** or any other Act made by the Secretary under section 39 and any other enabling powers (whether generally or specifically referred to in the instrument) that refers to the Director, Transport Safety, Safety Director or the Commercial Passenger Vehicle Commission that is in effect immediately before the commencement day is taken, on and after that day, to be an instrument of delegation of those powers, duties or functions that refers to Safe Transport Victoria and continues to have effect according to its tenor on and after that day.
- (7) Without limiting paragraph (6), a delegation of any power, duty or function in any instrument referred to in that paragraph to the Director, Transport Safety or the chief executive officer of the Commercial Passenger Vehicle Commission is taken to be a delegation of those powers, duties or functions to the Chief Executive of Safe Transport Victoria and continues to have effect, on and after the commencement day, as if the Chief Executive of Safe Transport Victoria had always been a delegate under the instrument.
- (8) Any instrument of delegation of any power, duty or function of the Secretary under the **Transport Integration Act 2010** or any other Act made by the Secretary under section 39 and any other enabling powers (whether generally or specifically referred to in the instrument) to

- a person employed or engaged in or by the Department or the Commercial Passenger Vehicle Commission which person, on the commencement day, is employed or engaged by Safe Transport Victoria, that is in effect immediately before that day is taken, on and after that day, to be an instrument of delegation of those powers, duties or functions to the person employed or engaged by Safe Transport Victoria and continues to have effect, on and after that day, as if the person had always been a delegate under the instrument.
- (9) Subject to paragraph (10), any instrument of delegation of any power, duty or function of the Head, Transport for Victoria under the **Transport Integration Act 2010** or any other Act made by the Head, Transport for Victoria under section 64R and any other enabling powers (whether generally or specifically referred to in the instrument) that refers to the Director, Transport Safety, Safety Director or the Commercial Passenger Vehicle Commission that is in effect immediately before the commencement day is taken, on and after that day, to be an instrument of delegation of those powers, duties or functions that refers to Safe Transport Victoria and continues to have effect according to its tenor on and after that day.
  - (10) Without limiting paragraph (9), a delegation of any power, duty or function in any instrument referred to in that paragraph to the Director, Transport Safety or the chief executive officer of the Commercial Passenger Vehicle Commission is taken to be a delegation of those powers, duties or functions to the Chief Executive of Safe Transport Victoria and continues to have effect, on and after the commencement day, as if the Chief Executive of Safe Transport Victoria had always been a delegate under the instrument.
  - (11) Any instrument of delegation of any power, duty or function of the Head, Transport for Victoria under the **Transport Integration Act 2010** or any other Act made by the Head, Transport for Victoria under section 64R and any other enabling powers (whether generally or specifically referred to in the instrument) to a person employed or engaged in or by the Department or the Commercial Passenger Vehicle Commission which person, on the commencement day, is employed or engaged by Safe Transport Victoria, that is in effect immediately before that day is taken, on and after that day, to be an instrument of delegation of those powers, duties or functions to the person employed or engaged by Safe Transport Victoria and continues to have effect, on and after that day, as if the person had always been a delegate under the instrument.
  - (12) In section 115A, the definitions of *additional Commissioner*, *Chairperson* and *Commissioner* are modified as if those definitions were omitted.
  - (13) Subject to paragraph (14), any instrument of delegation of any power, duty or function of the Commercial Passenger Vehicle Commission under the **Transport Integration Act 2010** or any other Act made by the Commercial Passenger Vehicle Commission under section 115T and any other enabling powers (whether generally or specifically referred to in the instrument) that is in effect immediately before the commencement day is taken, on and after that day, to be an instrument of delegation of those powers, duties or functions that refers to, and is made by, Safe Transport Victoria and continues to have effect according to its tenor on and after that day.
  - (14) Without limiting paragraph (13), any instrument of delegation of any power, duty or function of the Commercial Passenger Vehicle Commission under the **Transport Integration Act 2010** or any other Act made by the Commercial Passenger Vehicle Commission under section 115T and any other enabling powers (whether generally or specifically referred to in the instrument) to a person employed or engaged in or by the Department or the Commercial Passenger Vehicle Commission which person, on the commencement day, is employed or engaged by Safe Transport Victoria, that is in effect immediately before that day is taken, on and after that day, to be an instrument of delegation to the person employed or engaged by Safe Transport Victoria and continues to have effect, on an after that day, as if the person had always been a delegate under the instrument.
  - (15) Subject to paragraphs (16) and (17), any instrument of delegation of any power, duty or function of the Director, Transport Safety under the **Transport Integration Act 2010** or any other Act (other than a power or function of a transport safety officer) made by the

Director, Transport Safety under section 178 and any other enabling powers (whether generally or specifically referred to in the instrument) that is in effect immediately before the commencement day is taken, on and after that day, to be an instrument of delegation of those powers, duties or functions that refers to, and is made by, Safe Transport Victoria and continues to have effect according to its tenor on and after that day.

- (16) Without limiting paragraph (15), any instrument of delegation of any power, duty or function of the Director, Transport Safety under the **Transport Integration Act 2010** or any other Act made by the Director, Transport Safety under section 178 (other than a power or function of a transport safety officer) and any other enabling powers (whether generally or specifically referred to in the instrument) to a person employed or engaged in or by the Department or the Commercial Passenger Vehicle Commission which person, on and from the commencement day, is employed or engaged by Safe Transport Victoria, that is in effect immediately before the commencement day is taken, on and after that day, to be an instrument of delegation to the person employed or engaged by Safe Transport Victoria and continues to have effect, on and after that day, as if the person had always been a delegate under the instrument.
- (17) Without limiting paragraph (16), any instrument of delegation of any power, duty or function of the Director, Transport Safety under the **Transport Integration Act 2010** or any other Act made by the Director, Transport Safety under section 178 (other than a power or function of a transport safety officer) and any other enabling powers (whether generally or specifically referred to in the instrument) to a person engaged by the Director, Transport Safety that is in effect immediately before the commencement day is taken, on and after that day, to be an instrument of delegation to the person engaged by Safe Transport Victoria and continues to have effect, on an after that day, as if the person had always been a delegate under the instrument.
- (18) Any instrument of authorisation made by the Director, Transport Safety under section 178A that is in effect immediately before the commencement day is taken, on and after that day, to be an instrument of authorisation that refers to, and is made by, Safe Transport Victoria and continues to have effect according to its tenor on and after that day.
- (19) Any written direction given to the Director, Transport Safety or the Commercial Passenger Vehicle Commission in their respective capacities as sector transport agencies by the Secretary under section 38A that is in effect immediately before the commencement day is taken, on and after that day, to be written direction given to Safe Transport Victoria.
- (20) Any direction to investigate a bus safety matter or marine safety matter given to the Director, Transport Safety under section 191(1)(a) that is in effect immediately before the commencement day is taken, on and after that day, to be a direction given to Safe Transport Victoria.

**SCHEDULE 2 – SAVINGS, TRANSITIONAL AND CONSEQUENTIAL PROVISIONS****PART 2 – OTHER ACTS****1. Bus Safety Act 2009**

- (1) Any declaration published in the Government Gazette by the Safety Director under section 7(1) that is in effect immediately before the commencement day is taken, on and after that day, to be a declaration published by Safe Transport Victoria.
- (2) Any directions given by the Safety Director under section 19(3) that are in effect immediately before the commencement day are taken, on and after that day, to be directions given by Safe Transport Victoria.
- (3) Any application for accreditation under section 23(1) in respect of which the Safety Director has not made a decision immediately before the commencement day is taken, on and after that day, to be an application for accreditation to Safe Transport Victoria.
- (4) Any requirement made of an applicant for accreditation under section 23(3) which has not been complied with immediately before the commencement day is taken, on and after that day, to be a requirement made by Safe Transport Victoria.
- (5) Any determination made under section 27 or 29 that is in effect immediately before the commencement day is taken, on and after that day, to be a determination made by Safe Transport Victoria.
- (6) Any certificate of accreditation issued by the Safety Director under section 30 that is in effect immediately before the commencement day is taken, on and after that day, to be a certificate of accreditation issued by Safe Transport Victoria.
- (7) Any permission given by the Safety Director under section 36(1) that is in effect immediately before the commencement day is taken, on and after that day, to be a permission given by Safe Transport Victoria.
- (8) Any requirement made of an applicant for accreditation under section 38(5) which has not been complied with immediately before the commencement day is taken, on and after that day, to be a requirement made by Safe Transport Victoria.
- (9) Any written notice given under section 39(2) in respect of which the period to make representations has not expired immediately before the commencement day is taken, on and after that day, to be a written notice given by Safe Transport Victoria.
- (10) Any conditions imposed on a consent to surrender an accreditation by the Safety Director under section 40(3) that are in effect immediately before the commencement day are taken, on and after that day, to be conditions imposed by Safe Transport Victoria.
- (11) Any determination made under section 42(4) that is in effect immediately before the commencement day is taken, on and after that day, to be a determination made by Safe Transport Victoria.
- (12) Any inquiry being held by the Safety Director under section 46(1) that is yet to be completed immediately before the commencement day is taken, on and after that day, to be an inquiry being held by Safe Transport Victoria.
- (13) Any disciplinary notice served by the Safety Director under section 48 immediately before the commencement day is taken, on and after that day, to be a disciplinary noticed served by Safe Transport Victoria.
- (14) Any application for an exemption made under section 51 that has not been determined immediately before the commencement date is taken, on and after that day, to be an application made to Safe Transport Victoria.
- (15) Any requirement made under section 51(3) that is in effect immediately before the commencement day is taken, on and after that day, to be a requirement made by Safe Transport Victoria.



- (16) Any exemption granted by the Safety Director under Division 7 of Part 4 that is in effect immediately before the commencement day is taken, on and after that day, to be an exemption granted by Safe Transport Victoria.
- (17) Any application to vary an exemption made under section 54 that has not been determined immediately before the commencement date is taken, on and after that day, to be an application made to Safe Transport Victoria.
- (18) Any written notice given under section 55C(2) in respect of which the period to make representations has not expired immediately before the commencement day is taken, on and after that day, to be a written notice given by Safe Transport Victoria.
- (19) Any written notice given under section 55D(3) in respect of which the period to make representations has not expired immediately before the commencement day is taken, on and after that day, to be a written notice given by Safe Transport Victoria.
- (20) Any request to give information made by the Safety Director under section 55G(1) that is in effect immediately before the commencement day is taken, on and after that day, to be a request made by Safe Transport Victoria.
- (21) Any guidelines issued by the Safety Director under section 57(1)(c) that are in effect immediately before the commencement day are taken, on and after that day, to be guidelines issued by Safe Transport Victoria.
- (22) Any application to VCAT for review of a decision by the Safety Director under section 58 in respect of which VCAT has not made an order immediately before the commencement day is taken, on and after that day, to be an application for review of a decision by Safe Transport Victoria.
- (23) Any policy developed by the Safety Director under section 64A that is in effect immediately before the commencement day is taken, on and after that day, to be a policy developed by Safe Transport Victoria.
- (24) Any notice published in the Government Gazette by the Safety Director under section 67(1) that is in effect immediately before the commencement day is taken, on and after that day, to be a notice published by Safe Transport Victoria.
- (25) On and after the commencement day, Safe Transport Victoria is substituted as a party to any proceedings under the **Bus Safety Act 2009** pending in any court to which the Safety Director was a party immediately before that day.

#### Notes

1. A reference to a matter under an Act includes a matter in or under regulations or other subordinate instrument made pursuant to a power in that Act.
2. See also clause 14 paragraph (19) of this Schedule: section 105(1) of the **Transport (Safety Schemes Compliance and Enforcement) Act 2014** provides that the Safety Director, or a transport safety officer with the written authorisation of the Safety Director (either generally or in a particular case) or a police officer may commence a proceeding under that Act or a transport safety law.
3. *transport safety law* is defined in section 3 of that Act, and means –
  - (a) the **Bus Safety Act 2009** or any regulations made under that Act; or
  - (b) the **Marine (Drug, Alcohol and Pollution Control) Act 1988** or any regulations made under that Act; or
  - (c) the **Marine Safety Act 2010** or any regulations made under that Act; or
  - (d) the **Port Management Act 1995** or any regulations made under that Act; or
  - (e) the **Transport Integration Act 2010** or any regulations made under that Act.
- (26) Without limiting Part 4 or any other provision of this Order, every reference to the Director, Transport Safety or Safety Director in any accreditation, permit, authorisation, certificate, notice, direction, determination, declaration, approval, guidelines or other document (however described) given, made, issued, granted, served or published under the **Bus Safety Act 2009** that is in effect on the commencement day must, on and from that day, be taken to be a reference to Safe Transport Victoria unless the context otherwise requires.

#### Note

A reference to a matter under an Act includes a matter in or under regulations or other subordinate instrument made pursuant to a power in that Act.



**2. Bus Safety Regulations 2020**

- (1) Any exemption given by the Safety Director under regulation 7(2) that is in effect immediately before the commencement day is taken, on and after that day, to be an exemption given by Safe Transport Victoria.
- (2) Any requirement made of an applicant for accreditation under regulation 18(2) which has not been complied with immediately before the commencement day is taken, on and after that day, to be a requirement made by Safe Transport Victoria.
- (3) Any written notice given by the Safety Director under regulation 30(2) or 35(3) that is in effect immediately before the commencement day is taken, on and after that day, to be a written notice given by Safe Transport Victoria.
- (4) Any exemption given by the Safety Director under regulation 37 that is in effect immediately before the commencement day is taken, on and after that day, to be an exemption given by Safe Transport Victoria.
- (5) Any request made of a licensed bus testers under regulation 39(1) which has not been complied with immediately before the commencement day is taken, on and after that day, to be a request made by Safe Transport Victoria.
- (6) Any notice published in the Government Gazette by the Safety Director under regulation 40(2) that is in effect immediately before the commencement day is taken, on and after that day, to be a notice published by Safe Transport Victoria.
- (7) Any notification given to the Safety Director under regulation 42, 43 or 44 that is in effect immediately before the commencement day is taken, on and after that day, to be a notification given to Safe Transport Victoria.
- (8) Any written notice given by the Safety Director under regulation 42(2), 43(2) or 44(2) that is in effect immediately before the commencement day is taken, on and after that day, to be a written notice given by Safe Transport Victoria.
- (9) Any direction given by the Safety Director under regulation 45 that is in effect immediately before the commencement day is taken, on and after that day, to be a direction given by Safe Transport Victoria.
- (10) Any written notice given by the Safety Director under regulation 46(3) that is in effect immediately before the commencement day is taken, on and after that day, to be a written notice given by Safe Transport Victoria.
- (11) Any reduction or waiver of accreditation fees by the Safety Director under regulation 49 that is in effect immediately before the commencement day is taken, on and after that day, to be a reduction or waiver of accreditation fees by Safe Transport Victoria.

**3. Commercial Passenger Vehicle Industry Act 2017**

- (1) Any application for registration under section 40(1) in respect of which the regulator has not made a decision immediately before the commencement day is taken, on and after that day, to be an application for registration to Safe Transport Victoria.
- (2) Any requirement made of an applicant for registration under section 41(1) which has not been complied with immediately before the commencement day is taken, on and after that day, to be a requirement made by Safe Transport Victoria.
- (3) Any written notice given by the regulator under section 45(1) that is in effect immediately before the commencement day is taken, on and after that day, to be a written notice given by Safe Transport Victoria.
- (4) Any written notice given by the regulator under section 46 in respect of which the period to make representations has not expired immediately before the commencement day is taken, on and after that day, to be a written notice given by Safe Transport Victoria.

- (5) Any conditions imposed on a consent to surrender a registration by the regulator under section 49(3) that are in effect immediately before the commencement day are taken, on and after that day, to be conditions imposed by Safe Transport Victoria.
- (6) Any application for registration under section 57(1) in respect of which the regulator has not made a decision immediately before the commencement day is taken, on and after that day, to be an application for registration to Safe Transport Victoria.
- (7) Any requirement made of an applicant for registration under section 57(3) which has not been complied with immediately before the commencement day is taken, on and after that day, to be a requirement made by Safe Transport Victoria.
- (8) Any written notice given by the regulator under section 62(1) that is in effect immediately before the commencement day is taken, on and after that day, to be a written notice given by Safe Transport Victoria.
- (9) Any written notice given by the regulator under section 63(2) in respect of which the period to make representations has not expired immediately before the commencement day is taken, on and after that day, to be a written notice given by Safe Transport Victoria.
- (10) Any conditions imposed on a consent to surrender a registration by the regulator under section 66(3) that are in effect immediately before the commencement day are taken, on and after that day, to be conditions imposed by Safe Transport Victoria.
- (11) Any application for the issue of a driver accreditation under section 71(1) in respect of which the regulator has not made a decision immediately before the commencement day is taken, on and after that day, to be an application for the issue of a driver accreditation to Safe Transport Victoria.
- (12) Any requirement made of an applicant for registration under section 71(3) or (5) or section 72(1) which has not been complied with immediately before the commencement day is taken, on and after that day, to be a requirement made by Safe Transport Victoria.
- (13) Any certificate of accreditation issued by the regulator under section 78 that is in effect immediately before the commencement day is taken, on and after that day, to be a certificate of accreditation issued by Safe Transport Victoria.
- (14) Any written notice given the regulator under section 80 that is in effect immediately before the commencement day is taken, on and after that day, to be a written notice given by Safe Transport Victoria.
- (15) Any written application given by an accredited driver under section 81(1) that has not been determined immediately before the commencement day is taken, on and after that day, to be a written notice given to Safe Transport Victoria.
- (16) Any application for consent made under section 84(1) that has not been determined immediately before the commencement date is taken, on and after that day, to be an application made to Safe Transport Victoria.
- (17) Any conditions imposed on a consent to surrender a driver accreditation by the regulator under section 84(5) that are in effect immediately before the commencement day are taken, on and after that day, to be conditions imposed by Safe Transport Victoria.
- (18) Any determination that an applicant is disqualified from applying for the issue of a driver accreditation by the regulator under section 85(1) that is in effect immediately before the commencement day is taken, on and after that day, to be a determination by Safe Transport Victoria.
- (19) Any application for a declaration made under section 86(2) that has not been determined immediately before the commencement date is taken, on and after that day, to be an application made to Safe Transport Victoria.

- (20) Any notice published in the Government Gazette by the regulator under section 97(1) that is in effect immediately before the commencement day is taken, on and after that day, to be a notice published by Safe Transport Victoria.
- (21) Any dispute referred to the regulator under section 99(1) in respect of which the regulator has not made a decision immediately before the commencement day is taken, on and after that day, to be a dispute referred to Safe Transport Victoria.
- (22) Any appointment of a person as an authorised officer by the regulator under section 125(1) that is in effect immediately before the commencement day is taken, on and after that day, to be an appointment by Safe Transport Victoria.
- (23) Any reference to an authorised officer being employed in or by the Commercial Passenger Vehicle Commission in an appointment to which paragraph (22) applies if the officer is, on and from that day, employed in Safe Transport Victoria, is taken, on and after that day, to be a reference to the authorised officer being employed by Safe Transport Victoria.
- (24) Any identity card issued by the regulator under section 126(1) to an authorised officer who is an authorised officer immediately before the commencement date is taken, on and after that day, to be an identity card issued by Safe Transport Victoria.
- (25) Any direction given to an authorised officer by the regulator under section 128 that is in effect immediately before the commencement day is taken, on and after that day, to be a direction given by Safe Transport Victoria.
- (26) Any direction given by the regulator under section 160(1) that is in effect immediately before the commencement day is taken, on and after that day, to be a direction given by Safe Transport Victoria.
- (27) Any direction to present a vehicle for inspection given by the regulator under section 163(1) that is in effect immediately before the commencement day is taken, on and after that day, to be a direction given by Safe Transport Victoria.
- (28) Any improvement notice served on a person by the regulator under section 171 that is in effect immediately before the commencement day is taken, on and after that day, to be an improvement notice served by Safe Transport Victoria.
- (29) Any prohibition notice served on a person by the regulator under section 180 that is in effect immediately before the commencement day is taken, on and after that day, to be a prohibition notice served by Safe Transport Victoria.
- (30) Any written undertaking given to the regulator under section 198(1) that is in effect immediately before the commencement day is taken, on and after that day, to be a written undertaking given to Safe Transport Victoria.
- (31) Any disciplinary notice served on a permission holder by the regulator under section 216(2) that is in effect immediately before the commencement day is taken, on and after that day, to be a disciplinary notice served by Safe Transport Victoria.
- (32) Any written notice given by the regulator under section 217(3) in respect of which the time to make a submission has not expired immediately before the commencement day is taken, on and after that day, to be a written notice given by Safe Transport Victoria.
- (33) Any register of permission holders kept by the regulator under section 227 that is in effect immediately before the commencement day is taken, on and after that day, to be a register of permission holders kept by Safe Transport Victoria.
- (34) Any application made to the regulator under section 232(1) or 248(1) that has not been determined immediately before the commencement day is taken, on and after that day, to be an application made to Safe Transport Victoria.
- (35) Any written notice given by the regulator under section 264(1) which has not been complied with immediately before the commencement day is taken, on and after that day, to be a written notice given by Safe Transport Victoria.

- (36) Any information sharing arrangement entered into by the regulator with a relevant agency under section 266 that is in effect immediately before the commencement day is taken, on and after that day, to be an information sharing arrangement entered into by Safe Transport Victoria with the relevant agency.
- (37) Any request by the regulator under section 267(1) in respect of which details have not been provided immediately before the commencement day is taken, on and after that day, to be a request by Safe Transport Victoria.
- (38) Any authorisation made by the regulator under section 270(1) or (2) relating to an image or any other data obtained from the use of a security camera in a commercial passenger vehicle that is in effect immediately before the commencement day is taken, on and after that day, to be an authorisation of Safe Transport Victoria.
- (39) Any agreement in relation to images obtained from security cameras made by the regulator with a person under section 271 that is in effect immediately before the commencement day is taken, on and after that day, to be an agreement made by Safe Transport Victoria with the person.
- (40) Any policy developed by the regulator under section 275 that is in effect immediately before the commencement day is taken, on and after that day, to be a policy developed by Safe Transport Victoria.
- (41) Any written authorisation of an authorised officer to commence a proceeding given by the regulator under section 280(1)(b) that is in effect immediately before the commencement day is taken to be –
- (i) a written authorisation given by Safe Transport Victoria; and
  - (ii) sufficient authority to bring or continue a proceeding in any case, whether or not the proceeding relates to an offence committed prior to, or on or after, the commencement day.
- (42) Any reference to an authorised officer being employed in or by the Commercial Passenger Vehicle Commission in an authorisation to which paragraph (41) applies, if the officer is, on and from that day, employed in Safe Transport Victoria, is taken to be a reference to the authorised person being employed by Safe Transport Victoria.
- (43) Any notice published in the Government Gazette by the regulator under section 282 that is in effect immediately before the commencement day is taken, on and after that day, to be a notice published by Safe Transport Victoria.
- (44) On and after the commencement day, Safe Transport Victoria is substituted as a party to any proceedings under the **Commercial Passenger Vehicle Industry Act 2017** pending in any court or in VCAT to which the regulator was a party immediately before that day.
- (45) Without limiting the provisions in Part 4 of this Order, every reference to the Commercial Passenger Vehicle Commission or regulator in any accreditation, permit, authorisation, certificate, notice, direction, determination, declaration, approval, guidelines or other document (however described) given, made, issued, granted, served or published under the **Commercial Passenger Vehicle Industry Act 2017** that is in effect on the commencement day must, on and from that day, be taken to be a reference to Safe Transport Victoria unless the context otherwise requires

**Note**

A reference to a matter under an Act includes a matter in or under regulations or other subordinate instrument made pursuant to a power in that Act.

**4. Commercial Passenger Vehicle Industry Regulations 2018**

- (1) Any exemption given by the regulator under regulation 11(5) that is in effect immediately before the commencement day is taken, on and after that day, to be an exemption given by Safe Transport Victoria.

- (2) Any requirement made by the regulator under regulation 20(1) which has not been complied with immediately before the commencement day is taken, on and after that day, to be a requirement made by Safe Transport Victoria.
- (3) Any direction given by the Safety Director under regulation 34(1) or 35(1) that is in effect immediately before the commencement day is taken, on and after that day, to be a written notice given by Safe Transport Victoria.

**5. Environment Protection Act 2017**

Any certificate from the Director, Transport Safety under section 338 that is in effect immediately before the commencement day is taken, on and after that day, to be a certificate from Safe Transport Victoria.

**6. Essential Services Commission Act 2001**

Any information sharing arrangement entered into or approved of by the Essential Services Commission with the Commercial Passenger Vehicle Commission in its capacity as a relevant agency under section 60E that is in effect immediately before the commencement day is taken, on and after that day, to be an information sharing arrangement entered into or approved of by the Essential Services Commission with Safe Transport Victoria.

**7. Infringements Act 2006**

- (1) Any appointment of a person as an issuing officer by the Director, Transport Safety in their capacity as an enforcement agency under section 3(1) that is in effect immediately before the commencement day is taken, on and after that day, to be an appointment by Safe Transport Victoria.
- (2) Any appointment of a person who is employed or engaged in or by the Commercial Passenger Vehicle Commission or in the Department as an issuing officer by the Commercial Passenger Vehicle Commission in its capacity as an enforcement agency under section 3(1) that is in effect immediately before the commencement day, if the officer is, on and from that day, employed in Safe Transport Victoria, is taken, on and after that day, to be an appointment by Safe Transport Victoria.
- (3) Any appointment of a person who is employed or engaged in or by the Commercial Passenger Vehicle Commission or in the Department as an issuing officer by the Secretary to the Department in their capacity as an enforcement agency under section 3(1) that is in effect immediately before the commencement day, if the officer is, on and from that day, employed in Safe Transport Victoria, is taken, on and after that day, to be an appointment of a person employed or engaged by Safe Transport Victoria.
- (4) Any reference in an appointment referred to in paragraphs (1), (2) or (3) to being employed or engaged in or by the Commercial Passenger Vehicle Commission or in the Department that is in effect immediately before the commencement day is taken, on and after that day, to be a reference to the authorised officer being employed or engaged by Safe Transport Victoria.
- (5) On and after the commencement day, Safe Transport Victoria is substituted as a party to any proceedings under the **Infringements Act 2006** pending in any court to which the regulator was a party immediately before that day.

**8. Marine (Domestic Commercial Vessel National Law Application) Act 2013**

- (1) Any authorisation of the Director, Transport Safety by the Minister under section 20(1) (a) that is in effect immediately before the commencement day is taken, on and after that day, to be an authorisation of the Chief Executive of Safe Transport Victoria.
- (2) Any authorisation of a person by the Director, Transport Safety under section 20(1)(b) (ii) that is in effect immediately before the commencement day is taken, on and after that day, to be an authorisation of Safe Transport Victoria.

**Note**

Section 20(1) provides that certain persons are authorised to be delegates for the purposes of the **Marine (Domestic Commercial Vessel National Law Application) Act 2013**.

- (3) Any authorisation of a transport safety officer or a person employed under Part 3 of the **Public Administration Act 2004** by the Director, Transport Safety under section 20(1)(c) that is in effect immediately before the commencement day is taken, on and after that day, to be an authorisation by Safe Transport Victoria.

**Note**

- (1) Section 20(1)(b)(ii) provides that a transport safety officer authorised by the Director, Transport Safety is authorised to be a delegate for the purposes of the **Marine (Domestic Commercial Vessel National Law Application) Act 2013**.
- (2) Section 20(1)(c) provides that a person employed under Part 3 of the **Public Administration Act 2004** to enable the Director, Transport Safety to carry out their functions, if authorised by the Director, Transport Safety, is authorised to be a delegate for the purposes of the **Marine (Domestic Commercial Vessel National Law Application) Act 2013**.
- (3) The effect of Part 4 of this Order is that the provision will apply to a person employed under Part 3 of the **Public Administration Act 2004** to enable Safe Transport Victoria to carry out its functions. This includes a person employed under Part 3 of the **Public Administration Act 2004** to enable the Director, Transport Safety to carry out their functions prior to the commencement day who become an employee of Safe Transport Victoria on that day.

**9. Marine (Drug, Alcohol and Pollution Control) Act 1988**

- (1) Any copy of a notice sent to the Director under section 28C(4) that is in effect immediately before the commencement day is taken, on and after that day, to be a copy of notice sent to Safe Transport Victoria.
- (2) Any notice published in the Government Gazette by the Director, Transport Safety under section 31AA(5) that is in effect immediately before the commencement day is taken, on and after that day, to be a notice published by Safe Transport Victoria.
- (3) Any person who is authorised in writing by the Secretary either generally or in any particular case to prosecute for an offence under Part 5 of the **Marine (Drug, Alcohol and Pollution Control) Act 1988** or regulations made for the purposes of Part 5 of that Act which person is, on and from the commencement day, an employee of Safe Transport Victoria is taken, on and from that day, to continue to be authorised in writing by the Secretary to prosecute for an offence under Part 5 of the **Marine (Drug, Alcohol and Pollution Control) Act 1988** or regulations made for the purposes of Part 5 of that Act.

**Note**

1. Section 48 of the **Transport (Safety Schemes Compliance and Enforcement) Act 2014** provides that any officer of an appropriate authority or any other person who is authorised in writing by an appropriate authority to do so either generally or in any particular case may prosecute for an offence under this Part or the regulations made for the purposes of Part 5.
2. See also clause 14 paragraph (19) of this Schedule: section 105(1) of the **Transport (Safety Schemes Compliance and Enforcement) Act 2014** provides that the Safety Director, or a transport safety officer with the written authorisation of the Safety Director (either generally or in a particular case) or a police officer may commence a proceeding under that Act or a transport safety law.
3. *transport safety law* is defined in section 3 of that Act, and means –
- the **Bus Safety Act 2009** or any regulations made under that Act; or
  - the **Marine (Drug, Alcohol and Pollution Control) Act 1988** or any regulations made under that Act; or
  - the **Marine Safety Act 2010** or any regulations made under that Act; or
  - the **Port Management Act 1995** or any regulations made under that Act; or
  - the **Transport Integration Act 2010** or any regulations made under that Act.
- (4) Any reference in an authorisation referred to in paragraph (3) to an authorised officer being employed in or by the Commercial Passenger Vehicle Commission or in the Department is taken, on and after the commencement day, to be a reference to the authorised officer being employed by Safe Transport Victoria.
- (5) Any authorisation referred to in paragraph (3) is to be taken to be sufficient authority to bring or continue a proceeding in any case, whether or not the proceeding relates to an offence committed prior to, on or after, the commencement day.



- (6) Any notice in writing served by the Director under section 61BA(4) that is in effect immediately before the commencement day is taken, on and after that day, to be a notice in writing served by Safe Transport Victoria.
- (7) Any notice published in the Government Gazette by the Director under section 105(4) that is in effect immediately before the commencement day is taken, on and after that day, to be a notice published by Safe Transport Victoria.
- (8) Any agreement or contract entered into by the Director with a government department or other public statutory body under item 20 of Schedule 4 that is in effect immediately before the commencement day is taken, on and after that day, to be an agreement or contract entered into by Safe Transport Victoria with the government department or other public statutory body.
- (9) Any agreement or contract entered into by the Director with a government department or other public statutory body under item 21 of Schedule 4 that is in effect immediately before the commencement day is taken, on and after that day, to be an agreement or contract entered into by Safe Transport Victoria with the government department or public statutory body of the Commonwealth or of another State or a Territory of the Commonwealth.
- (10) Any agreement or contract entered into by the Director with a person or body under item 21A of Schedule 4 that is in effect immediately before the commencement day is taken, on and after that day, to be an agreement or contract entered into by Safe Transport Victoria with the person or body.
- (11) Without limiting the provisions in Part 4 of this Order, every reference to the Director, Transport Safety, Safety Director or Director (within the meaning of the **Marine (Drug, Alcohol and Pollution Control) Act 1988**) in any accreditation, permit, authorisation, certificate, notice, direction, determination, declaration, approval, guidelines or other document (however described) given, made, issued, granted, served or published under that Act must, on and after the commencement day, be taken to be a reference to Safe Transport Victoria unless the context otherwise requires.

**Note**

A reference to a matter under an Act includes a matter in or under regulations or other subordinate instrument made pursuant to a power in that Act.

## 10. **Marine Safety Act 2010**

- (1) Any Order published in the Government Gazette declaring the Safety Director to be a waterway manager by the Minister under section 6(1) that is in effect immediately before the commencement day is taken, on and after that day, to be an Order declaring Safe Transport Victoria to be a waterway manager.
- (2) Any declaration of a vessel published in the Government Gazette by the Safety Director under section 7(1) that is in effect immediately before the commencement day is taken, on and after that day, to be a declaration published by Safe Transport Victoria.
- (3) Any register of registered recreational vessels maintained by the Safety Director under section 42 that is in effect immediately before the commencement day is taken, on and after that day, to be a register of registered recreational vessels maintained by Safe Transport Victoria.
- (4) Any request made to the Safety Director under section 43(1)(a) that is in effect immediately before the commencement day is taken, on and after that day, to be a request to Safe Transport Victoria.
- (5) Any general marine licence granted or renewed by the Safety Director under section 53 that is in effect immediately before the commencement day is taken, on and after that day, to be a general marine licence granted or renewed by Safe Transport Victoria.



- (6) Any requirement made of an applicant for a general marine licence under section 53(2) which has not been complied with immediately before the commencement day is taken, on and after that day, to be a requirement made by Safe Transport Victoria.
- (7) Any restricted marine licence granted or renewed by the Safety Director under section 54 that is in effect immediately before the commencement day is taken, on and after that day, to be a restricted marine licence granted or renewed by Safe Transport Victoria.
- (8) Any requirement made of an applicant for a restricted marine licence under section 54(2) which has not been complied with immediately before the commencement day is taken, on and after that day, to be a requirement made by Safe Transport Victoria.
- (9) Any requirement made of a specified person under section 55(5) which has not been complied with immediately before the commencement day is taken, on and after that day, to be a requirement made by Safe Transport Victoria.
- (10) Any requirement made of the holder of a marine licence or an applicant for a marine licence or the variation of a marine licence under section 56(1) which has not been complied with immediately before the commencement day is taken, on and after that day, to be a requirement made by Safe Transport Victoria.
- (11) Any declaration in relation to waters requiring local knowledge certificates for navigation in those waters published in the Government Gazette by the Safety Director under section 81 that is in effect immediately before the commencement day is taken, on and after that day, to be a declaration published by Safe Transport Victoria.
- (12) Any application made to the Safety Director under section 82(1) that has not been determined immediately before the commencement day is taken, on and after that day, to be an application made to Safe Transport Victoria.
- (13) Any requirement made of an applicant for a local knowledge certificate under section 82(3) which has not been complied with immediately before the commencement day is taken, on and after that day, to be a requirement made by Safe Transport Victoria.
- (14) Any local knowledge certificate issued by the Safety Director under section 82(1) that has not been determined immediately before the commencement day is taken, on and after that day, to be a local knowledge certificate issued by Safe Transport Victoria.
- (15) Any order to provisionally detain a vessel made by the Safety Director under section 85(2) that is in effect immediately before the commencement day is taken, on and after that day, to be an order made by Safe Transport Victoria.
- (16) Any notice served or request or order made by the Safety Director under section 85(3) that is in effect immediately before the commencement day is taken, on and after that day, to be a notice served or request or order made by Safe Transport Victoria.
- (17) Any direction given to the Safety Director under section 124(1) that is in effect immediately before the commencement day is taken, on and after that day, to be a direction given to Safe Transport Victoria.
- (18) Any notification given to the Safety Director under section 124(3) that is in effect immediately before the commencement day is taken, on and after that day, to be a notification given to Safe Transport Victoria.
- (19) Any notice given to the Safety Director under section 148(2) that is in effect immediately before the commencement day is taken, on and after that day, to be a notice given to Safe Transport Victoria.
- (20) Any person authorised by the Safety Director for the purposes of section 159(1), which authorisation is in effect immediately before the commencement day, is taken, on and after that day, to be an authorisation by Safe Transport Victoria.

- (21) Any disciplinary notice served by the Safety Director under section 167(1) in respect of which the stated period in which to make written submissions has not expired immediately before the commencement day is taken, on and after that day, to be a disciplinary notice served by Safe Transport Victoria.
- (22) Any written notice served by the Safety Director under section 167(5) in respect of which the date on which any cancellation, suspension, disqualification or new or amended condition, limitation or other restriction takes effect has not passed immediately before the commencement day is taken, on and after that day, to be a written notice served by Safe Transport Victoria.
- (23) Any notice served by the Safety Director under section 173B(1) in respect of which the stated period in which to make written submissions has not expired immediately before the commencement day is taken, on and after that day, to be a notice served by Safe Transport Victoria.
- (24) Any notice served by the Safety Director under section 173B(5) in respect of which the date on which any suspension or cancellation has not taken effect immediately before the commencement day is taken, on and after that day, to be a notice served by Safe Transport Victoria.
- (25) Any waterway rules made under Part 5.1 by the Safety Director that are in effect immediately before the commencement day are taken, on and after that day, to be waterway rules made by Safe Transport Victoria.
- (26) Any notification received by the Safety Director under section 193(1) in respect of which Safety Director has not, immediately before the commencement day, provided and published advice in accordance with section 193(3)(b) is taken, on and after that day, to be a notification received by Safe Transport Victoria.
- (27) Any determination of standards for navigation aids or dredging and maintenance of channels published in the Government Gazette by the Safety Director under section 199(1)(a) or (b) that is in effect immediately before the commencement day is taken, on and after that day, to be a determination published by Safe Transport Victoria.
- (28) Any determination of standards for emergency response capabilities of towage vessels published in the Government Gazette by the Safety Director under section 202B(1) that is in effect immediately before the commencement day is taken, on and after that day, to be a determination published by Safe Transport Victoria.
- (29) Any application to conduct boating activity on certain waters made to the Safety Director in their capacity as an applicable regulatory entity under section 203 that has not been determined immediately before the commencement day is taken, on and after that day, to be an application made to Safe Transport Victoria.
- (30) Any declaration to exempt boating activity on certain waters published by the Safety Director in its capacity as an applicable regulatory entity under section 203 that is in effect immediately before the commencement day is taken, on and after that day, to be a declaration published by Safe Transport Victoria.
- (31) Any draft notice given to the Safety Director under section 209 in respect of which the prescribed time has not expired immediately before the commencement day is taken, on and after that day, to be a draft notice given to Safe Transport Victoria.
- (32) Any application to carry out works on certain waters made to the Safety Director in its capacity as an applicable regulatory entity under section 211(1) that has not been determined immediately before the commencement day is taken, on and after that day, to be an application made to Safe Transport Victoria.
- (33) Any direction given, or notice published in the Government Gazette, by the Safety Director in its capacity as an applicable regulatory entity under section 211(1) that is in effect immediately before the commencement day is taken, on and after that day, to be a direction made, or notice published, by Safe Transport Victoria.

- (34) Any draft notice proposed to be published by a port management body, local port manager or waterway manager in relation to regulation of waters around works given to the Safety Director under section 212(1) in respect of which the prescribed time has not expired immediately before the commencement day is taken, on and after that day, to be a draft notice given to Safe Transport Victoria.
- (35) Any direction given by the Safety Director under section 212(2) is in effect immediately before the commencement day is taken, on and after that day, to be a direction given by Safe Transport Victoria.
- (36) Any direction not to enter or remain in a part of State waters given by the Safety Director under section 215(2) that is in effect immediately before the commencement day is taken, on and after that day, to be a direction given by Safe Transport Victoria.
- (37) Any application for a harbour master licence made to the Safety Director under section 223(1) that has not been determined immediately before the commencement day is taken, on and after that day, to be an application made to Safe Transport Victoria.
- (38) Any requirement made of an applicant for a harbour master licence under section 223(3) by the Safety Director which has not been complied with immediately before the commencement day is taken, on and after that day, to be a requirement made by Safe Transport Victoria.
- (39) Any harbour master licence granted by the Safety Director under section 224 that is in effect immediately before the commencement day is taken, on and after that day, to be a harbour master licenced granted by Safe Transport Victoria.
- (40) Any application to vary a condition of a harbour master licence under section 225(1) made to the Safety Director which has not been determined immediately before the commencement day is taken, on and after that day, to be an application made to Safe Transport Victoria.
- (41) Any requirement made of an applicant to vary a condition on a harbour master licence under section 225(3) by the Safety Director which has not been complied with immediately before the commencement day is taken, on and after that day, to be a requirement made by Safe Transport Victoria.
- (42) Any notice given by the Safety Director under section 228 to impose or vary a condition on a harbour master licence under section 227 which condition has not been imposed or varied before the commencement day is taken, on and after that day, to be a notice given by Safe Transport Victoria.
- (43) Any written approval given by the Safety Director for the purpose of section 229(1), (2), (3) or (4) to engage an assistant harbour master which is in effect on the commencement day is taken, on and after that day, to be a written approval given by Safe Transport Victoria.
- (44) Any direction given by the Safety Director under section 235(2) to engage an assistant harbour master immediately before the commencement day is taken, on and after that day, to be a direction given by Safe Transport Victoria.
- (45) Any registration of a person as a pilotage services provider under Chapter 7 by the Safety Director that is in effect immediately before the commencement day is taken, on and after that day, to be a registration by Safe Transport Victoria.
- (46) Any register of registered pilotage services providers maintained by the Safety Director under section 244 that is in effect immediately before the commencement day is taken, on and after that day, to be a register of registered pilotage services providers maintained by Safe Transport Victoria.
- (47) Any declaration of pilot required waters published in the Government Gazette by the Safety Director under section 250 that is in effect immediately before the commencement day is taken, on and after that day, to be a declaration published by Safe Transport Victoria.

- (48) Any application for a pilot licence under section 251 made to the Safety Director which has not been determined immediately before the commencement day is taken, on and after that day, to be an application made to Safe Transport Victoria.
- (49) Any requirement made of an applicant for a pilot licence under section 251(3) by the Safety Director which has not been complied with immediately before the commencement day is taken, on and after that day, to be a requirement made by Safe Transport Victoria.
- (50) Any pilot licence granted by the Safety Director under section 252 that is in effect immediately before the commencement day is taken, on and after that day, to be a pilot licence granted by Safe Transport Victoria.
- (51) Any application for an exemption from the requirement to use the services of a pilot in pilot required waters under section 253 made to the Safety Director which has not been determined immediately before the commencement day is taken, on and after that day, to be an application made to Safe Transport Victoria.
- (52) Any requirement made of an applicant for an exemption from the requirement to use the services of a pilot in pilot required waters under section 253(3) by the Safety Director which has not been complied with immediately before the commencement day is taken, on and after that day, to be a requirement made by Safe Transport Victoria.
- (53) Any application for the renewal of a pilot exemption under section 256 made to the Safety Director which has not been determined immediately before the commencement day is taken, on and after that day, to be an application made to Safe Transport Victoria.
- (54) Any authorisation by the Director, Transport Safety for the purposes of section 262 that is in effect immediately before the commencement day is taken, on and after that day, to be an authorisation by Safe Transport Victoria.
- (55) Any requirement made for the purposes of conducting an inquiry into a marine safety matter under section 264(2) by the Safety Director which has not been complied with immediately before the commencement day is taken, on and after that day, to be a requirement made by Safe Transport Victoria.
- (56) Any direction given under section 267(2) by the Safety Director which has not been complied with immediately before the commencement day is taken, on and after that day, to be a direction made by Safe Transport Victoria.
- (57) Any direction given under section 269(1) by the Safety Director that is in force immediately before the commencement day is taken, on and after that day, to be a direction made by Safe Transport Victoria.
- (58) Any accreditation granted by the Safety Director under Division 3 of Part 8.1 that is in effect immediately before the commencement day is taken, on and after that day, to be an accreditation granted by Safe Transport Victoria.
- (59) Any application for accreditation under section 271D made to the Safety Director which has not been determined immediately before the commencement day is taken, on and after that day, to be an application made to Safe Transport Victoria.
- (60) Any Marine Enforcement Policy developed by the Safety Director under Part 8.3 that is in effect immediately before the commencement day is taken, on and after that day, to be a Marine Enforcement Policy developed by Safe Transport Victoria.
- (61) Any person who is authorised in writing by the Safety Director either generally or in any particular case to bring proceedings for an offence against marine and port legislation is taken to continue to be authorised by Safe Transport Victoria to bring proceedings for an offence against marine and port legislation.

**Note:**

1. *marine and port legislation* means the **Marine Safety Act 2010** or any regulations made under that Act; the **Marine (Drug, Alcohol and Pollution Control) Act 1988** or regulations made under that Act; and the **Port Management Act 1995** or regulations made under that Act.

2. A reference to a matter under an Act includes a matter in or under regulations or other subordinate instrument made pursuant to a power in that Act.
  3. See also clause 14 paragraph (19) of this Schedule: section 105(1) of the **Transport (Safety Schemes Compliance and Enforcement) Act 2014** provides that the Safety Director, or a transport safety officer with the written authorisation of the Safety Director (either generally or in a particular case) or a police officer may commence a proceeding under that Act or a transport safety law.
  4. *transport safety law* is defined in section 3 of that Act, and means –
    - (a) the **Bus Safety Act 2009** or any regulations made under that Act; or
    - (b) the **Marine (Drug, Alcohol and Pollution Control) Act 1988** or any regulations made under that Act; or
    - (c) the **Marine Safety Act 2010** or any regulations made under that Act; or
    - (d) the **Port Management Act 1995** or any regulations made under that Act; or
    - (e) the **Transport Integration Act 2010** or any regulations made under that Act.
- (62) Any reference in an authorisation referred to in paragraph (61) to a person employed in the Department that is in effect immediately before the commencement day is taken, on and after that day, to be a reference to the person being employed by Safe Transport Victoria.
  - (63) Any authorisation referred to in paragraph (61) that is in effect immediately before the commencement day is taken, on and after that day, to be sufficient authority to bring or continue a proceeding in any case, whether or not the proceeding relates to an offence committed prior to, or on or after, the commencement day.
  - (64) Any information protection agreement entered into by a relevant person with the Safety Director under section 298E that is in effect immediately before the commencement day is taken, on and after that day, to be an information protection agreement entered into by the relevant person with Safe Transport Victoria.
  - (65) Any agreement or contract entered into by the Safety Director with a government department or other public statutory body under item 30 of Schedule 1 that is in effect immediately before the commencement day is taken, on and after that day, to be an agreement or contract entered into by Safe Transport Victoria with the government department or other public statutory body.
  - (66) Any agreement or contract entered into by the Safety Director with a government department or other public statutory body of the Commonwealth or of another State or Territory under item 31 of Schedule 1 that is in effect immediately before the commencement day is taken, on and after that day, to be an agreement or contract entered into by Safe Transport Victoria with the government department or other public statutory body.
  - (67) On and after the commencement day, Safe Transport Victoria is substituted as a party to any proceedings under the **Marine Safety Act 2010** pending in any court or in VCAT to which the Safety Director was a party immediately before that day.
  - (68) Without limiting Part 4 or any other provision of this Order, every reference to the Director, Transport Safety or the Safety Director in any accreditation, permit, authorisation, certificate, notice, direction, determination, declaration, approval, guidelines or other document (however described) given, made, issued, granted, served or published under the **Marine Safety Act 2010** that is in effect on the commencement day must, on and from that day, be taken to be a reference to Safe Transport Victoria unless the context otherwise requires.

**Note**

A reference to a matter under an Act includes a matter in or under regulations or other subordinate instrument made pursuant to a power in that Act.

**11. Marine Safety Regulations 2012**

- (1) Any notice published in the Government Gazette by the Safety Director under regulation 6, 7(1) or 9(1) that is in effect immediately before the commencement day is taken, on and after that day, to be a notice published by Safe Transport Victoria.

- (2) Any application for registration of a recreational vessel under regulation 11(1) in respect of which the Safety Director has not made a decision immediately before the commencement day is taken, on and after that day, to be an application for registration of a recreational vessel to Safe Transport Victoria.
- (3) Any registration of a recreational vessel by the Safety Director under regulation 12 that is in effect immediately before the commencement day is taken, on and after that day, to be a registration by Safe Transport Victoria.
- (4) Any application to renew the registration of a recreational vessel under regulation 14(1) in respect of which the Safety Director has not made a decision immediately before the commencement day is taken, on and after that day, to be an application to renew the registration of a recreational vessel to Safe Transport Victoria.
- (5) Any written notice given by the Safety Director under regulation 21(2) in respect of which the stated period in which to address the grounds on which the Safety Director intends to refuse to record the transfer of registration has not expired immediately before the commencement day is taken, on and after that day, to be a written notice served by Safe Transport Victoria.
- (6) Any registration label or identification mark issued by the Safety Director under regulation 24(1) that is in effect immediately before the commencement day is taken, on and after that day, to be a registration label or identification mark issued by Safe Transport Victoria.
- (7) Any special identification plate issued by the Safety Director under regulation 25(3) that is in effect immediately before the commencement day is taken, on and after that day, to be a special identification plate issued by Safe Transport Victoria.

## 12. Port Management Act 1995

- (1) Any standards developed by the Director, Transport Safety under section 44A(3)(c) or (e) that are in effect immediately before the commencement day are taken, on and after that day, to be standards developed by Safe Transport Victoria.
- (2) Any amendment to a planning scheme to substitute a reference to the Director, Transport Safety, to specify the Director, Transport Safety as a responsible authority or to specify the Director, Transport Safety as a referral authority under section 93(1)(a), (c) or (d) that is in effect immediately before the commencement day is taken, on and after that day, to be an amendment substituting or specifying Safe Transport Victoria, as the case requires.

### Note: authorisation to commence proceedings

1. See also clause 14 paragraph (19) of this Schedule: section 105(1) of the **Transport (Safety Schemes Compliance and Enforcement) Act 2014** provides that the Safety Director, or a transport safety officer with the written authorisation of the Safety Director (either generally or in a particular case) or a police officer may commence a proceeding under that Act or a transport safety law.
2. *transport safety law* is defined in section 3 of that Act, and means –
  - (a) the **Bus Safety Act 2009** or any regulations made under that Act; or
  - (b) the **Marine (Drug, Alcohol and Pollution Control) Act 1988** or any regulations made under that Act; or
  - (c) the **Marine Safety Act 2010** or any regulations made under that Act; or
  - (d) the **Port Management Act 1995** or any regulations made under that Act; or
  - (e) the **Transport Integration Act 2010** or any regulations made under that Act.

## 13. Road Safety Act 1986

- (1) Any person who is an authorised officer for the purposes of section 13 by reason of that person being an authorised officer within the meaning of the **Commercial Passenger Vehicle Industry Act 2017** immediately before the commencement day which person,



on and from the commencement day, is an employee of Safe Transport Victoria is taken, on and after that day, to be an authorised officer for the purposes of section 13.

**Note**

Section 13 empowers authorised officers for the purposes of that section to inspect motor vehicles or trailers. An authorised officer for the purposes of section 13 includes an authorised officer within the meaning of the **Commercial Passenger Vehicle Industry Act 2017** if the motor vehicle or a trailer attached to a motor vehicle is a commercial passenger vehicle.

- (2) Any authorisation of a person employed in the Commercial Passenger Vehicle Commission by the Secretary or the Head, Transport for Victoria under section 77(2)(c) that is in effect immediately before the commencement day is taken, on and after that day, to be an authorisation of a person employed by Safe Transport Victoria.
- (3) Any authorisation of a person employed in the Department by the Secretary under section 77(2)(c) that is in effect immediately before the commencement day which person, on and from the commencement day, is an employee of Safe Transport Victoria is taken, on and after that day, to be an authorisation of a person employed by Safe Transport Victoria. (3) Any person who is an authorised officer for the purposes of section 13 by reason of that person being an authorised officer within the meaning of the **Commercial Passenger Vehicle Industry Act 2017** immediately before the commencement day which person, on and from the commencement day, is an employee of Safe Transport Victoria is taken, on and after that day, to be an authorised officer for the purposes of section 13.

**Note**

Section 13 empowers authorised officers for the purposes of that section to inspect motor vehicles or trailers. An authorised officer for the purposes of section 13 includes an authorised officer within the meaning of the **Commercial Passenger Vehicle Industry Act 2017** if the motor vehicle or a trailer attached to a motor vehicle is a commercial passenger vehicle.

- (4) Any reference in an authorisation referred to in paragraphs (1), (2) or (3) to a person being employed in or by the Commercial Passenger Vehicle Commission or in the Department that is in effect immediately before the commencement day is taken, on and after that day, to be a reference to the transport safety officer being employed by Safe Transport Victoria.
- (5) Any information protection agreement within the meaning of section 90I entered into by the Director, Transport Safety or the Commercial Passenger Vehicle Commission with the Secretary that is in effect immediately before the commencement day is taken, on and after that day, to be an information protection agreement entered into by Safe Transport Victoria with the Secretary.
- (6) Without limiting Part 4 or any other provision of this Order, every reference to a person employed in or by the Commercial Passenger Vehicle Commission or in the Department in any accreditation, permit, authorisation, certificate, notice, direction, determination, declaration, approval, guidelines or other document (however described) given, made, issued, granted, served or published under the **Road Safety Act 1986** that is in effect on the commencement day must, on and from that day, be taken to be a reference to Safe Transport Victoria unless the context otherwise requires.

**Note**

A reference to a matter under an Act includes a matter in or under regulations or other subordinate instrument made pursuant to a power in that Act.

- (7) On and after the commencement day, Safe Transport Victoria is substituted as a party to any proceedings under the **Road Safety Act 1986** pending in any court to which the Director, Transport Safety or the Commercial Passenger Vehicle Commission were a party immediately before that day.

#### 14. Road Safety Road Rules 2017

- (1) Any reference to a person employed in the CPVC (wherever occurring) is taken to be a reference to a person employed by Safe Transport Victoria.



**Notes**

1. **CPVC** is defined in section 3 of the **Road Safety Act 1986** and means the Commercial Passenger Vehicle Commission established by section 115B of the **Transport Integration Act 2010**; by reason of clause 38 of this Order, is taken to be a reference to Safe Transport Victoria.
  2. **authorised person**, in rule 307(3) and in the Dictionary, is defined to include a person who is employed in the CPVC. It also includes a person who is referred to in section 77(2)(b), (c) or (e) of the **Road Safety Act 1986**.
  3. Persons employed in the Department who become employed by Safe Transport Victoria will fall within the definition of **authorised person** as a consequence of clause 38 and this provision.
- (2) Any reference in an authorisation or other instrument made for or in relation to the purposes of the Road Safety Road Rules 2017 to any to a person employed in or by the Commercial Passenger Vehicle Commission that is in effect immediately before the commencement day is taken, on and after that day, to be a reference to the person being employed by Safe Transport Victoria.

**Note**

See the definition of “authorised person” in the Dictionary.

- (3) Any reference in an authorisation or other instrument made for or in relation to the purposes of the Road Safety Road Rules 2017 to a person employed in the Department which person, on and from the commencement day, becomes an employee of Safe Transport Victoria that is in effect immediately before the commencement day is taken, on and after that day, to be a reference to the transport safety officer being employed by Safe Transport Victoria.

**15. Road Safety (Vehicles) Regulations 2021**

The reference to a person employed in the CPVC in regulation 5 is taken to be a reference to a person employed by Safe Transport Victoria.

**Note**

**CPVC** is defined in section 3 of the **Road Safety Act 1986** and means the Commercial Passenger Vehicle Commission established by section 115B of the **Transport Integration Act 2010**; by reason of clause 38 of this Order, is taken to be a reference to Safe Transport Victoria.

**16. Transport (Compliance and Miscellaneous) Act 1983**

- (1) Any driver accreditation issued by the licensing authority under section 166(1) that is in effect immediately before the commencement day is taken, on and after that day, to be a driver accreditation issued by Safe Transport Victoria.
- (2) Any application for the issue of a driver accreditation under section 166(2) in respect of which the licensing authority has not made a decision immediately before the commencement day is taken, on and after that day, to be an application for the issue of a driver accreditation to Safe Transport Victoria.
- (3) Any requirement made of an applicant for a driver accreditation by the licensing authority under section 167(1) or (2) which has not been complied with immediately before the commencement day is taken, on and after that day, to be a requirement made by Safe Transport Victoria.
- (4) Any application for the renewal of a driver accreditation under section 168(2) in respect of which the licensing authority has not made a decision immediately before the commencement day is taken, on and after that day, to be an application for the issue of a driver accreditation to Safe Transport Victoria.
- (5) Any determination that an applicant is disqualified from applying for the issue or renewal of a driver accreditation by the regulator under Division 6 of Part VI that is in effect immediately before the commencement day is taken, on and after that day, to be a determination by Safe Transport Victoria.
- (6) Any suspension of a driver accreditation by the licensing authority under Division 6 of Part VI that is in effect immediately before the commencement day is taken, on and after that day, to be a suspension by Safe Transport Victoria.

- (7) Any notice to the holder of a driver accreditation by the licensing authority under section 169G in respect of which the time to make submissions has not expired immediately before the commencement day is taken, on and after that day, to be a notice given by Safe Transport Victoria.
- (8) Any written notice given by the licensing authority extending time under section 169HA(3), which time period has not expired immediately before the commencement day is taken, on and after that day, to be a written notice given by Safe Transport Victoria.
- (9) Any application for a determination of compensation under section 169M(1) in respect of which the licensing authority has not made a decision immediately before the commencement day is taken, on and after that day, to be an application for the issue of a driver accreditation to Safe Transport Victoria.
- (10) Any application for a stay under section 169MB(1) in respect of which the licensing authority has not made a decision immediately before the commencement day is taken, on and after that day, to be an application for the issue of a driver accreditation to Safe Transport Victoria.
- (11) Any determination published in the Government Gazette by the licensing authority under section 169Y that is in effect immediately before the commencement day is taken, on and after that day, to be a notice published by Safe Transport Victoria.
- (12) Any person who is appointed in writing by the Commercial Passenger Vehicle Commission to issue a transport infringement immediately before the commencement day who is, on and from that day, employed in, or whose services are used by, Safe Transport Victoria is taken, on and after that day, to be authorised to issue transport infringement.
- (13) Any reference in a written appointment to which clause (12) applies who is, on and from the commencement day, employed in, or whose services are used by, Safe Transport Victoria immediately before the commencement day is taken, on and after that day, to be a reference to the authorised person being employed in, or whose services are used by, Safe Transport Victoria.
- (14) Any person who is authorized in writing by the Commercial Passenger Vehicle Commission to issue transport infringement notice immediately before the commencement day who is, on and from that day, employed in, or whose services are used by, Safe Transport Victoria is taken, on and after that day, to be authorized to issue a transport infringement notice by Safe Transport Victoria.
- (15) Any reference in a written authorisation to which clause (14) applies to a person being employed in or by the Commercial Passenger Vehicle Commission is, on and from the commencement day, taken to be a reference to the person being employed by Safe Transport Victoria.
- (16) Any person employed or engaged by the Department who is authorized as an authorised officer by the Secretary under section 221A that is in effect immediately before the commencement day, if the officer is, on and from that day, employed in Safe Transport Victoria, is taken, on and after that day, to be authorized in writing to issue a transport infringement notice by Safe Transport Victoria.

**Note**

A person to whom paragraph (16) applies will not, as and from the commencement day, be an authorised officer for the purpose of Division 4AA of Part VII. Section 221A relates to authorisations of persons employed or engaged in the Department, which authorisations do not transition as a consequence of this Order. Any such authorisations cease to have effect on and from the commencement day. The person will, however, be authorised to issue transport infringements as a consequence of these provisions.

- (17) Any person authorized in writing by the licensing authority under section 216(1) immediately before the commencement day who is, on and from that day, employed in, or whose services are used by, Safe Transport Victoria is taken, on and after that day, to be authorized by Safe Transport Victoria.

- (18) Any reference in a written authorisation to which clause (17) applies to a person being employed in or by the Commercial Passenger Vehicle Commission is taken, on and after the commencement day, to be a reference to the person being employed by Safe Transport Victoria.
- (19) Any request under section 216(1) made by a person authorized in writing by the licensing authority, or (if the person is, on and from that day, employed in Safe Transport Victoria) by the Secretary that is in effect immediately before the commencement day is taken, on and after that day, to be a request made by a person authorized in writing by Safe Transport Victoria.
- (20) Any person authorized in writing by the licensing authority under section 217(1) immediately before the commencement day who is, on and from that day, employed in, or whose services are used by, Safe Transport Victoria is taken, on and after that day, to be authorised by Safe Transport Victoria.
- (21) Any person who is authorized in writing by the licensing authority either generally or in any particular case to bring a proceeding for an offence under the **Transport (Compliance and Miscellaneous) Act 1983** or regulations made under that Act which person, on and from the commencement day, becomes an employee of Safe Transport Victoria is taken to continue to be authorized by Safe Transport Victoria to bring a proceeding for an offence under the **Transport (Compliance and Miscellaneous) Act 1983** or regulations made under that Act.
- (22) Any reference in an authorisation referred to in paragraph (19) or (20) to an authorized person being employed in or by the Commercial Passenger Vehicle Commission or in the Department that is in effect immediately before the commencement day is taken, on and after that day, to be a reference to the authorized person being employed by Safe Transport Victoria.
- (23) Any authorisation referred to in paragraph (19) or (20) is to be taken to be sufficient authority to bring or continue a proceeding in any case, whether or not the proceeding relates to an offence committed prior to, or on or after, the commencement day.
- (24) Without limiting Part 4 or any other provision of this Order, on and after the commencement day, every reference to a person employed in or by the Commercial Passenger Vehicle Commission or in the Department in any accreditation, permit, authorisation, certificate, notice, direction, determination, declaration, approval, guidelines or other document (however described) given, made, issued, granted, served or published under the **Transport (Compliance and Miscellaneous) Act 1983** must, if that person, on and from the commencement day, is an employee of Safe Transport Victoria be taken, on and after that day, to be a reference to a person employed by Safe Transport Victoria.

**Note**

A reference to a matter under an Act includes a matter in or under regulations or other subordinate instrument made pursuant to a power in that Act.

- (25) On and after the commencement day, Safe Transport Victoria is substituted as a party to any proceedings under the **Transport (Compliance and Miscellaneous) Act 1983** pending in any court or in VCAT to which the licensing authority was a party immediately before that day.

**17. Transport (Safety Schemes Compliance and Enforcement) Act 2014**

- (1) Any direction given by the Safety Director under section 9(1) or 10(2), that is in effect immediately before the commencement day is taken, on and after that day, to be a direction given by the Chief Executive of Safe Transport Victoria.

**Note**

Section 115 of the **Transport (Safety Schemes Compliance and Enforcement) Act 2014** provides that the Safety Director has all the functions and powers that a transport safety officer has under this Act. Accordingly, a reference in that Act to a *transport safety officer* includes a reference to the Safety Director unless the context otherwise requires. Paragraph (35) modifies section 115 so that the reference to the Safety Director is taken to be a reference to the Chief Executive of Safe Transport Victoria.

- (2) Any vessel by the Safety Director under section 11 that is detained immediately before the commencement day is taken, on and after that day, to be detained by the Chief Executive of Safe Transport Victoria.

- (3) Any application by the Safety Director under section 12 to extend the period a vessel that has been detained immediately before the commencement day is taken, on and after that day, to be an application made by the Chief Executive of Safe Transport Victoria.
- (4) Any site secured by the Safety Director under section 16 that remains secured immediately before the commencement day is taken, on and after that day, to be a site secured by the Chief Executive of Safe Transport Victoria.
- (5) Any direction given by the Safety Director under section 17(1) that is in force immediately before the commencement day is taken, on and after that day, to be a direction made by the Chief Executive of Safe Transport Victoria.
- (6) Any application by the Safety Director under section 18(1) for a search warrant which has not been determined immediately before the commencement day is taken, on and after that day, to be an application made by the Chief Executive of Safe Transport Victoria.
- (7) Any requirement made of a person by the Safety Director under section 22(1) which has not been complied with immediately before the commencement day is taken, on and after that day, to be a requirement made by the Chief Executive of Safe Transport Victoria.
- (8) Any warning given by the Safety Director under section 24 that relates to a requirement that is in effect immediately before the commencement day is taken, on and after that day, to be a warning given by the Chief Executive of Safe Transport Victoria.
- (9) Any copy or extract or document kept by the Safety Director under section 25 that remains kept immediately before the commencement day is taken, on and after that day, to be kept by the Chief Executive of Safe Transport Victoria.
- (10) Any actions taken by the Safety Director under section 16 that remains in effect immediately before the commencement day is taken, on and after that day, to be actions taken by the Chief Executive of Safe Transport Victoria.
- (11) Any direction given by the Safety Director under section 29(1) or 30(1) that is in force immediately before the commencement day is taken, on and after that day, to be a direction made by the Chief Executive of Safe Transport Victoria.
- (12) Any written notice given by the Safety Director under section 33(4) that is in effect immediately before the commencement day is taken, on and after that day, to be a written notice given by the Chief Executive of Safe Transport Victoria.
- (13) Any written notice given by the Safety Director under section 37(2) that is in effect immediately before the commencement day is taken, on and after that day, to be a written notice given by the Chief Executive of Safe Transport Victoria.
- (14) Any requirement made by the Safety Director under section 41 that is in effect immediately before the commencement day is taken, on and after that day, to be a requirement made by the Chief Executive of Safe Transport Victoria.
- (15) Any direction given by the Safety Director under section 43(1) that has not been complied with immediately before the commencement day is taken, on and after that day, to be a direction made by the Chief Executive of Safe Transport Victoria.
- (16) Any improvement notice served by the Safety Director under section 50 that is in effect immediately before the commencement day is taken, on and after that day, to be an improvement notice served by the Chief Executive of Safe Transport Victoria.
- (17) Any clearance notice served by the Safety Director under section 56 that has not been received by the person to whom the notice relates immediately before the commencement day is taken, on and after that day, to be an improvement notice served by Safe Transport Victoria, or the Chief Executive of Safe Transport Victoria, as the case requires.

- (18) Any prohibition notice served by the Safety Director under section 60 that is in effect immediately before the commencement day is taken, on and after that day, to be a prohibition notice served by the Chief Executive of Safe Transport Victoria.
- (19) Any certificate served by the Safety Director under section 66 that is in effect immediately before the commencement day is taken, on and after that day, to be a certificate served by Safe Transport Victoria, or the Chief Executive of Safe Transport Victoria, as the case requires.
- (20) Any written notice given by the Safety Director of their intention to take remedial action under section 68(2) that is in force immediately before the commencement day is taken, on and after that day, to be a notice given by Safe Transport Victoria.
- (21) Any non-disturbance notice served by the Safety Director under section 71 that is in effect immediately before the commencement day is taken, on and after that day, to be a non-disturbance notice served by the Chief Executive of Safe Transport Victoria.
- (22) Any application by the Safety Director under section 82(1) to compel a person to comply or restrain a person from contravening an improvement notice, a prohibition notice or a non-disturbance notice which has not been determined immediately before the commencement day is taken, on and after that day, to be an application made by Safe Transport Victoria.
- (23) Any transport safety undertaking accepted by the Safety Director under section 83 that is in effect immediately before the commencement day is taken, on and after that day, to be a transport safety undertaking accepted by the Chief Executive of Safe Transport Victoria.
- (24) Any written notice given by the Safety Director under section 84 that is in effect immediately before the commencement day is taken, on and after that day, to be a written undertaking given by Safe Transport Victoria.
- (25) Any application by the Safety Director under section 87(2) to enforce an undertaking which has not been determined immediately before the commencement day is taken, on and after that day, to be an application made by Safe Transport Victoria.
- (26) Any direction given by the Safety Director under section 90(2) that has not been complied with immediately before the commencement day is taken, on and after that day, to be a direction made by Safe Transport Victoria.
- (27) Any transport safety infringement notice served by the Safety Director that is in effect immediately before the commencement day is taken, on and after that day, to be a transport safety infringement notice served by the Chief Executive of Safe Transport Victoria.

**Note**

Section 93(1) provides that a transport safety officer who has reason to believe that a person has committed a transport safety infringement may serve a transport safety infringement notice on that person.

- (28) On and after the commencement day, Safe Transport Victoria is substituted as a party to any proceedings under a transport safety law (including a proceedings under the **Transport (Safety Schemes Compliance and Enforcement) Act 2014**) pending in any court or in VCAT to which the Safety Director was a party immediately before that day.

**Notes**

1. Section 105(1) of the **Transport (Safety Schemes Compliance and Enforcement) Act 2014** provides that the Safety Director, or a transport safety officer with the written authorisation of the Safety Director (either generally or in a particular case) or a police officer may commence a proceeding under that Act or a transport safety law.
2. **transport safety law** is defined in section 3, and means –
  - (a) the **Bus Safety Act 2009** or any regulations made under that Act; or
  - (b) the **Marine (Drug, Alcohol and Pollution Control) Act 1988** or any regulations made under that Act; or

- (c) the **Marine Safety Act 2010** or any regulations made under that Act; or
  - (d) the **Port Management Act 1995** or any regulations made under that Act; or
  - (e) the **Transport Integration Act 2010** or any regulations made under that Act.
- (29) Any written authorisation of an transport safety officer to commence a proceeding given by the Safety Director under section 105(1) that is in effect immediately before the commencement day is, on and from that day, taken to be –
- (i) a written authorisation given by Safe Transport Victoria; and
  - (ii) sufficient authority to bring or continue a proceeding in any case, whether or not the proceeding relates to an offence committed prior to, or on or after, the commencement day.
- (30) Any written notice given by the Safety Director under section 101 that is in effect immediately before the commencement day is taken, on and after that day, to be a written undertaking given by Safe Transport Victoria.
- (31) Any requirement relating to the Safety Director in a supervisory intervention order made under section 110 that is in effect immediately before the commencement day is taken, on and after that day, to be a requirement relating to Safe Transport Victoria.
- (32) Any application for an exclusion order made by the Safety Director under section 111 that has not been determined immediately before the commencement day is taken, on and after that day, to be an application made by Safe Transport Victoria.
- (33) Any application for an adverse publicity order made by the Safety Director under section 112 that has not been determined immediately before the commencement day is taken, on and after that day, to be an application made by Safe Transport Victoria.
- (34) Any approval given by the Safety Director for the purposes of section 113 that is in effect immediately before the commencement day is taken, on and after that day, to be an approval given by Safe Transport Victoria.
- (35) Section 115 applies but is modified as if –
- (1) in the section heading, for “Safety Director” there is substituted “Chief Executive of Safe Transport Victoria”; and
  - (2) in subsection (1) and (2), for “Safety Director” there is substituted “Chief Executive of Safe Transport Victoria”.

#### Notes

1. Section 115 of the **Transport (Safety Schemes Compliance and Enforcement) Act 2014** provides that the Safety Director has all the functions and powers that a transport safety officer has under that Act. Accordingly, a reference in that Act to a *transport safety officer* includes a reference to the Safety Director unless the context otherwise requires.
  2. The effect of this provision is that the Chief Executive of Safe Transport Victoria has all the all the functions and powers that a transport safety officer has under that Act, and a reference in that Act to a *transport safety officer* includes a reference to the Chief Executive of Safe Transport Victoria unless the context otherwise requires.
  3. This provision does not affect other references in the Act to the “Safety Director” which, as a consequence of clause 38, are taken to be references to Safe Transport Victoria.
- (36) Any appointment of a person as a transport safety officer by the Safety Director under section 116 that is in effect immediately before the commencement day is taken, on and after that day, to be an appointment Safe Transport Victoria.
- (37) Any reference in an appointment referred to in paragraph (36) to a transport safety officer being employed or engaged in or by the Commercial Passenger Vehicle Commission or in the Department, which person, on and from the commencement day, becomes an employee of, or engaged by, Safe Transport Victoria, is taken, on and after that day, to be a reference to the transport safety officer being employed by Safe Transport Victoria.



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- (38) Any appointment referred to in paragraph (36) is to be taken to be sufficient authority to bring or continue a proceeding in any case, whether or not the proceeding relates to an offence committed prior to, or on or after, the commencement day.
- (39) Any identity card issued by the regulator under section 117(1) to a transport safety officer who is a transport safety officer immediately before the commencement date, if the officer is, on and from that day, employed in Safe Transport Victoria, is taken, on and after that day, to be an identity card issued by Safe Transport Victoria.
- (40) Any direction given by the Safety Director under section 121(1) that is in effect immediately before the commencement day is taken, on and after that day, to be a direction given by Safe Transport Victoria.
- (41) Without limiting Part 4 or any other provision of this Order, every reference to the Safety Director in any accreditation, permit, authorisation, certificate, notice, direction, determination, declaration, guidelines or other document (however described) given, made, issued, granted, served or published under the **Transport (Safety Schemes Compliance and Enforcement) Act 2014** must, on and from that day, be taken to be a reference to Safe Transport Victoria or to the Chief Executive of Safe Transport Victoria, as the case requires unless the context otherwise requires.

**Note**

A reference to a matter under an Act includes a matter in or under regulations or other subordinate instrument made pursuant to a power in that Act.

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**Transport Integration Act 2010**

TRANSFER ORDER (COMMERCIAL PASSENGER VEHICLE COMMISSION)  
(ESTABLISHMENT OF SAFE TRANSPORT VICTORIA) NO. 1/2022

Order in Council

The Governor in Council under section 66B of the **Transport Integration Act 2010** orders that the property, rights and liabilities of the Commercial Passenger Vehicle Commission specified in the Schedule to this Order be transferred to Safe Transport Victoria.

This Order takes effect on 1 July 2022 (being the transfer date).

This Order may be cited as the Transfer Order (Commercial Passenger Vehicle Commission) (Establishment of Safe Transport Victoria) No. 1/2022.

Dated: 21 June 2022

Responsible Minister:

HON TIM PALLAS MP

Treasurer

HON MELISSA HORNE MP

Minister for Ports and Freight

HON BEN CARROLL

Minister for Public Transport

SAMUAL WALLACE  
Clerk of the Executive Council

**Transport Integration Act 2010**

TRANSFER ORDER (COMMERCIAL PASSENGER VEHICLE COMMISSION)  
(ESTABLISHMENT OF SAFE TRANSPORT VICTORIA) NO. 1/2022

SCHEDULE

The property, rights and liabilities specified in this Schedule are those specified in clause 2 of this Schedule.

**1 Definitions and interpretation**

**1.1 Definitions**

Expressions used in this Order have the meaning given to them in sections 3 and 66A of the **Transport Integration Act 2010**.

**1.2 Interpretation**

Headings are for convenience only and do not affect interpretation.

The following rules apply unless the context requires otherwise:

- (a) A reference to anything being done by or in relation to the Commercial Passenger Vehicle Commission includes anything done by or in relation to a statutory body or office from which the Commercial Passenger Vehicle Commission has assumed or had transferred to it any property, rights or liabilities specified in this Order.
- (b) A reference to the Commercial Passenger Vehicle Commission is taken to include a reference to the *licensing authority* within the meaning of section 2(1) of the **Transport (Compliance and Miscellaneous) Act 1983**, *CPVC* within the meaning of section 3(1) of the **Road Safety Act 1986** and section 2(1) of the **Transport (Compliance and Miscellaneous) Act 1983** and to the *regulator* within the meaning of section 3 of the **Commercial Passenger Vehicle Industry Act 2017**.

## **2 Transfer of property, rights and liabilities**

### **2.1 General transfer**

All of the property, rights and liabilities of the Commercial Passenger Vehicle Commission are transferred to Safe Transport Victoria, except for –

- (a) the Commercial Passenger Vehicle Commission’s official seal; and
- (b) contracts of employment and any enterprise agreement to which the Commercial Passenger Vehicle Commission is a party.

**Note:**

Separate processes will be adopted to give effect to the transfer of employees from the Commercial Passenger Vehicle Commission to Safe Transport Victoria.

### **2.2 Inclusive description**

Without limiting clause 2.1, the property, rights and liabilities of the Commercial Passenger Vehicle Commission transferred to Safe Transport Victoria include the following:

#### **(a) Contracts**

All agreements, deeds, arrangements and understandings (not including contracts of employment or enterprise agreements) which were entered into by or on behalf of the Commercial Passenger Vehicle Commission or to which the Commercial Passenger Vehicle Commission is a party or under which the Commercial Passenger Vehicle Commission has any rights or liabilities, together with:

- (i) all bank guarantees and security deposits held by the Commercial Passenger Vehicle Commission or to which the Commercial Passenger Vehicle Commission is entitled in respect of those agreements; and
- (ii) all rights or interests under any insurance policy relating to those agreements, each as amended, supplemented or novated from time to time.

#### **(b) Book Debts and Prepayments**

All amounts owing or due to the Commercial Passenger Vehicle Commission by trade and other debtors and prepayments by the Commercial Passenger Vehicle Commission to suppliers of goods and services to the Commercial Passenger Vehicle Commission as at the transfer date.

#### **(c) Assets and Infrastructure**

All tangible assets and infrastructure and rights in relation to assets and infrastructure including, without limitation:

- (i) plant and equipment;
- (ii) furniture and fittings;
- (iii) motor vehicles;
- (iv) information technology systems and equipment; and
- (v) other chattels

not including the Commercial Passenger Vehicle Commission’s official seal.

#### **(d) Real Property**

All rights and interests of any kind in or in relation to real property including without limitation:

- (i) freehold title;
- (ii) rights in respect of Crown Land;
- (iii) leasehold interests;
- (iv) easements; and
- (v) profits a prendre.

**(e) Securities and accounts**

All:

- (i) shares, debentures, stocks, bonds and other securities of any kind and all legal or equitable interests in relation to them; and
- (ii) all bank accounts and other entitlements of any kind in relation to moneys held by or deposited with any person and all legal or equitable rights in relation to them.

**(f) Intellectual Property**

All forms of intellectual or industrial property, whether protected by statute, at common law or in equity or whether applied for, registered, unregistered or incapable of registration in Australia or anywhere else in the world, including without limitation any patent, invention, copyright or neighbouring right, moral right, design, trade mark (including goodwill), circuit layout, confidential information (including trade secret or know-how), technical information, process, technique, right to use a business name, trading name or domain name, and any other proprietary right resulting from intellectual activity in the industrial, scientific, literary or artistic fields.

**(g) Books and Records**

All notices, correspondence, books of account, plans, drawings, orders, enquiries and other documents, whether written, on computer disks or tapes or other machine readable form.

**(h) Authorisations**

All licences, accreditations, permits, registrations, consents, concessions, approvals and authorisations issued, granted, approved or otherwise given to the Commercial Passenger Vehicle Commission.

**(i) Claims and Proceedings**

All demands, claims, actions or proceedings made or brought by or against the Commercial Passenger Vehicle Commission, however arising and whether present, unascertained, immediate, future or contingent.

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**Transport Integration Act 2010****TRANSFER ORDER (DIRECTOR, TRANSPORT SAFETY)  
(ESTABLISHMENT OF SAFE TRANSPORT VICTORIA) NO. 2/2022**

## Order in Council

The Governor in Council under section 66B of the **Transport Integration Act 2010** orders that the property, rights and liabilities of the Director, Transport Safety (including but not limited to the property, rights and liabilities of the Director, Transport Safety on behalf of the Crown) specified in the Schedule to this Order be transferred to Safe Transport Victoria.

This Order takes effect on 1 July 2022 (being the transfer date).

This Order may be cited as the Transfer Order (Director, Transport Safety) (Establishment of Safe Transport Victoria) No. 2/2022.

Dated: 21 June 2022

Responsible Minister:

HON TIM PALLAS MP

Treasurer

HON MELISSA HORNE MP

Minister for Ports and Freight

HON BEN CARROLL

Minister for Public Transport

SAMUAL WALLACE  
Clerk of the Executive Council

**Transport Integration Act 2010****TRANSFER ORDER (DIRECTOR, TRANSPORT SAFETY)  
(ESTABLISHMENT OF SAFE TRANSPORT VICTORIA) NO. 2/2022**

## SCHEDULE

The property, rights and liabilities specified in this Schedule are those specified in clause 2 of this Schedule.

**1 Definitions and interpretation****1.1 Definitions**

Expressions used in this Order have the meaning given to them in sections 3 and 66A of the **Transport Integration Act 2010**.

**1.2 Interpretation**

Headings are for convenience only and do not affect interpretation.

The following rules apply unless the context requires otherwise:

- (a) A reference to anything being done by or in relation to the Director, Transport Safety includes anything done by or in relation to a statutory body or office from which the Director, Transport Safety has assumed or had transferred to the Director, Transport Safety any property, rights or liabilities specified in this Order.
- (b) A reference to the Director, Transport Safety includes any reference to the Safety Director within the meaning of section 3(1) of the **Bus Safety Act 2009**, section 3(1) of the **Marine Safety Act 2010** and section 2(1) of the **Transport (Compliance and Miscellaneous) Act 1983** and to the *Director* within the meaning of section 3 of the **Marine (Drug, Alcohol and Pollution Control) Act 1988**.
- (c) Property, rights and liabilities of the Director, Transport Safety include but are not limited to the property, rights and liabilities of the Director, Transport Safety on behalf of the Crown and any reference to property, rights and liabilities of the Director, Transport Safety is to be construed accordingly.

## **2 Transfer of property, rights and liabilities**

### **2.1 General transfer**

All of the property, rights and liabilities of the Director, Transport Safety (including but not limited to the property, rights and liabilities of the Director, Transport Safety on behalf of the Crown) are transferred to Safe Transport Victoria.

**Note:**

The Director, Transport Safety does not directly employ staff. Separate processes under the **Public Administration Act 2004** will be adopted to give effect to the transfer of employees within the group within the Department of Transport who support the Director, Transport Safety.

### **2.2 Inclusive description**

Without limiting clause 2.1, the property, rights and liabilities of the Director, Transport Safety transferred to Safe Transport Victoria include the following:

#### **(a) Contracts**

All agreements, deeds, arrangements and understandings which were entered into by or on behalf of the Director, Transport Safety or to which the Director, Transport Safety is a party or under which the Director, Transport Safety has any rights or liabilities, together with:

- (i) all bank guarantees and security deposits held by the Director, Transport Safety or to which the Director, Transport Safety is entitled in respect of those agreements; and
- (ii) all rights or interests under any insurance policy relating to those agreements, each as amended, supplemented or novated from time to time.

#### **(b) Book Debts and Prepayments**

All amounts owing or due to the Director, Transport Safety by trade and other debtors and prepayments by the Director, Transport Safety to suppliers of goods and services to the Director, Transport Safety as at the transfer date.

#### **(c) Assets and Infrastructure**

All tangible assets and infrastructure and rights in relation to assets and infrastructure including, without limitation:

- (i) plant and equipment;
- (ii) furniture and fittings;
- (iii) motor vehicles;
- (iv) vessels;
- (v) navigation aids;
- (vi) information technology systems and equipment; and
- (vii) other chattels.

#### **(d) Real Property**

All rights and interests of any kind in or in relation to real property including without limitation:

- (i) freehold title;
- (ii) rights in respect of Crown Land;
- (iii) leasehold interests;
- (iv) easements; and
- (v) profits a prendre.



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**(e) Securities and accounts**

All:

- (i) shares, debentures, stocks, bonds and other securities of any kind and all legal or equitable interests in relation to them; and
- (ii) all bank accounts and other entitlements of any kind in relation to moneys held by or deposited with any person and all legal or equitable rights in relation to them.

**(f) Intellectual Property**

All forms of intellectual or industrial property, whether protected by statute, at common law or in equity or whether applied for, registered, unregistered or incapable of registration in Australia or anywhere else in the world, including without limitation any patent, invention, copyright or neighbouring right, moral right, design, trade mark (including goodwill), circuit layout, confidential information (including trade secret or know-how), technical information, process, technique, right to use a business name, trading name or domain name, and any other proprietary right resulting from intellectual activity in the industrial, scientific, literary or artistic fields.

**(g) Books and Records**

All notices, correspondence, books of account, plans, drawings, orders, enquiries and other documents, whether written, on computer disks or tapes or other machine readable form.

**(h) Authorisations**

All licences, accreditations, permits, registrations, consents, concessions, approvals and authorisations issued, granted, approved or otherwise given to the Director, Transport Safety.

**(i) Claims and Proceedings**

All demands, claims, actions or proceedings made or brought by or against the Director, Transport Safety, however arising and whether present, unascertained, immediate, future or contingent.

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