

## VICTORIA.



ANNO VICESIMO TERTIO

ELIZABETHÆ SECUNDÆ REGINÆ

No. 8608.

An Act to amend the *Ministry of Transport Act 1958* to provide for the Appointment of Consultative Committees and of Assistant Directors of Transport, to repeal *The Metropolitan Transportation Committee Act 1963*, to make provision concerning the Dissolution of The Metropolitan Transportation Committee, to make provision concerning certain Persons whose Services are being made use of by the Minister of Transport, and for other purposes.

[10th December, 1974.]

**BE** it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

Short title.

1. (1) This Act may be cited as the *Ministry of Transport (Consultative Committees) Act 1974*.

Principal Act  
No. 6322.Amended by  
Nos. 6672, 7873,  
8163, 8333, 8549.  
Commence-  
ment.

(2) In this Act the *Ministry of Transport Act 1958* is called the Principal Act.

(3) This Act shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*.

*Amendments*

*Amendments of Principal Act concerning Consultative Committees.*

2. (1) After section 9 of the Principal Act there shall be inserted the following heading and sections :—

New Part III.  
inserted in  
No. 6322.

**“ PART III.—CONSULTATIVE COMMITTEES.**

10. (1) For the purposes of this Part the area which from time to time constitutes the metropolitan area within the meaning of the *Town and Country Planning Act 1961* shall be a transport region known as the metropolitan transport region.

Transport  
regions.

(2) The Governor in Council may from time to time by Order published in the *Government Gazette* declare any area not included in the metropolitan transport region to be a transport region for the purposes of this Part.

(3) The Governor in Council may from time to time by Order published in the *Government Gazette* declare any area to be no longer a transport region.

(4) The Governor in Council may from time to time by Order published in the *Government Gazette* declare any area to be added to or excised from a transport region (not being the metropolitan transport region).

(5) In the event that the metropolitan transport region is enlarged under or by virtue of the *Town and Country Planning Act 1961*, any adjoining transport region shall be correspondingly diminished.

11. (1) The Governor in Council may appoint for any transport region a consultative committee consisting of not more than fifteen persons.

Consultative  
committees.

(2) The persons appointed to be members of any such committee shall include persons experienced in planning and local government, and persons involved in the provision and use of transport services and facilities.

(3) A member of a committee shall subject to this Act be entitled to hold office for such period of not more than three years as is specified by the instrument of his appointment, but shall be eligible for re-appointment.

(4) A member of a committee may resign his office by writing addressed to the Minister, and shall be liable to be removed by the Governor in Council.

(5) The Minister may from time to time as occasion requires appoint a person to be chairman, and a person to be deputy chairman, of a committee from amongst its members.

(6) A member of a committee shall be entitled to such fees and allowances (if any) as are from time to time fixed in respect of his office by the Governor in Council.

(7) Any

(7) Any such fees and allowances shall be payable from the Transport Fund.

(8) The same person may be appointed to be a member, or chairman or deputy chairman, of two or more committees, and shall be entitled to fees and allowances in each case where he is so appointed.

Proceedings of committees.

12. (1) A quorum of a consultative committee shall consist of not less than half the number of persons for the time being holding office as members.

(2) At any meeting of a committee the chairman or (in his absence) the deputy chairman or (if both are absent) another member chosen to act as chairman, shall preside.

(3) The decision upon any matter of the majority of the members present at any meeting of a committee shall be the decision of the committee on that matter and, in the event of equality of votes on any matter, the person presiding shall have a second or casting vote.

(4) Subject to this section, a committee may regulate its own proceedings.

Functions of committees.

13. The functions of a consultative committee shall be to advise the Minister—

(a) as to any matter referred to it by the Minister relating to transport facilities and services within the transport region for which it is appointed ; and

(b) generally as to the improvement of transport facilities and services within that transport region.”

Consequential amendment of No. 6322 s. 1.

(2) In sub-section (2) of section 1 of the Principal Act after the expression—

“ Part II.—Transport Fund ss. 8–9.”

there shall be inserted the expression—

“ Part III.—Consultative Committees ss. 10–13.”

*Amendments of Principal Act concerning Assistant Directors of Transport.*

Amendment of No. 6322 ss. 3, 4. Assistant Directors of Transport.

3. The Principal Act shall be amended as follows :—

(a) After paragraph (b) of sub-section (2) of section 3 there shall be inserted the following paragraph :—

“(ba) not more than two Assistant Directors of Transport ; ”

(b) After sub-section (1) of section 4 there shall be inserted the following sub-section :—

“(1A) Any Assistant Director of Transport—

(a) shall be appointed by the Governor in Council ;

(b) shall

- (b) shall not in respect of his office be subject to the provisions of the *Public Service Act 1958* ;
- (c) subject to this Act shall be entitled to hold office for the term (not exceeding five years) for which he is appointed and shall be eligible for re-appointment;
- (d) shall receive such salary and allowances as are determined by the Governor in Council ; and
- (e) shall not during his continuance in office directly or indirectly engage in any paid employment outside the duties of his office.”;
- (c) In sub-sections (2), (2A) and (3) of section 4 after the words “ Director of Transport ” (wherever occurring) there shall be inserted the words “ or Assistant Director of Transport ” ;
- (d) In paragraph (a) of sub-section (4) of section 4 after the words “ Director of Transport ” (where first occurring) there shall be inserted the words “ or any Assistant Director of Transport ” and after the words “ Director of Transport ” (where second occurring) there shall be inserted the words “ and any Assistant Director of Transport ” ;
- (e) In paragraph (b) of sub-section (4) of section 4 after the words “ Director of Transport ” there shall be inserted the words “ or any Assistant Director of Transport ” ; and
- (f) In sub-sections (5) and (6) of section 4 after the words “ Director of Transport ” (wherever occurring) there shall be inserted the words “ or any Assistant Director of Transport ”.

4. After section 6 of the Principal Act there shall be inserted the following section :—

New section  
6A inserted in  
No. 6322.

“ 6A. Any Assistant Director of Transport shall assist the Director of Transport in relation to such matters as are from time to time specified by the Director.”

Functions of  
Assistant  
Directors of  
Transport.

*Repeal of The Metropolitan Transportation Committee Act 1963.*

5. *The Metropolitan Transportation Committee Act 1963* is hereby repealed.

Repeal of  
No. 7003.

*Provisions*

*Provisions concerning the Dissolution of The Metropolitan Transportation Committee.*

" Committee."

6. In the succeeding provisions of this Act " Committee " means The Metropolitan Transportation Committee.

Liability to contribute to expenses preserved.

7. Any liability of any person to contribute towards any expenses of the Committee under sections 9 and 10 of *The Metropolitan Transportation Committee Act 1963* shall not be affected by the repeal of that Act.

Transfer of assets and liabilities.

8. On the commencement of this Act, all assets and liabilities of the Committee shall become assets and liabilities of Her Majesty.

Effects of contracts, &c.

9. All contracts arrangements and other instruments lawfully made or entered into by or on behalf of the Committee and in force immediately before the said commencement shall be as binding and of as full force and effect in favour of or against or in relation to Her Majesty or the Minister of Transport (as the case requires) as they would have been in favour of or against or in relation to the Committee if this Act had not been enacted and may be enforced as fully and effectually as if they had been made or entered into by or on behalf of Her Majesty or the said Minister.

Provision concerning legal proceedings.

10. All actions, causes of action and proceedings immediately before the commencement of this Act pending or existing by or against the Committee shall not abate or be discontinued or be in any way prejudicially affected by reason of this Act but may be continued prosecuted and enforced by or against the Crown or the Minister of Transport (as the case requires) as they might have been by or against the Committee if this Act had not been enacted and not further or otherwise.

Provision as to other continuing matters.

11. All other acts matters and things of a continuing nature made done or commenced by or on behalf of or in relation to the Committee and immediately before the commencement of this Act of any force or effect or capable of acquiring any force or effect by virtue of any Act shall be deemed and taken to have been done or commenced by or on behalf of or in relation to Her Majesty or the Minister of Transport (as the case requires) and shall have effect and may be continued and completed by or on behalf of or in relation to Her Majesty or the said Minister accordingly.

Provisions concerning Acts and statutory and other instruments.

12. (1) Any reference to the Committee in any Act proclamation Order in Council regulation by-law notice demand legal or other proceeding deed contract lease mortgage agreement instrument or document shall so far as it relates to any period after the commencement of this Act, if not inconsistent with the context or subject-matter, be deemed and taken to refer to Her Majesty or the Minister of Transport (as the case requires).

(2) All

(2) All proclamations Orders in Council rules regulations and other statutory instruments made in relation to the Committee and in force immediately before the commencement of this Act shall so far as they relate to matters continued in force or operation by this Act remain subject to this Act in full force and operation in relation to Her Majesty or the Minister of Transport (as the case requires).

13. All funds vested in or held by or in relation to the Committee immediately before the commencement of this Act for any particular purpose or subject to any Act or enactment or particular trusts shall be transferred to and vested in or held by or in relation to Her Majesty or the Minister of Transport (as the case requires) for the like purposes and subject to the same Act or enactment or the like trusts, and no right interest or claim in or with respect to any such fund shall abate or be in any way prejudicially affected by reason of the said transfer.

Provision concerning funds.

14. (1) Any person who is immediately before the commencement of this Act employed by the Committee shall be entitled to be appointed or employed in the public service with effect from the commencement of this Act with emoluments not less than those to which he is entitled immediately before the said commencement as an employé of the Committee and with such a classification or in such a capacity as the Public Service Board determines.

Certain persons entitled to become officers or employés in public service.

(2) In determining the classification with which or the capacity in which any such person is to be appointed or employed, the Public Service Board shall have regard to his status and conditions of service as an employé of the Committee.

(3) The period of employment of any such person by the Committee and any prior period of service or employment as an officer or employé in the public service shall be taken into account in his favour with respect to the privileges and advantages of any Act now or hereafter in force for regulating the public service as if the whole of those periods had been a period of service or employment in the public service.

*Provisions concerning certain Persons whose Services are being made use of by the Minister of Transport.*

15. (1) Any person (not being an officer or employé of the public service) whose services are immediately before the commencement of this Act being made use of by the Minister of Transport pursuant to section 5 of the Principal Act shall be entitled to be appointed or employed in the public service with effect from the commencement of this Act with emoluments not less than those to which he is entitled immediately before the said commencement as an officer

Certain persons entitled to become officers or employés in public service.

or

or employé of the person by whom he is employed and with such classification or in such a capacity as the Public Service Board determines if—

(a) within three months after the said commencement he elects by writing addressed to the Minister of Transport to take the benefit of this section ; and

(b) the Minister of Transport consents in writing to his having the benefit thereof.

(2) In determining the classification with which or the capacity in which any such person is to be appointed or employed, the Public Service Board shall have regard to his status and conditions of service as an officer or employé of the person by whom he is employed.

(3) The period of employment of any such person by the person by whom he is employed and any prior period of service or employment as an officer or employé in the public service shall be taken into account in his favour with respect to the privileges and advantages of any Act now or hereafter in force for regulating the public service as if the whole of these periods had been a period of service or employment in the public service.