

Version No. 054**Melbourne City Link Act 1995****Act No. 107/1995**

Version incorporating amendments as at 1 July 2004

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The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

1. Purposes

The main purposes of this Act are—

- (a) to ratify the Agreement for the Melbourne City Link Project; and

* * * * *

S. 1(b)
repealed by
No. 81/2000
s. 3(a).

- (c) to give the Link corporation certain powers in relation to certain roads; and

S. 1(c)
substituted by
No. 81/2000
s. 3(b).

- (d) to empower the fixing, charging and collection of tolls in relation to the use of vehicles on toll zones.

2. Commencement

- (1) Parts 1 and 2 and Schedules 1 and 2 come into operation on the day on which this Act receives the Royal Assent.
- (2) Subject to sub-section (3), the remaining provisions of this Act come into operation on a day or days to be proclaimed.

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- (3) If a provision referred to in sub-section (2) does not come into operation within the period of 12 months beginning on, and including, the day on which this Act receives the Royal Assent, it comes into operation on the first day after the end of that period.

3. Definitions

In this Act—

S. 3 def. of "authorised officer" repealed by No. 81/2000 s. 4(2).

* * * * *

S. 3 def. of "arterial road" inserted by No. 12/2004 s. 162(1).

"arterial road" has the same meaning as in the **Road Management Act 2004**;

S. 3 def. of "authorised police officer" inserted by No. 102/1998 s. 4(a).

"authorised police officer" means the Chief Commissioner of Police and any member of the police force of the rank of inspector or above who is appointed by the Chief Commissioner to be an authorised police officer for the purposes of Division 3 of Part 4;

S. 3 def. of "Authority" repealed by No. 81/2000 s. 4(1).

* * * * *

S. 3 def. of "Burnley office site" inserted by No. 13/2002 s. 3.

"Burnley office site" means all the land in Crown Allotment 1C of 39A, Parish of Jika Jika, City of Richmond;

S. 3 def. of "Central Plan Office" amended by No. 50/1998 s. 4(b).

"Central Plan Office" means the Central Plan Office of the Department of Natural Resources and Environment;

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"Crown land" includes a stratum of Crown land;

"Council" has the same meaning as in the **Local Government Act 1989**;

"Customer service site" means the land shown hatched on sheets 1 and 2 of the plan numbered LEGL./98–74 and lodged in the Central Plan Office but does not include any part of that land which is part of the Link road;

S. 3 def. of "Customer service site" inserted by No. 102/1998 s. 4(a).

* * * * *

S. 3 def. of "Director" inserted by No. 78/2001 s. 3, repealed by No. 49/2004 s. 4(1).

"electricity corporation" means VENCORP or SEC within the meaning of the **Electricity Industry Act 2000**;

S. 3 def. of "electricity corporation" amended by No. 35/1997 s. 31(2), substituted by No. 69/2000 s. 59(a).

"enforcement agency" means the Chief Commissioner of Police or, if another person is prescribed by the regulations to be the enforcement agency with respect to all or any part of the enforcement agency's functions, that other person in respect of those functions;

S. 3 def. of "enforcement agency" substituted by No. 102/1998 s. 4(b).

"enforcement officer" means a person authorised by an enforcement agency under section 79 and includes, in relation to an infringement notice issued under section 80A, a person authorised under section 116(1A);

S. 3 def. of "enforcement officer" amended by No. 4/2000 s. 4.

"ESEP project document" has the same meaning as in the Extension Agreement;

S. 3 def. of "ESEP project document" inserted by No. 50/1998 s. 4(a).

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S. 3 def. of
"Extension
corporation"
inserted by
No. 50/1998
s. 4(a).

"Extension corporation" means the person who,
for the time being, is the Extension
corporation under section 12A;

S. 3 def. of
"Extension
operator"
inserted by
No. 50/1998
s. 4(a).

"Extension operator" means the person who, for
the time being, is the Extension operator
under section 12B;

S. 3 def. of
"Extension
Project area"
inserted by
No. 39/1997
s. 4(1),
repealed by
No. 81/2000
s. 4(3).

* * * * *

S. 3 def. of
"Extension
road"
inserted by
No. 50/1998
s. 4(a),
substituted by
No. 102/1998
s. 4(c).

"Extension road" means land declared under
section 93H to be a road and includes any
part of that land;

S. 3 def. of
"Exhibition
Street
Extension
Project"
inserted by
No. 39/1997
s. 4(1).

"Exhibition Street Extension Project" has the
meaning given by section 93A;

S. 3 def. of
"leased land"
amended by
No. 39/1997
s. 4(2)(a).

"land" includes a stratum of land;

"leased land" means land which is the subject of
a lease granted under section 60 or 93G;

S. 3 def. of
"lessee"
amended by
No. 39/1997
s. 4(2)(b).

"lessee" means a person who is for the time being
the lessee under a lease granted under
section 60 or 93G;

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| <p>"licence holder" means a person who is, for the time being, the holder of a licence issued under section 20E;</p> | <p>S. 3 def. of "licence holder" inserted by No. 78/2001 s. 3.</p> |
| <p>"licence plate number", in relation to a vehicle, means the registration number of the vehicle assigned by the relevant vehicle registration authority;</p> | <p>S. 3 def. of "licence plate number" inserted by No. 102/1998 s. 4(a).</p> |
| <p>"licensed area" means land which is the subject of a licence issued under section 20E;</p> | <p>S. 3 def. of "licensed area" inserted by No. 78/2001 s. 3.</p> |
| <p>"licensed land" means land which was the subject of a licence issued under section 56 as in force at any time before the commencement of section 10 of the Melbourne City Link (Miscellaneous Amendments) Act 2000;</p> | <p>S. 3 def. of "licensed land" substituted by No. 81/2000 s. 4(4)(a).</p> |
| <p>"licensee" means a person who was the holder of a licence issued under section 56 as in force at any time before the commencement of section 10 of the Melbourne City Link (Miscellaneous Amendments) Act 2000;</p> | <p>S. 3 def. of "licensee" substituted by No. 81/2000 s. 4(4)(b).</p> |
| <p>"Link control site" means the land shown hatched on the plan numbered LEGL/.97–60 and lodged in the Central Plan Office but does not include any part of that land which is part of the Link road;</p> | <p>S. 3 def. of "Link control site" substituted by No. 39/1997 s. 4(3).</p> |
| <p>"Link corporation" means the person who, for the time being, is the Link corporation under section 10;</p> | |
| <p>"Link operator" means the person who, for the time being, is the Link operator under section 11;</p> | <p>S. 3 def. of "Link operator" inserted by No. 102/1998 s. 4(a).</p> |
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S. 3 def. of
"Link road"
amended by
Nos 39/1997
s. 4(4),
50/1998
s. 4(c),
substituted by
No. 102/1998
s. 4(d).

"Link road" means land declared under section 61 to be a road and includes any part of that land;

S. 3 def. of
"Project area"
repealed by
No. 81/2000
s. 4(1).

* * * * *

S. 3 def. of
"public
authority"
amended by
Nos 91/1997
s. 47, 69/2000
s. 59(b),
32/2001
s. 36(a).

"public authority" means any of the following—

- (a) a public statutory authority;
- (b) a State business corporation or a State body within the meaning of the **State Owned Enterprises Act 1992**;

* * * * *

* * * * *

- (e) an electricity corporation;

* * * * *

- (g) the holder of a licence issued under Division 1 of Part 2 of the **Water Industry Act 1994**;

S. 3 def. of
"public body"
amended by
Nos 104/1997
s. 52, 50/1998
s. 4(d)(i)(ii),
69/2000
s. 59(c),
32/2001
s. 36(b).

"public body" means any of the following—

- (a) a public authority;
- (b) a generation company, distribution company or transmission company within the meaning of section 3 of the **Electricity Industry Act 2000**;
- (ba) a gas distribution company or a gas transmission company within the meaning of the **Gas Industry Act 2001**;

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- (c) a Council;
- (d) a committee of management under the **Crown Land (Reserves) Act 1978**;
- (e) the holder of a licence or permit under the **Pipelines Act 1967**;
- (f) the Corporation within the meaning of the **National Rail Corporation (Victoria) Act 1991**;
- (g) a passenger transport company within the meaning of the **Transport Act 1983**;

"public statutory authority" means any body (including any trust) established by or under an Act for a public purpose;

"relevant corporation"—

- (a) for the purposes of Part 4 (except sections 70 and 71)—
 - (i) in relation to the Link road or the Extension road, means the Link Corporation if no notice under section 69A(1) is in effect; and
 - (ii) if a notice under section 69A(1) has taken effect and no notice under section 69A(2) is in effect—
 - (A) in relation to the Link road, means the Link corporation; and
 - (B) in relation to the Extension road, means the Extension corporation; and

S. 3 def. of "relevant corporation" inserted by No. 102/1998 s. 4(a).

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(b) for the purposes of the rest of this Act (including sections 70 and 71)—

(i) in relation to the Link road, means the Link corporation; and

(ii) in relation to the Extension road, means the Extension corporation;

"reserved land" means land that, by the operation of Part 2A, is or is deemed to be temporarily reserved under section 4(1) of the **Crown Land (Reserves) Act 1978** for public purposes, being, in particular, the purposes of the Project;

* * * * *

S. 3 def. of "reserved land" inserted by No. 78/2001 s. 3.

S. 3 def. of "reserved project land" repealed by No. 81/2000 s. 4(1).

S. 3 def. of "restricted access area" repealed by No. 81/2000 s. 4(1).

* * * * *

S. 3 def. of "restricted tolling information" inserted by No. 102/1998 s. 4(a).

"restricted tolling information" has the meaning given by section 90;

S. 3 def. of "Roads Corporation" inserted by No. 49/2004 s. 4(2).

"Roads Corporation" has the same meaning as in the **Transport Act 1983**;

S. 3 def. of "Secretary" inserted by No. 81/2000 s. 4(6), repealed by No. 49/2004 s. 4(1).

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S. 3 def. of "State highway" inserted by No. 50/1998 s. 4(a), repealed by No. 12/2004 s. 162(2).

"stratum of Crown land" means a stratum of land which is Crown land;

"stratum of land" means a part of land consisting of a space of any shape, below on or above the surface of the land, or partly below and partly above the surface of the land, all the dimensions of which are limited;

* * * * *

S. 3 def. of "temporary construction site" repealed by No. 81/2000 s. 4(1).

"the Agreement" means the agreement for the Melbourne City Link Project, a copy of which was set out in Schedule 1 to this Act as enacted, and the exhibits to that agreement, or, if all or any of the provisions of that agreement or those exhibits are added to, substituted, cancelled or varied (whether or not the addition, substitution, cancellation or variation is effected by way of the Integration and Facilitation Agreement or otherwise), that agreement and those exhibits as so varied¹;

S. 3 def. of "the Agreement" amended by Nos 21/1996 s. 3, 50/1998 s. 4(e), 81/2000 s. 4(5)(a).

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S. 3 def. of
"the
Extension
Agreement"
inserted by
No. 50/1998
s. 4(a),
amended by
No. 81/2000
s. 4(5)(b).

"the Extension Agreement" means the agreement for the Exhibition Street Extension Project, and the exhibit to that agreement, a copy of which was set out in Schedule 6 to this Act as enacted by section 40 of the **Melbourne City Link (Exhibition Street Extension) Act 1998** or, if all or any of the provisions of that agreement, or that exhibit, are added to, substituted, cancelled or varied (whether or not the addition, substitution, cancellation or variation is effected by way of the Integration and Facilitation Agreement or otherwise) that agreement and exhibit as so varied;

S. 3 def. of
"the
Integration
and
Facilitation
Agreement"
inserted by
No. 50/1998
s. 4(a),
amended by
No. 81/2000
s. 4(5)(c).

"the Integration and Facilitation Agreement" means the agreement for integrating and facilitating the Project and the Exhibition Street Extension Project, a copy of which was set out in Schedule 5 to this Act as enacted by section 40 of the **Melbourne City Link (Exhibition Street Extension) Act 1998**, or, if all or any of the provisions of that agreement are added to, substituted, cancelled or varied, that agreement as so varied;

"the Project" has the meaning given by section 6;

S. 3 def. of
"toll zone"
substituted by
No. 102/1998
s. 4(e).

"toll zone" means a toll zone specified under section 71(1)(a);

"vehicle" has the same meaning as "motor vehicle" has in the **Road Safety Act 1986**.

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4. Objects of Act

The objects of this Act are—

- | | | | | | |
|---|---|---|---|---|---|
| * | * | * | * | * | <p>S. 4(a)
repealed by
No. 81/2000
s. 5.</p> |
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| * | * | * | * | * | <p>S. 4(c)
amended by
No. 50/1998
s. 5.</p> <p>S. 4(d)
inserted by
No. 50/1998
s. 5.</p> <p>S. 4(e)
inserted by
No. 50/1998
s. 5.</p> <p>S. 5
repealed by
No. 81/2000
s. 6.</p> |

6. The Project

In this Act a reference to the Project is a reference to the project, as described in the Agreement, for—

- (a) a southern link involving a freeway link connecting the West Gate Freeway east of Kingsway to the South Eastern Arterial incorporating road tunnels passing under Kings Domain and the Yarra River and South Richmond and upgrading of part of the

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South Eastern Arterial west of Toorak Road;
and

- (b) a western link involving upgrading of part of the Tullamarine Freeway, from near Bulla Road to Flemington Road and a link from Flemington Road to Footscray Road and to the West Gate Freeway.

* * * * *

S. 6A
inserted by
No. 78/2001
s. 4,
repealed by
No. 49/2004
s. 5(1).

S. 6B
inserted by
No. 78/2001
s. 4.

6B. Functions and powers of Director

S. 6B(1)
amended by
No. 49/2004
s. 5(2).

- (1) The Roads Corporation has the following functions—
- (a) on behalf of the Crown, to administer and manage contractual arrangements between the Crown and the Link corporation and between the Crown and the Extension corporation;
 - (b) to make recommendations regarding those contractual arrangements to the Minister;
 - (c) to manage the responsibilities of the Crown in relation to the completion of the construction of the Project and the Exhibition Street Extension Project;
 - (d) to manage the responsibilities of the Crown in relation to the operation of the Project and the Exhibition Street Extension Project;
 - (e) to make recommendations to the Minister on public safety issues relating to the Project and the Exhibition Street Extension Project;

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| | (f) | to manage, on behalf of the Crown,
regulatory issues arising from the operation
of the Link road and the operation of the
Extension road; | | | |
| | (g) | to undertake any other function conferred on
the Roads Corporation by or under this or
any other Act. | | | S. 6B(1)(g)
amended by
No. 49/2004
s. 5(2). |
| * | * | * | * | * | S. 6B(2)
repealed by
No. 49/2004
s. 5(3). |
| | (3) | The Roads Corporation must comply with any
directions given by the Minister, including any
direction relating to the provision of information
or reports concerning the exercise of its powers
and the performance of its functions. | | | S. 6B(3)
amended by
No. 49/2004
s. 5(4)(a)(b). |
| * | * | * | * | * | S. 7
amended by
No. 50/1998
s. 6(1)(2),
repealed by
No. 81/2000
s. 6. |
| * | * | * | * | * | Ss 8, 9
repealed by
No. 81/2000
s. 6. |

10. Link corporation

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|--|-----|--|--|--|--|
| | | | | | |
| | (1) | Subject to this section, the Link corporation for
the purposes of this Act is CityLink Melbourne
Limited A.C.N. 070 810 678. | | | S. 10(1)
amended by
No. 13/2002
s. 4. |
| | (2) | If the person who is, for the time being, the Link
corporation agrees to the declaration of another
person as the Link corporation in its place, the
Governor in Council may, by Order published in
the Government Gazette, declare that other person
to be the Link corporation for the purposes of this
Act. | | | |

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- (3) If, under the Master Security Deed within the meaning of the Agreement, a person is entitled to nominate the appointment of another person in the place of the Link corporation, the Minister may, by Order published in the Government Gazette, declare that other person to be the Link corporation for the purposes of this Act.
- (4) If the Agreement is terminated, the Governor in Council may, by Order published in the Government Gazette—
 - (a) declare that the person who, immediately before the termination, was the Link corporation has ceased to be the Link corporation; and
 - (b) declare a person specified in the Order to be the Link corporation for the purposes of this Act.
- (5) An Order under this section takes effect on the day that it is published in the Government Gazette, or if a later day is specified in the Order, on that later day.
- (6) The person who is for the time being the Link corporation is not a public authority within the meaning of any Act or enactment by reason only that it is the Link corporation.

11. Link operator

- (1) Subject to this section, the Link operator for the purposes of this Act is Translink Operations Pty Ltd A.C.N. 069 691 514.
- (2) If the person who is, for the time being, the Link corporation agrees to the declaration of another person as the Link operator, the Governor in Council may, by Order published in the Government Gazette, declare that other person to be the Link operator for the purposes of this Act.

*Melbourne City Link Act 1995**Act No. 107/1995*

Part 1—Preliminary

s. 12

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- (3) If, under the Master Security Deed within the meaning of the Agreement, a person is entitled to nominate the appointment of another person in the place of the Link operator, the Minister may, by Order published in the Government Gazette, declare that other person to be the Link operator for the purposes of this Act.
 - (4) If the Agreement is terminated, the Governor in Council may, by Order published in the Government Gazette—
 - (a) declare that the person who, immediately before the termination, was the Link operator has ceased to be the Link operator; and
 - (b) declare a person specified in the Order to be the Link operator for the purposes of this Act.
 - (5) An Order under this section takes effect on the day that it is published in the Government Gazette, or if a later day is specified in the Order, on that later day.
 - (6) The person who is for the time being the Link operator is not a public authority within the meaning of any Act or enactment by reason only that it is the Link operator.

12. Powers of delegation or sub-delegation

- (1) The Link corporation may by instrument delegate to the Link operator referred to in section 11—
 - (a) any road operation and management powers within the meaning of section 62 conferred on the Link corporation;
 - (b) any of its powers and functions under Part 4, except section 71;
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Melbourne City Link Act 1995
Act No. 107/1995

Part 1—Preliminary

s. 12

S. 12(1)(c)
amended by
No. 12/2004
s. 162(3).

S. 12(1)(d)
repealed by
No. 50/1998
s. 7(1), new
s. 12(1)(d)
inserted by
No. 102/1998
s. 5(1).

S. 12(1A)
inserted by
No. 50/1998
s. 7(2).

S. 12(1A)(b)
amended by
No. 102/1998
s. 24(a).

S. 12(1A)(c)
amended by
No. 12/2004
s. 162(3).

S. 12(1A)(d)
inserted by
No. 102/1998
s. 5(2).

Victorian Legislation and Parliamentary Documents

(c) any of its powers and functions under the regulations made under section 56 of the **Transport Act 1983** or under the regulations made under section 132 of the **Road Management Act 2004**;

(d) any of its powers and functions under section 183B(4) of the **Transport Act 1983**.

(1A) The Link corporation may, by instrument, sub-delegate to the Link operator or the Extension operator all or any of the following powers—

(a) any road operation and management powers within the meaning of section 93I conferred on the Extension corporation, and, which have been delegated by the Extension corporation to the Link corporation;

(b) any of the Extension corporation's powers under Part 4 (except the power to fix tolls), which have been delegated by the Extension corporation to the Link corporation;

(c) any of the Extension corporation's powers and functions under regulations made under section 56 of the **Transport Act 1983** or under the regulations made under section 132 of the **Road Management Act 2004**, which have been delegated by the Extension corporation to the Link corporation;

(d) any of the Extension corporation's powers and functions under section 183B(4) of the **Transport Act 1983**, which have been delegated by the Extension corporation to the Link corporation.

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Act No. 107/1995

Part 1—Preliminary

s. 12A

- (2) If the Link corporation delegates or sub-delegates any power or function under this section, the Link corporation must publish a notice of that delegation or sub-delegation in the Government Gazette.

S. 12(2)
amended by
No. 50/1998
s. 7(3)(a)(b).

12A. Extension corporation

S. 12A
inserted by
No. 50/1998
s. 8.

- (1) Subject to this section, the Extension corporation for the purposes of this Act is City Link Extension Pty Ltd A.C.N. 082 058 615.
- (2) If the person who is, for the time being, the Extension corporation agrees to the declaration of another person as the Extension corporation in its place, the Governor in Council may, by Order published in the Government Gazette, declare that other person to be the Extension corporation for the purposes of this Act.
- (3) If, under the Master Security Deed within the meaning of the Extension Agreement, a person is entitled to nominate the appointment of another person in the place of the Extension corporation, the Minister may, by Order published in the Government Gazette, declare that other person to be the Extension corporation for the purposes of this Act.
- (4) If the Extension Agreement is terminated, the Governor in Council may, by Order published in the Government Gazette—
- (a) declare that the person who, immediately before the termination, was the Extension corporation has ceased to be the Extension corporation; and
 - (b) declare a person specified in the Order to be the Extension corporation for the purposes of this Act.

Melbourne City Link Act 1995
Act No. 107/1995

Part 1—Preliminary

s. 12B

S. 12B
inserted by
No. 50/1998
s. 8.

- (5) An Order under this section takes effect on the day that it is published in the Government Gazette, or if a later day is specified in the Order, on that later day.
- (6) The person who is for the time being the Extension corporation is not a public authority within the meaning of any Act or enactment by reason only that that person is the Extension corporation.

12B. Extension operator

- (1) Subject to this section, the Extension operator for the purposes of this Act is TransLink Operations Pty Ltd A.C.N. 069 691 514.
- (2) If the person who is, for the time being, the Extension operator agrees to the declaration of another person as the Extension operator, the Governor in Council may, by Order published in the Government Gazette, declare that other person to be the Extension operator for the purposes of this Act.
- (3) If, under the Master Security Deed within the meaning of the Extension Agreement, a person is entitled to nominate the appointment of another person in the place of the Extension operator, the Minister may, by Order published in the Government Gazette, declare that other person to be the Extension operator for the purposes of this Act.
- (4) If the Extension Agreement is terminated, the Governor in Council may, by Order published in the Government Gazette—
 - (a) declare that the person who, immediately before the termination, was the Extension operator has ceased to be the Extension operator; and

Melbourne City Link Act 1995

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Part 1—Preliminary

s. 12C

- (b) declare a person specified in the Order to be the Extension operator for the purposes of this Act.
- (5) An Order under this section takes effect on the day that it is published in the Government Gazette, or if a later day is specified in the Order, on that later day.
- (6) The person who is for the time being the Extension operator is not a public authority within the meaning of any Act or enactment by reason only that that person is the Extension operator.

12C. Powers of delegation of Extension corporation

S. 12C inserted by No. 50/1998 s. 8.

- (1) The Extension corporation may, by instrument, delegate to—
 - (a) the Link corporation; or
 - (b) the Extension operator—
 all or any of the following powers—
 - (c) any road operation and management powers within the meaning of section 93I conferred on the Extension corporation;
 - (d) any of its powers and functions under Part 4 (except the power to fix tolls);
 - (e) any of its powers and functions under the regulations made under section 56 of the **Transport Act 1983** or under the regulations made under section 132 of the **Road Management Act 2004**;
 - (f) any of its powers and functions under section 183B(4) of the **Transport Act 1983**.

S. 12C(1)(d) amended by No. 102/1998 s. 24(a).

S. 12C(1)(e) amended by No. 12/2004 s. 162(3).

S. 12C(1)(f) inserted by No. 102/1998 s. 5(3).

Melbourne City Link Act 1995
Act No. 107/1995

Part 1—Preliminary

s. 13

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- (2) If the Extension corporation delegates any power or function under this section, the Extension corporation must publish a notice of that delegation in the Government Gazette.

13. Act to bind Crown

This Act binds the Crown in right of Victoria and, so far as the legislative power of the Parliament permits, the Crown in all its other capacities.

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Act No. 107/1995

Part 2—Ratification of Agreements

s. 14

PART 2—RATIFICATION OF AGREEMENTS

Pt 2
 (Heading)
 substituted by
 No. 50/1998
 s. 9.

14. Ratification of the Agreement

- (1) The Agreement is ratified and takes effect as if it had been enacted in this Act.
- (2) The Minister—
 - (a) is deemed to have been authorised to enter into, for and on behalf of the State, any Project Document within the meaning of the Agreement that was entered into by the Minister before the commencement of this section; and
 - (b) may, with the approval of the Treasurer, enter into, for and on behalf of the State, any other Project Document within the meaning of the Agreement.
- (3) The Government, its Ministers and its public authorities, will do all things necessary and practicable to ensure that the State and all its public authorities facilitate the implementation of the Agreement and to enable the State to discharge its obligations under the Agreement.
- (4) Any amount that the State is required to pay under or arising out of the Agreement, or an agreement referred to in sub-section (2), is payable from the Consolidated Fund which is, to the necessary extent, appropriated accordingly.

15. Variation of the Agreement^{2, 3, 4}

- (1) Any 2 or more of the persons who are parties to the Agreement, or any part of it, may, from time to time, by agreement in writing and, if the State is not one of those persons, with the consent of the Minister, vary all or any of the provisions of the Agreement that affect those persons.

S. 15(1)
 substituted by
 No. 21/1996
 s. 4(1).

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Act No. 107/1995

Part 2—Ratification of Agreements

s. 15

S. 15(1A)
inserted by
No. 21/1996
s. 4(1).

S. 15(1AAA)
inserted by
No. 50/1998
s. 10.

S. 15(1AA)
inserted by
No. 39/1997
s. 5(1).

S. 15(1B)
inserted by
No. 21/1996
s. 4(1).

S. 15(1C)
inserted by
No. 21/1996
s. 4(1).

S. 15(2)
amended by
No. 21/1996
s. 4(2)(a)(i)(ii).

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- (1A) All or any of the provisions of the Agreement may be varied from time to time in accordance with the terms of the Agreement.
- (1AAA) The Agreement is varied in accordance with the terms of the Integration and Facilitation Agreement and, if there is any variation of the Integration and Facilitation Agreement, in accordance with the terms of that variation, and the following sub-sections of this section do not apply to any such variation.
- (1AA) A power under this section to vary the provisions of the Agreement extends to any agreement or variation necessary or convenient for purposes related to the implementation of the Exhibition Street Extension Project or the integration of that Project with the Project within the meaning of section 6.
- (1B) The Minister must cause to be published in the Government Gazette a notice of an agreement under sub-section (1) or a variation under sub-section (1A), specifying the place or places at which a person may inspect the agreement or a statement of the variation.
- (1C) An agreement or variation under sub-section (1) or (1A) comes into operation—
- (a) when the notice under sub-section (1B) is published in the Government Gazette; or
 - (b) if a later day is specified in the agreement or in the statement of the variation, on that later day.
- (2) The Minister must cause a copy of each agreement under sub-section (1) and a statement of each variation under sub-section (1A) as published under sub-section (1B) to be laid before each House of the Parliament within 6 sitting days

Melbourne City Link Act 1995
Act No. 107/1995

Part 2—Ratification of Agreements

s. 15

of the House next following the making of the agreement or variation.

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| <p>(2A) The Minister must cause a copy of each agreement under sub-section (1) and a statement of each variation under sub-section (1A) as published under sub-section (1B) to be sent to the Government Printer as soon as practicable after the making of the agreement or variation.</p> | <p>S. 15(2A)
inserted by
No. 81/2000
s. 7(1).</p> |
| <p>(3) An agreement or variation referred to in sub-section (1) or (1A) may be revoked wholly or in part by resolution of either House of the Parliament passed within 6 sitting days of the House after a copy of the agreement or the statement of the variation is laid before that House.</p> | <p>S. 15(3)
amended by
No. 21/1996
s. 4(2)(b)(i)(ii).</p> |
| <p>(4) If an agreement or variation referred to in sub-section (1) or (1A) is revoked wholly or in part under sub-section (3)—</p> | <p>S. 15(4)
substituted by
No. 21/1996
s. 4(3).</p> |
| <p style="padding-left: 40px;">(a) a provision of the Agreement that had been cancelled or revoked by the agreement or variation, or by the part of the agreement or variation that is revoked, is revived as from the beginning of the day on which the agreement or variation, or part, was revoked; and</p> | <p>S. 15(4)(a)
amended by
No. 39/1997
s. 5(2).</p> |
| <p style="padding-left: 40px;">(b) a provision of the Agreement that had been varied (otherwise than by cancellation or revocation) by the agreement or variation, or by the part of the agreement or variation that is revoked, takes effect without that variation as from the beginning of the day on which the agreement or variation, or part, was revoked as if the variation had not been made.</p> | <p>S. 15(4)(b)
amended by
No. 39/1997
s. 5(2).</p> |

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Act No. 107/1995

Part 2—Ratification of Agreements

s. 15A

S. 15(5)
inserted by
No. 21/1996
s. 4(3),
amended by
No. 39/1997
s. 5(2).

S. 15(6)
inserted by
No. 21/1996
s. 4(3).

S. 15A
inserted by
No. 50/1998
s. 11.

S. 15B
inserted by
No. 50/1998
s. 11.

(5) The Minister must cause to be published in the Government Gazette a notice of the revocation of an agreement or variation, or part of an agreement or variation.

(6) In this section, "vary" includes amend, add to, substitute, cancel or revoke.

15A. Ratification of the Integration and Facilitation Agreement

- (1) The Integration and Facilitation Agreement is ratified and takes effect as if it had been enacted in this Act.
- (2) The Minister is deemed to have been authorised, for and on behalf of the State, to enter into the Integration and Facilitation Agreement.
- (3) The Government, its Ministers and its public authorities, will do all things necessary and practicable to ensure that the State and all its public authorities facilitate the implementation of the Integration and Facilitation Agreement and to enable the State to discharge its obligations under the Integration and Facilitation Agreement.
- (4) Any amount that the State is required to pay under or arising out of the Integration and Facilitation Agreement is payable from the Consolidated Fund which is, to the necessary extent, appropriated accordingly.

15B. Variation of the Integration and Facilitation Agreement^{5, 6}

- (1) Any 2 or more persons who are parties to the Integration and Facilitation Agreement or any part of that agreement may, from time to time, by agreement in writing and, if the State is not one of those persons, with the consent of the Minister,

Melbourne City Link Act 1995
Act No. 107/1995

Part 2—Ratification of Agreements

s. 15B

vary all or any of the provisions of the Integration and Facilitation Agreement that affect those persons.

- (2) All or any of the provisions of the Integration and Facilitation Agreement may be varied from time to time in accordance with the terms of the Integration and Facilitation Agreement.
- (3) The Minister must cause to be published in the Government Gazette a notice of an agreement under sub-section (1) or a variation under sub-section (2), specifying the place or places at which a person may inspect that agreement or a statement of the variation.
- (4) An agreement or variation under sub-section (1) or (2) comes into operation—
 - (a) when the notice under sub-section (3) is published in the Government Gazette; or
 - (b) if a later day is specified in the agreement or in the statement of the variation, on that later day.
- (5) The Minister must cause a copy of each agreement under sub-section (1) and a statement of each variation under sub-section (2) as published under sub-section (3) to be laid before each House of the Parliament within 6 sitting days of the House next following the making of the agreement or variation.
- (5A) The Minister must cause a copy of each agreement under sub-section (1) and a statement of each variation under sub-section (2) as published under sub-section (3) to be sent to the Government Printer as soon as practicable after the making of the agreement or variation.

S. 15B(5A)
inserted by
No. 81/2000
s. 7(2).

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Act No. 107/1995

Part 2—Ratification of Agreements

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- (6) An agreement or variation referred to in sub-section (1) or (2) may be revoked wholly or in part by resolution of either House of the Parliament passed within 6 sitting days of the House after a copy of the agreement or the statement of the variation is laid before that House.
- (7) If an agreement or variation referred to in sub-section (1) or (2) is revoked wholly or in part under sub-section (6)—
- (a) a provision of the Integration and Facilitation Agreement, the Agreement or the Extension Agreement that had been cancelled or revoked by the agreement or variation, or by the part of the agreement or variation that is revoked, is revived as from the beginning of the day on which the agreement or variation, or part, was revoked; and
 - (b) a provision of the Integration and Facilitation Agreement, the Agreement or the Extension Agreement that had been varied (otherwise than by cancellation or revocation) by the agreement or variation, or by the part of the agreement or variation that is revoked, takes effect without that variation as from the beginning of the day on which the agreement or variation, or part, was revoked as if the variation had not been made.
- (8) The Minister must cause to be published in the Government Gazette a notice of the revocation of an agreement or variation, or part of an agreement or variation.
- (9) In this section, "**vary**" includes amend, add to, substitute, cancel or revoke.
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Melbourne City Link Act 1995
Act No. 107/1995

Part 2—Ratification of Agreements

s. 15C

15C. Ratification of the Extension Agreement

S. 15C
 inserted by
 No. 50/1998
 s. 11.

- (1) The Extension Agreement is ratified and takes effect as if it had been enacted in this Act.
- (2) The Minister—
 - (a) is deemed to have been authorised to enter into, for and on behalf of the State, any ESEP project document that was entered into by the Minister before the commencement of section 11 of the **Melbourne City Link (Exhibition Street Extension) Act 1998**; and
 - (b) may, with the approval of the Treasurer, enter into, for and on behalf of the State, any other ESEP project document.
- (3) The Government, its Ministers and its public authorities, will do all things necessary and practicable to ensure that the State and all its public authorities facilitate the implementation of the Extension Agreement and any ESEP project document and to enable the State to discharge its obligations under the Extension Agreement and any ESEP project document.
- (4) Any amount that the State is required to pay under or arising out of the Extension Agreement, or any agreement referred to in sub-section (2), is payable from the Consolidated Fund which is, to the necessary extent, appropriated accordingly.

15D. Variation of the Extension Agreement^{7,8}

S. 15D
 inserted by
 No. 50/1998
 s. 11.

- (1) Any 2 or more persons who are parties to the Extension Agreement, or any part of that agreement may, from time to time, by agreement in writing and, if the State is not one of those persons, with the consent of the Minister, vary all or any of the provisions of the Extension Agreement that affect those persons.

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Part 2—Ratification of Agreements

s. 15D

- (2) All or any of the provisions of the Extension Agreement may be varied from time to time in accordance with the terms of the Extension Agreement.
- (3) The Extension Agreement is varied in accordance with the terms of the Integration and Facilitation Agreement and, if there is any variation of the Integration and Facilitation Agreement, the Extension Agreement is varied in accordance with the terms of that variation, and the following sub-sections of this section do not apply to any such variation.
- (4) The Minister must cause to be published in the Government Gazette a notice of an agreement under sub-section (1) or a variation under sub-section (2), specifying the place or places at which a person may inspect the agreement or a statement of the variation.
- (5) An agreement or variation under sub-section (1) or (2) comes into operation—
 - (a) when the notice under sub-section (4) is published in the Government Gazette; or
 - (b) if a later day is specified in the agreement or in the statement of the variation, on that later day.
- (6) The Minister must cause a copy of each agreement under sub-section (1) and a statement of each variation under sub-section (2) as published under sub-section (4) to be laid before each House of the Parliament within 6 sitting days of the House next following the making of the agreement or variation.
- (6A) The Minister must cause a copy of each agreement under sub-section (1) and a statement of each variation under sub-section (2) as published under sub-section (4) to be sent to the

S. 15D(6A)
inserted by
No. 81/2000
s. 7(3).

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Act No. 107/1995

Part 2—Ratification of Agreements

s. 15D

Government Printer as soon as practicable after the making of the agreement or variation.

- (7) An agreement or variation referred to in sub-section (1) or (2) may be revoked wholly or in part by resolution of either House of the Parliament passed within 6 sitting days of the House after a copy of the agreement or the statement of the variation is laid before that House.
- (8) If an agreement or variation referred to in sub-section (1) or (2) is revoked wholly or in part under sub-section (7)—
- (a) a provision of the Extension Agreement that had been cancelled or revoked by the agreement or variation, or by the part of the agreement or variation that is revoked, is revived as from the beginning of the day on which the agreement or variation, or part, was revoked; and
 - (b) a provision of the Extension Agreement that had been varied (otherwise than by cancellation or revocation) by the agreement or variation, or by the part of the agreement or variation that is revoked, takes effect without that variation as from the beginning of the day on which the agreement or variation, or part, was revoked as if the variation had not been made.
- (9) The Minister must cause to be published in the Government Gazette a notice of the revocation of an agreement or variation, or part of an agreement or variation.
- (10) In this section, "**vary**" includes amend, add to, substitute, cancel or revoke.

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Act No. 107/1995

Part 2—Ratification of Agreements

s. 16

16. Agreements to prevail if inconsistent with Act

- (1) If a provision of the Agreement, the Integration and Facilitation Agreement or the Extension Agreement is inconsistent with a provision of this Act—
 - (a) the provision of the Agreement, the Integration and Facilitation Agreement or the Extension Agreement (as the case requires) prevails; and
 - (b) the application of this Act is modified accordingly.
- (2) Nothing in this section derogates from the operation of sections 14, 15A, 15C, 97 and 98.

17. Modification of law of Victoria

If a provision of the Agreement, the Integration and Facilitation Agreement or the Extension Agreement is inconsistent with a provision of an enactment or any other law of Victoria, the provision of the Agreement, the Integration and Facilitation Agreement or the Extension Agreement (as the case requires) prevails and the provision of the enactment or other law of Victoria is, to the extent of the inconsistency, modified accordingly.

18. Enforcement of Agreements

- (1) The Agreement may be enforced only by or on behalf of the State or another party to it or a successor or assign of another party.
- (1A) The Integration and Facilitation Agreement may be enforced only by or on behalf of the State or another party to it or a successor or assign of another party.

S. 16(1)
inserted by
No. 50/1998
s. 12(1)(a).

S. 16(1)(a)
amended by
No. 50/1998
s. 12(1)(b).

S. 16(2)
amended by
No. 50/1998
s. 12(2).

S. 17
amended by
No. 50/1998
s. 13(a)(b).

S. 18(1A)
inserted by
No. 50/1998
s. 14(1).

Melbourne City Link Act 1995
Act No. 107/1995

Part 2—Ratification of Agreements

s. 18A

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| <p>(1B) The Extension Agreement may be enforced only by or on behalf of the State or another party to it or a successor or assign of another party.</p> | <p>S. 18(1B)
inserted by
No. 50/1998
s. 14(1).</p> |
| <p>(2) Neither the State nor a public authority is liable for the acts or omissions of—</p> <p style="margin-left: 20px;">(a) any other party to—</p> <p style="margin-left: 40px;">(i) the Agreement; or</p> <p style="margin-left: 40px;">(ii) the Integration and Facilitation Agreement; or</p> <p style="margin-left: 40px;">(iii) the Extension Agreement; or</p> <p style="margin-left: 20px;">(b) a licensee or a licence holder in relation to the Project.</p> | <p>S. 18(2)
substituted by
No. 50/1998
s. 14(2).</p> <p>S. 18(2)(b)
amended by
No. 78/2001
s. 5.</p> |

18A. Publication of agreements as amended

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|---|--|
| <p>(1) If an agreement under this Act has been varied, the Government Printer must reprint the agreement as so varied with any reprint of this Act.</p> <p>(2) A document purporting to be a copy of a reprint of this Act printed by the Government Printer and purporting to contain a reprint of an agreement made in accordance with sub-section (1) is, on the mere production of the document, admissible as evidence of the agreement before all courts or persons acting judicially within Victoria.</p> <p>(3) In this section—</p> <p style="margin-left: 20px;">"agreement" means any of the following—</p> <p style="margin-left: 40px;">(a) the Agreement;</p> <p style="margin-left: 40px;">(b) the Extension Agreement;</p> | <p>S. 18A
inserted by
No. 81/2000
s. 8.</p> |
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Melbourne City Link Act 1995
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Part 2—Ratification of Agreements

s. 18B

(c) the Integration and Facilitation Agreement—

but does not include an exhibit to such an agreement;

"vary" includes amend, add to, substitute, cancel or revoke.

18B. Agreement as evidence

(1) A document purporting to be certified by the Roads Corporation as a copy of an exhibit to an agreement or a variation to an agreement under this Act is admissible as evidence of the agreement before all courts or persons acting judicially within Victoria.

(2) In this section

"agreement" means any of the following—

- (a) the Agreement;
- (b) the Extension Agreement;
- (c) the Integration and Facilitation Agreement—

but does not include an exhibit to such an agreement;

"vary" includes amend, add to, substitute, cancel or revoke.

19. Specific performance

For the avoidance of doubt, it is declared that section 23(1) of the **Crown Proceedings Act 1958** authorises the granting and enforcement of a decree of specific performance against the Crown in respect of the obligations of the State under the Agreement, the Integration and Facilitation Agreement and the Extension Agreement.

S. 18B
inserted by
No. 81/2000
s. 8.

S. 18B(1)
amended by
No. 49/2004
s. 5(5).

S. 19
amended by
No. 50/1998
s. 15.

Melbourne City Link Act 1995
Act No. 107/1995

Part 2—Ratification of Agreements

s. 20

20. Restrictions on acquisition of units in Trust

Schedule 2 applies in respect of units in the Trust constituted under the Unit Trust Deed entered into on 15 November 2001 by Transurban Infrastructure Management Limited ACN 098 147 678.

S. 20
substituted by
No. 13/2002
s. 5.

Melbourne City Link Act 1995
Act No. 107/1995

Part 2A—Reservation of Land for the Project

s. 20A

Pt 2A
(Heading and
ss 20A–20G)
inserted by
No. 78/2001
s. 6.

S. 20A
inserted by
No. 78/2001
s. 6.

PART 2A—RESERVATION OF LAND FOR THE PROJECT

Division 1—Land to be reserved

20A. Revocation of existing reservations of certain land and re-reservation of that land for the Project

- (1) On the coming into operation of section 6 of the **Melbourne City Link (Further Amendment) Act 2001**, the Order in Council specified in item 1 of Schedule 8 is revoked in so far as it relates to the land shown hatched on the plan numbered LEGL./01–111 and lodged in the Central Plan Office.
- (2) On the coming into operation of section 6 of the **Melbourne City Link (Further Amendment) Act 2001**, the Order in Council specified in item 2 of Schedule 8 is revoked in so far as it relates to the land shown hatched on the plan numbered LEGL./01–113 lodged in the Central Plan Office.
- (3) Despite anything to the contrary in the **Crown Land (Reserves) Act 1978**, on the revocation of an Order in Council specified in Schedule 8 in so far as it relates to the land shown on a plan referred to in sub-section (1) or (2)—
 - (a) the land is deemed to be unalienated land of the Crown, freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests; and
 - (b) the appointment of any committee of management is revoked in so far as it applies to the land; and

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- (c) any regulations made under section 13 of the **Crown Land (Reserves) Act 1978** are revoked in so far as they apply to the land; and
- (d) the land is deemed to be temporarily reserved under section 4(1) of the **Crown Land (Reserves) Act 1978** for public purposes, being, in particular, the purposes of the Project, and the reservation may be amended, revoked and otherwise dealt with in accordance with that Act.

20AA. Further revocation of existing reservations of land and re-reservation of that land for the Project

S. 20AA
 inserted by
 No. 13/2002
 s. 6.

- (1) On the coming into operation of section 6 of the **Melbourne City Link (Further Miscellaneous Amendments) Act 2002**, the Order in Council specified in item 1 of Schedule 9 is revoked in so far as it relates to the land shown hatched on the plan numbered LEGL./02–016 and lodged in the Central Plan Office.
- (2) On the coming into operation of section 6 of the **Melbourne City Link (Further Miscellaneous Amendments) Act 2002**, the Order in Council specified in item 2 of Schedule 9 is revoked in so far as it relates to the land shown hatched on the plan numbered LEGL./02–017 and lodged in the Central Plan Office.
- (3) Despite anything to the contrary in the **Crown Land (Reserves) Act 1978**, on the revocation of the Orders in Council specified in items 1 and 2 of Schedule 9 in so far as they relate to the land shown on the plans referred to in sub-sections (1) and (2)—

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- (a) the land is deemed to be unalienated land of the Crown, freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests; and
- (b) the appointment of any committee of management is revoked in so far as it applies to the land; and
- (c) any regulations made under section 13 of the **Crown Land (Reserves) Act 1978** are revoked in so far as they apply to the land; and
- (d) the land is deemed to be temporarily reserved under section 4(1) of the **Crown Land (Reserves) Act 1978** for public purposes, being, in particular, the purposes of the Project, and the reservation may be amended, revoked and otherwise dealt with in accordance with that Act.

20B. Surrender and reservation of certain land for the purposes of the Project

- (1) On the coming into operation of section 6 of the **Melbourne City Link (Further Amendment) Act 2001**, the land shown hatched and cross-hatched on the plans numbered LEGL./01-112, LEGL./01-117, LEGL./01-118, LEGL./01-119, LEGL./01-120, LEGL./01-121 and LEGL./01-122 and lodged in the Central Plan Office is surrendered to the Crown.
- (2) On the coming into operation of section 6 of the **Melbourne City Link (Further Amendment) Act 2001**, the land shown hatched and cross-hatched on the plans referred to in subsection (1)—

S. 20B
inserted by
No. 78/2001
s. 6.

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- (a) is deemed to be unalienated land of the Crown, freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests; and
 - (b) is deemed to be temporarily reserved under section 4(1) of the **Crown Land (Reserves) Act 1978** for public purposes, being in particular, the purposes of the Project, and the reservation may be amended, revoked and otherwise dealt with in accordance with that Act.
- (3) Despite the coming into operation of section 6 of the **Melbourne City Link (Further Amendment) Act 2001**, if any of the land shown hatched and cross-hatched on the plans referred to in sub-section (1) is—
- (a) a declared road (within the meaning of the **Transport Act 1983**), that land is deemed to continue to be such a declared road; and
 - (b) a public highway (within the meaning of the **Local Government Act 1989**), that land is deemed to continue to be such a public highway.

20BA. Surrender and reservation of land for the purposes of the Project

S. 20BA
 inserted by
 No. 13/2002
 s. 7.

- (1) On the coming into operation of section 7 of the **Melbourne City Link (Further Miscellaneous Amendments) Act 2002**, the land shown cross-hatched on the plans numbered LEGL./02–016 and LEGL./02–017 and lodged in the Central Plan Office is surrendered to the Crown.

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- (2) On the coming into operation of section 7 of the **Melbourne City Link (Further Miscellaneous Amendments) Act 2002**, the land shown on the plans referred to in sub-section (1)—
- (a) is deemed to be unalienated land of the Crown, freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests; and
 - (b) is deemed to be temporarily reserved under section 4(1) of the **Crown Land (Reserves) Act 1978** for public purposes, being, in particular, the purposes of the Project, and the reservation may be amended, revoked and otherwise dealt with in accordance with that Act.

20C. Reservation of land for the purposes of the Project

Without limiting section 5 of the **Crown Land (Reserves) Act 1978**, land may be reserved under that section for public purposes, being, in particular, the purposes of the Project.

Division 2—Management of reserved land and other matters

20D. Committees of management of reserved land

The Minister administering the **Crown Land (Reserves) Act 1978** must consult with the Minister administering this Act before appointing a committee of management under the **Crown Land (Reserves) Act 1978** for reserved land.

20E. Issue of licences in respect of reserved land

- (1) This section applies despite anything to the contrary in the **Crown Land (Reserves) Act 1978** or the **Land Act 1958**.

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- (2) The Minister, after consultation with the Minister administering the **Crown Land (Reserves) Act 1978**—
- (a) may issue a licence in accordance with the Agreement—
 - (i) to enter and use the whole or any part of reserved land, in accordance with the Agreement;
 - (ii) to the person entitled to the issue of the licence; and
 - (b) may impose conditions, subject to and in accordance with the Agreement, on the licence.
- (3) The term of a licence must be in accordance with the Agreement.
- (4) A licence may be amended at any time with the agreement of the licensee.
- (5) A licence may be—
- (a) terminated in whole or in part before the end of the term of the licence; or
 - (b) renewed—
- in accordance with the terms of the Agreement.

20F. Certain Acts not to apply to licensed areas

- (1) In this section "**excluded Act**" means—
- (a) the **Building Act 1993**;
 - (b) the **South Melbourne Land Act 1986**;
 - (c) the **Extractive Industries Development Act 1995**;
 - (d) the **Mineral Resources Development Act 1990**.

S. 20F
 inserted by
 No. 78/2001
 s. 6.

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- (2) An excluded Act does not apply to or in relation to the whole or any part of a licensed area and anything done on that land on and from the date that the licence is issued under section 20E until the licence is terminated in respect of that land.

20G. Action by Registrar of Titles

On being requested to do so and on delivery of any relevant instrument or document (but without production of a duplicate Crown grant or certificate of title), the Registrar of Titles must make any recordings in the Register that are necessary because of the operation of this Part.

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s. 21

PART 3—PROVISIONS RELATING TO LAND

*	*	*	*	*	<p>Pt 3 Div. 1 (Heading and ss 21–24) amended by Nos 102/1998 s. 6(1), 13/2002 s. 8, repealed by No. 81/2000 s. 9(1).</p>
*	*	*	*	*	<p>Pt 3 Div. 2 (Heading and ss 25–32) amended by Nos 21/1996 s. 5, 39/1997 ss 7, 8, 50/1998 ss 16, 17, 102/1998 s. 7, repealed by No. 81/2000 s. 9(2).</p>
*	*	*	*	*	<p>Pt 3 Div. 2A (Heading and ss 32A–32I) inserted by No. 21/1996 s. 6, amended by No. 109/1997 s. 533(Sch. 2 item 8), repealed by No. 81/2000 s. 9(3).</p>
*	*	*	*	*	<p>Pt 3 Div. 3 (Heading and ss 33–37) amended by Nos 21/1996 s. 7, 39/1997 s. 9(a)-(d), 50/1998 s. 18, repealed by No. 81/2000 s. 9(4).</p>

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<p>Pt 3 Div. 4 (Heading and ss 38–43) amended by Nos 39/1997 s. 10(1)(2), 46/1998 s. 7(Sch. 1), repealed by No. 81/2000 s. 9(5).</p>	*	*	*	*	*
<p>Pt 3 Div. 5 (Heading and ss 44, 44A) amended by No. 39/1997 ss 10(3)(4), 11, repealed by No. 81/2000 s. 9(6).</p>	*	*	*	*	*
<p>Pt 3 Div. 6 (Heading and ss 45–51) repealed by No. 81/2000 s. 9(7).</p>	*	*	*	*	*
<p>Pt 3 Div. 7 (Heading and ss 52–54) repealed by No. 81/2000 s. 9(8).</p>	*	*	*	*	*
<p>Pt 3 Div. 8 (Heading) amended by No. 81/2000 s. 10(1).</p>	Division 8—Powers over Land				
<p>S. 55 repealed by No. 81/2000 s. 10(2).</p>	*	*	*	*	*

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S. 56
amended by
No. 39/1997
s. 12(1),
repealed by
No. 81/2000
s. 10(2).

57. Approvals not required

- (1) Except to the extent that an agreement or determination under Division 6 otherwise provides, a permit, licence, consent, approval or other authority is not required from a public body, other than the Authority and the Environment Protection Authority, for the carrying out of works for the purposes of the Project.
- (2) Nothing in this section derogates from any requirement relating to standards of construction and safety which may apply under any other Act.

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S. 58
amended by
No. 86/1998
s. 21(1)(a)(b),
repealed by
No. 81/2000
s. 10(2).

* * * * *

S. 59
amended by
No. 39/1997
s. 12(2),
repealed by
No. 81/2000
s. 10(2).

60. Leasing powers

- (1) The Governor in Council, on behalf of the Crown, subject to and in accordance with the terms of the Agreement and on the recommendation of the Minister—
 - (a) may grant a lease of that part of any Crown land which is required for the purposes of managing any roadway and ancillary works constructed on the land and for any other

S. 60(1)
amended by
Nos 81/2000
s. 11(1)(a),
13/2002
s. 9(1)(a).

S. 60(1)(a)
amended by
Nos 81/2000
s. 11(1)(b),
13/2002
s. 9(1)(b).

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- purposes (not inconsistent with those purposes) approved by the Governor in Council to the person or persons entitled to such a lease in accordance with the terms of the Agreement; and
- (b) may impose conditions on the lease, having regard (among other things) to the following matters in the case of a lease over a stratum of Crown land—
- (i) that reasonable access to and use of the stratum and other land be provided for; and
 - (ii) that the rights of the registered proprietor, lessee or licensee of other land not be interfered with; and
 - (iii) that the rights of support of the stratum or of other land or of any building or structure erected or to be erected on those lands be provided for; and
 - (iv) that the making or maintenance of improvements by the lessee be provided for; and
 - (v) that any necessary rights for the passage or provision of services (including drainage, sewerage or the supply of water, gas, electricity or telephone) to or through the stratum, where those rights are necessary for the reasonable enjoyment of the stratum or of other land be provided for.
- (2) The granting of a lease under this section of a stratum of land is conclusive proof of compliance with sub-section (1)(b)(i), (ii), (iii), (iv) and (v) with respect to the lease.

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- (3) The Minister must not make a recommendation under sub-section (1) recommending the granting of a lease of land that is wholly or partly for a purpose that is not the purpose of managing a roadway and ancillary works constructed on the land, unless the Minister has first consulted with the Minister administering Part IX of the **Land Act 1958**.
- (4) The lessee may only mortgage, charge, assign or otherwise encumber the lessee's interest in the lease in accordance with the terms of the Agreement.
- (5) The term of a lease must be in accordance with the Agreement.
- (6) A lease may be amended at any time with the consent of the lessee.
- (7) A lease may be—
- (a) terminated before the end of the term of the lease; or
 - (b) renewed—
- in accordance with the terms of the Agreement.
- (8) This section has effect despite anything to the contrary in section 175A of the **Water Industry Act 1994** or any other Act.
- (9) The Minister must cause a copy of each lease under this section for an approved purpose to be laid before each House of Parliament within 6 sitting days of the House next following the making of the lease.
- (10) If a sub-lease is entered into of land leased under this section for an approved purpose, the person giving the sub-lease must ensure that, immediately on the sub-lease being entered into, a copy is given to the Minister.

S. 60(3)
 repealed by
 No. 102/1998
 s. 8,
 new s. 60(3)
 inserted by
 No. 13/2002
 s. 9(2).

S. 60(8)
 inserted by
 No. 81/2000
 s. 11(2).

S. 60(9)
 inserted by
 No. 13/2002
 s. 9(3).

S. 60(10)
 inserted by
 No. 13/2002
 s. 9(3).

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S. 60(11)
inserted by
No. 13/2002
s. 9(3).

S. 60(12)
inserted by
No. 13/2002
s. 9(3).

S. 60A
inserted by
No. 102/1998
s. 9,
repealed by
No. 81/2000
s. 12.

S. 61
substituted by
No. 102/1998
s. 10.

S. 61(1)
substituted by
No. 81/2000
s. 13.

S. 61(2)
amended by
No. 12/2004
s. 162(4).

S. 61(2A)
inserted by
No. 12/2004
s. 162(5).

(11) The Minister must cause a copy of a sub-lease given to him or her under sub-section (10) to be laid before each House of the Parliament within 6 sitting days of the House next following the giving of the copy of the sub-lease to the Minister.

(12) In sub-sections (9) and (10), "**approved purpose**", in relation to a lease of land under this section, means a purpose other than the purpose of managing any roadway and ancillary works constructed on the land.

* * * * *

61. Declaration of Link road

(1) The Minister may, from time to time declare any part of any land leased under section 60 to be a road.

(2) A declaration under sub-section (1) must state whether the road or any part of the road is to be treated as a freeway or an arterial road.

(2A) A declaration made under sub-section (2) before the commencement of section 162 of the **Road Management Act 2004** stating that a road or part of a road is to be treated as a freeway or a State highway is to be construed as stating that a road or part of a road is to be treated as a freeway or an arterial road.

(3) The Minister must cause a notice of a declaration under sub-section (1) to be published in the Government Gazette.

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s. 62

(4) On the publication of a notice of a declaration under sub-section (3), the road specified in the declaration is deemed to be—

(a) an arterial road within the meaning of the **Road Management Act 2004**; and

S. 61(4)(a)
 amended by
 No. 12/2004
 s. 162(6).

(b) a road open to and for use by the public for passage with vehicles; and

(c) a highway within the meaning of the **Road Safety Act 1986**.

(5) This section does not affect the grant or operation of a lease despite anything to the contrary in Schedule 5 of the **Road Management Act 2004**.

S. 61(5)
 amended by
 No. 12/2004
 s. 162(7).

62. Road operation and management powers in relation to leased land

(1) If the Agreement, or another agreement made under the terms of the Agreement, provides for road operation and management powers in respect of land leased under section 60 to be conferred on the Link corporation, then, despite anything to the contrary in the **Transport Act 1983** or the regulations under that Act or the **Local Government Act 1989** or the regulations under that Act or the **Docklands Act 1991** or the regulations under that Act or the **Road Management Act 2004** or the regulations under that Act, on and from the grant of a lease under section 60—

S. 62(1)
 amended by
 Nos 50/1998
 s. 19, 86/1998
 s. 21(2)(a),
 59/2003
 s. 121(1),
 12/2004
 s. 162(8).

(a) the Link corporation or any officer or employee of the Link corporation authorised by the Link corporation may exercise those powers in respect of the leased land; and

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S. 62(1)(b)
amended by
Nos 86/1998
s. 21(2)(b),
59/2003
s. 121(2).

(b) the Roads Corporation and any Council and the Victorian Urban Development Authority must not exercise those powers in respect of the leased land.

S. 62(2)
substituted by
No. 102/1998
s. 11.

- (2) In this section "road operation and management powers" means—
- (a) if by a declaration under section 61 the land is to be treated as a freeway, powers relating to the operation and maintenance of, and traffic management of a kind applicable to, a freeway, including those powers which apply to a freeway by virtue of the fact that it is a declared road; and
 - (b) if by a declaration under section 61 the land is to be treated as a State highway, powers relating to the operation and maintenance of, and traffic management of a kind applicable to, a State highway including those powers which apply to a State highway by virtue of the fact that it is a declared road.

* * * * *

S. 63
repealed by
No. 81/2000
s. 14.

Division 9—Other provisions relating to buildings and land

64. Certain Acts not to apply

- (1) In this section "**excluded Act**" means—
- (a) the **Building Act 1993**;
 - (b) the **South Melbourne Land Act 1986**;
 - (c) the **Extractive Industries Act 1966**;
 - (d) the **Extractive Industries Development Act 1995**;

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s. 64A

(e) the **Mineral Resources Development Act 1991**.

* * * * *

S. 64(2)
repealed by
No. 81/2000
s. 15(1).

(3) An excluded Act does not apply to or in relation to any part of any leased land and anything done on any part of that leased land on and from the date on which the lease of that land is granted under section 60 or 93G until that lease is terminated in respect of that land.

S. 64(3)
amended by
No. 39/1997
s. 13.

(4) Despite sub-section (3), the **Building Act 1993** applies to and in relation to the Link control site, the Customer service site and the Burnley office site.

S. 64(4)
inserted by
No. 102/1998
s. 6(2),
amended by
Nos 13/2002
s. 10, 81/2000
s. 15(2).

64A. Power to revoke reservations under the Crown Land (Reserves) Act 1978

S. 64A
inserted by
No. 81/2000
s. 16.

If any land has been deemed to be temporarily reserved under section 4(1) of the **Crown Land (Reserves) Act 1978** for public purposes, being, in particular, the purposes of the Project, by any provision of this Act as in force at any time before the commencement of section 16 of the **Melbourne City Link (Miscellaneous Amendments) Act 2000**, for the avoidance of doubt it is declared that the reservation may be revoked under the **Crown Land (Reserves) Act 1978**.

* * * * *

S. 65
amended by
No. 50/1998
s. 20,
repealed by
No. 81/2000
s. 17(1).

Melbourne City Link Act 1995
Act No. 107/1995

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s. 66

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<p>S. 66 repealed by No. 81/2000 s. 17(2).</p>	*	*	*	*	*
<p>Pt 3 Div. 10 (Heading) repealed by No. 81/2000 s. 17(3).</p>	*	*	*	*	*
<p>S. 67 amended by Nos 39/1997 s. 14(1)(2), 85/1998 s. 24(Sch. item 41), repealed by No. 81/2000 s. 18.</p>	*	*	*	*	*
<p>S. 68 repealed by No. 81/2000 s. 19.</p>	*	*	*	*	*

PART 4—TOLLS

Division 1—Definitions

Pt 4 Div. 1
(Heading)
inserted by
No. 102/1998
s. 32(a).

69. Definition

In this Part—

"**business day**" means a day that is not—

- (a) a Saturday or a Sunday; or
- (b) a day that is appointed as a public holiday or public half-holiday throughout the whole of Victoria under the **Public Holidays Act 1993**;

S. 69 def. of
"business
day"
inserted by
No. 102/1998
s. 12.

"**day**" means the period between midnight of 2 successive days;

S. 69 def. of
"day"
inserted by
No. 102/1998
s. 12.

"**owner**", in relation to a vehicle, means—

- (a) the person in whose name the vehicle is registered, at the time of the offence, under the **Road Safety Act 1986** or a corresponding Act of the Commonwealth or of another State or Territory of the Commonwealth; or
- (b) if the Roads Corporation has received notice of transfer of registration under the regulations under the **Road Safety Act 1986**, the person whose name is disclosed in the records kept by the Roads Corporation as being entitled to possession of the vehicle at the time of the offence; or

S. 69 def. of
"owner"
amended by
Nos 57/1998
s. 28(4),
92/2001
s. 32(1).

Melbourne City Link Act 1995
Act No. 107/1995

Part 4—Tolls

s. 69

-
- (c) if the vehicle is not registered under the **Road Safety Act 1986** or a corresponding Act of the Commonwealth or of another State or Territory of the Commonwealth, the person whose name is disclosed in the records kept by the Roads Corporation or the corresponding body under a corresponding Act as being the owner of or entitled to possession of the vehicle at the time of the offence; or
- (ca) if the vehicle displays a number plate—
- (i) the person who, at the time at which the registration number borne by that number plate was last assigned by the Roads Corporation or the corresponding body under a corresponding Act, was the person in whose name the motor vehicle, to which that registration number was assigned, was registered under the **Road Safety Act 1986** or a corresponding Act of the Commonwealth or of another State or Territory of the Commonwealth, whether or not that vehicle is the same as the vehicle involved in the offence; or
 - (ii) the person whose name is disclosed in the records kept by the Roads Corporation or the corresponding body under a corresponding Act as being entitled, or last entitled, to use or possess that number plate at the time of the offence; or
-

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- (d) if the motor vehicle displays a general identification mark by means of a special identification plate issued under the regulations under the **Road Safety Act 1986**, the person to whom the mark is assigned at the time of the offence;

"relevant agency" means—

- (a) the Link corporation; or
- (b) the Link operator; or
- (c) the Extension corporation; or
- (d) the Extension operator; or
- (e) the enforcement agency;

S. 69 def. of "relevant agency" inserted by No. 102/1998 s. 12.

* * * * *

S. 69 def. of "start-up period" inserted by No. 102/1998 s. 12, repealed by No. 13/2002 s. 11(1).

"taxi-cab" has the same meaning as in section 86(1) of the **Transport Act 1983**;

S. 69 def. of "taxi-cab" inserted by No. 49/2004 s. 6.

"tollway" means a road or part of a road in Australia in respect of which a toll or charge for the use of that road or part of that road is payable;

S. 69 def. of "tollway" inserted by No. 49/2004 s. 6.

"tollway billing arrangement" means an agreement or arrangement between a person and a tollway operator relating to the payment of tolls for the use of a vehicle in a tollway;

S. 69 def. of "tollway billing arrangement" inserted by No. 49/2004 s. 6.

Melbourne City Link Act 1995
Act No. 107/1995

Part 4—Tolls

s. 69A

S. 69 def. of
"tollway
operator"
inserted by
No. 49/2004
s. 6.

"tollway operator" means a person, other than the Link corporation or Extension corporation, who—

- (a) operates a tollway under a law of another State or of a Territory, or under an agreement between that person and another State or a Territory; and
- (b) is empowered or entitled, under that law or agreement, to levy or impose a toll or charge for the use of the tollway;

S. 69 def. of
"trip"
inserted by
No. 102/1998
s. 12.

"trip" means the driving of a vehicle in one direction in one toll zone or more than one toll zones, uninterrupted by exit from the road on which the zone is or zones are and subsequent re-entry to that road, disregarding travel directly between the southern link and the western link as referred to in section 6.

S. 69A
inserted by
No. 102/1998
s. 13.

69A. Declaration as to relevant corporations

- (1) The Link corporation or the Extension corporation, by notice published in the Government Gazette, may declare that for the purposes of the whole of this Part—
 - (a) the Link corporation is to be the relevant corporation in relation to the Link road; and
 - (b) the Extension corporation is to be the relevant corporation in relation to the Extension road.
- (2) At any time after the publication of a notice under sub-section (1), the Link Corporation and the Extension Corporation, by notice published in the Government Gazette, may jointly declare that for the purposes of this Part (except sections 70 and 71) the Link corporation is to be the relevant corporation in relation to both the Link road and the Extension road.

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Act No. 107/1995

Part 4—Tolls

s. 70

- (3) A notice under sub-section (1) or (2) takes effect one month after the day on which it is published in the Government Gazette or, if a later day is specified in the notice, on that later day.

Division 2—Fixing and Enforcement of Tolls

Pt 4 Div. 2
(Heading)
inserted by
No. 102/1998
s. 32(b).

70. Relevant corporation may fix, charge and collect tolls

S. 70
amended by
Nos 102/1998
ss 14(1)(a)(b),
24(b), 94/2003
s. 42 (ILA
s. 39B(1)).

- (1) The relevant corporation may fix, charge and collect tolls for the use of vehicles in a toll zone but may do so only in accordance with this Act and the Agreement or the Extension Agreement (as the case requires).
- (2) The tolling system that complies with the Agreement, the Integration and Facilitation Agreement or the Extension Agreement (as the case requires) is not a surveillance device within the meaning of the **Surveillance Devices Act 1999**.

S. 70(2)
inserted by
No. 94/2003
s. 42.

71. Fixing of tolls

- (1) The relevant corporation in accordance with this Act and the Agreement or the Extension Agreement (as the case requires), by notice published in the Government Gazette—
- (a) may specify toll zones on the Link road or the Extension road; and
- (b) may fix tolls which are payable in respect of the use of vehicles on toll zones.

S. 71(1)
amended by
No. 102/1998
s. 14(2)(a).

S. 71(1)(a)
amended by
No. 102/1998
s. 14(2)(b).

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- (2) A notice under sub-section (1) may specify different tolls in respect of different cases or classes of cases including different zones or groups of zones, different classes of vehicles and the use of vehicles at different times or any combination of these.
- (3) A notice under sub-section (1) takes effect on the day that it is published in the Government Gazette or, if a later day is specified in the notice, on that later day.
- (4) In any proceedings under this Part or for the recovery of the amount of a toll, the production of a Government Gazette purporting to contain a notice under sub-section (1) is evidence of the valid publication of the notice and of the fixing of the toll in accordance with this Act and the Agreement or the Extension Agreement (as the case requires).

72. Liability to pay toll

- (1) Subject to this Part, a person who is the driver of a vehicle used in a toll zone is liable to pay to the relevant corporation the toll charged by the relevant corporation for that use.
- (2) Subject to sub-section (3), the owner of a vehicle used in a toll zone is deemed to be the driver of that vehicle for the purposes of sub-section (1).
- (3) The owner of a vehicle is not liable under sub-section (2) to pay a toll for the use of the vehicle in a toll zone if within 28 days after being notified of the non-payment of the toll the owner supplies to the relevant corporation in a sworn statement in writing or a statutory declaration—
 - (a) the name and address of the person who was the driver of the vehicle at the relevant time; or

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| <p>(b) a statement that the vehicle was a stolen vehicle at the relevant time; or</p> | <p>S. 72(3)(b) amended by No. 92/2001 s. 32(2).</p> |
| <p>(c) a statement that the number plates displayed on the vehicle at the relevant time were stolen.</p> | <p>S. 72(3)(c) inserted by No. 92/2001 s. 32(2).</p> |
| <p>(4) In any proceedings for the recovery of a toll, a statement or declaration purporting to be made under sub-section (3) is evidence that the person named in the statement was driving the vehicle at all the relevant times relating to the matter named in the statement, if the proceedings are—</p> <p style="margin-left: 20px;">(a) against the person named in the statement; and</p> <p style="margin-left: 20px;">(b) in respect of the matter named in the statement.</p> | <p>S. 72(4) inserted by No. 81/2000 s. 20.</p> |
| <p>(5) This section does not apply in respect of the use in a toll zone of a vehicle covered by a tollway billing arrangement.</p> | <p>S. 72(5) inserted by No. 49/2004 s. 7.</p> |

73. Offence to drive unregistered vehicle in toll zone

S. 73 substituted by No. 102/1998 s. 15.

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| <p>(1) A person must not drive a vehicle in a toll zone unless the vehicle is registered under this Part in respect of that toll zone by the relevant corporation at that time.</p> <p>Penalty: 5 penalty units.</p> | <p>S. 73(1) amended by No. 4/2000 s. 5(1).</p> |
| <p>(2) If during the course of a trip a person commits an offence against sub-section (1), the person is guilty of only one offence against that sub-section, regardless of how many toll zones the person drives in during the course of that trip.</p> | |

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S. 73(3)
amended by
Nos 4/2000
s. 5(2),
49/2004
s. 8(1).

S. 73(3)(a)
inserted by
No. 49/2004
s. 8(1).

S. 73(3)(b)
inserted by
No. 49/2004
s. 8(1).

S. 73(4A)
inserted by
No. 45/1999
s. 48(1),
amended by
No. 49/2004
s. 8(2)(a)(b).

- (3) In a proceeding for an offence against sub-section (1), it is a defence to the charge for the driver to prove that he or she believed on reasonable grounds, at the time the offence is alleged to have been committed, that the vehicle—
- (a) was registered under this Part in respect of the relevant toll zone by the relevant corporation; or
 - (b) was covered by a tollway billing arrangement.
- (4) Despite anything to the contrary in this or any other Act—
- (a) only one criminal proceeding may be commenced in respect of an offence constituted by the driving of any one vehicle in a toll zone on any one day; and
 - (b) only one infringement notice may be issued in respect of an offence constituted by the driving of any one vehicle in a toll zone on any one day—

regardless of how many toll zones the vehicle is driven in during the course of that day and how many trips the vehicle makes during the course of that day and how many different people drive the vehicle during the course of that day.

- (4A) For the purposes of sub-section (4), a criminal proceeding commenced against, or an infringement notice served, on a person in respect of an offence against sub-section (1) is to be disregarded if the charge or infringement notice is withdrawn.

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- (5) Sub-section (1) does not apply in respect of a vehicle if it is exempted, in accordance with the regulations, from the requirement to be registered under this Part.
- (6) Sub-section (1) does not apply in respect of a vehicle that under the regulations is exempt from the payment of tolls.
- (7) Sub-section (1) does not apply in respect of a vehicle covered by a tollway billing arrangement.

S. 73(7)
inserted by
No. 49/2004
s. 8(3).

73A. Registration of vehicles

S. 73A
inserted by
No. 102/1998
s. 15.

- (1) A relevant corporation must establish and maintain a register of vehicles.
- (2) A relevant corporation may register a vehicle—
 - (a) for a specified period; or
 - (b) until the happening of a specified event; or
 - (c) for an unlimited period; or
 - (d) in respect of all toll zones or a specified toll zone or toll zones.
- (3) A person may seek the registration under this Part of a vehicle or more than one vehicle by application made to the relevant corporation in writing or orally or partly in writing and partly orally.
- (4) A relevant corporation may, in accordance with this Part, cancel or suspend the registration of a vehicle.

S. 73A(2)(c)
amended by
No. 4/2000
s. 5(3).

S. 73A(2)(d)
inserted by
No. 4/2000
s. 5(3).

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s. 73B

S. 73B
inserted by
No. 102/1998
s. 15.

73B. On-going registration

- (1) Without limiting its discretion otherwise to do so, a relevant corporation may refuse to register a vehicle unless the vehicle is the subject of an agreement that is wholly or partly in writing between the relevant corporation and the person seeking registration.
- (2) Without limiting the matters about which an agreement referred to in sub-section (1) may provide, it may—
 - (a) be expressed as having force for a specified period or until the happening of a specified event or for an unlimited period; and
 - (b) contain specified terms including conditions of use and procedures to be followed to settle disputes that arise under the agreement; and
 - (c) specify the circumstances in which, and procedure by which, the agreement, or the registration under this Part of a vehicle that is the subject of the agreement, may be cancelled or suspended.
- (3) The agreement by a relevant corporation to register a vehicle under this Part is sufficient consideration on the part of the relevant corporation for an agreement referred to in sub-section (1).

73C. Temporary registration

- (1) A relevant corporation may register a vehicle for a specified period of up to 14 days without an agreement of a kind referred to in section 73B(1) being in force in respect of the vehicle.

S. 73C
inserted by
No. 102/1998
s. 15.

S. 73C(1)
amended by
No. 54/2001
s. 45(1).

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(2) Registration in accordance with this section may be granted subject to conditions of use notified to the person seeking the registration either orally or in writing or partly orally and in writing.

S. 73C(2) amended by No. 81/2000 s. 21, substituted by No. 54/2001 s. 45(2).

(2A) If registration is sought on a particular day for a period of 24 hours, the commencement of the registration may be back-dated to a time not earlier than the beginning of the day that is 3 days before the day on which registration is sought.

S. 73C(2A) inserted by No. 54/2001 s. 45(2), substituted by No. 13/2002 s. 12 (as amended by No. 32/2002 s. 26).

(2B) If registration is sought for a specified period (other than a period of 24 hours) and is sought—

(a) before the end of that specified period or within the period of 2 days immediately following the end of that specified period; or

(b) not later than 6 days after the beginning of that specified period—

S. 73C(2B) inserted by No. 13/2002 s. 12 (as amended by No. 32/2002 s. 26).

(whichever is the earlier), the commencement of registration may be back-dated to a time not earlier than the beginning of that specified period.

(3) The agreement by a relevant corporation to register a vehicle under this Part is sufficient consideration on the part of the relevant corporation for an arrangement entered into in accordance with this section.

73D. Information to be given in relation to registration

S. 73D inserted by No. 102/1998 s. 15.

(1) If a relevant corporation agrees to register a vehicle under this Part, it must give the following information to the person who sought the registration—

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S. 73D(1)(a)
amended by
No. 78/2001
s. 7(a).

S. 73D(1)(b)
substituted by
No. 78/2001
s. 7(b).

S. 73D(1)(f)
substituted by
No. 78/2001
s. 7(c).

S. 73D(1)(g)
inserted by
No. 4/2000
s. 5(4).

S. 73D(2)(a)
amended by
No. 4/2000
s. 5(5).

- (a) confirmation that the vehicle has been, or will be at a specified time, registered or of the circumstances in which the vehicle becomes registered;
 - (b) the whole or that part of the licence plate number of the vehicle that is stated to the relevant corporation by that person;
 - (c) an identifying number, or combination of letters and numbers, for the registration;
 - (d) except in the case of a registration in accordance with section 73C, the conditions of use, if any;
 - (e) except in the case of a registration in accordance with section 73C, information about how the registration may be cancelled or suspended;
 - (f) in the case of registration in accordance with section 73C—
 - (i) the period to which the registration applies; or
 - (ii) if the period to which the registration applies cannot be determined at the time the information is given, information which enables the person to determine the period to which the registration applies;
 - (g) the toll zone or zones in respect of which the vehicle has been or will be registered.
- (2) The information referred to in sub-section (1) is required to be given—
- (a) orally or in writing, in the case of information referred to in paragraph (a), (b), (c), (f) or (g) of that sub-section; and

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- (b) in writing, in the case of any other information.
- (3) The relevant corporation must give any information referred to in sub-section (1) that it has not given to the person seeking registration before registering a vehicle to that person—
- (a) as soon as is practicable after registering the vehicle; and
- (b) in the case of information required to be given in writing, by sending a notice containing that information to that person by post to an address nominated by that person within 5 business days after the date the registration is effected.

Penalty: 100 penalty units.

73E. Cancellation or suspension of registration

- (1) If a relevant corporation cancels or suspends the registration under this Part of a vehicle, it must do so—
- (a) by any method stated for that purpose in an agreement relating to the vehicle; or
- (b) by giving notice of the cancellation or suspension in one of the following ways—
- (i) by personal service of written notice on the person who sought the registration;
- (ii) by personal service of written notice at the last address given to the relevant corporation by the person who sought the registration on a person who appears to be at least 16 years of age;
- (iii) by written notice posted to the last address given to the relevant corporation by the person who sought the registration;

S. 73E
 inserted by
 No. 102/1998
 s. 15.

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- (iv) by written notice posted to the address of the owner of the vehicle to which the registration applies;
 - (v) if the person who sought the registration is a corporation—
 - (A) by personal service of written notice at the registered office of the corporation on a person who appears to be at least 16 years of age; or
 - (B) by written notice posted to the registered office of the corporation.
- (2) A person is deemed to have been given a notice of cancellation or suspension—
- (a) under sub-section (1)(b)(ii) on the next business day after the notice was served; or
 - (b) under sub-section (1)(b)(iii), (iv) or (v)(B) on the third business day after the envelope containing the notice was posted; or
 - (c) under sub-section (1)(b)(v)(A) on the day the notice was served.

74. Offence to tamper with prescribed devices

A person must not, without just cause, tamper or interfere with a prescribed tolling device or any part of a prescribed tolling device in a manner—

- (a) that causes incorrect information to be recorded or transmitted; or
- (b) that prevents or interferes with the recording or transmission of information—

in respect of the use of a toll zone by a vehicle in which that device is or may be situated.

Penalty: 10 penalty units.

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75. Offence to fraudulently induce registration

- (1) A person must not by fraudulent or collusive means, or by false representation, induce a relevant corporation to register a vehicle under this Part.

Penalty: 10 penalty units.

- (2) A person who seeks the right to drive a vehicle on a tollway must not make a false representation to a relevant corporation in seeking to do so.

Penalty: 10 penalty units.

S. 75 substituted by No. 102/1998 s. 16, amended by No. 54/2001 s. 46 (ILA s. 39B(1)).

S. 75(2) inserted by No. 54/2001 s. 46.

76. Court to require payment of toll and costs

- (1) If a charge against a person for an offence against section 73 is found proven, whether or not a conviction is recorded or a penalty imposed for that offence, the court must make an order requiring the person to pay to the relevant corporation the prescribed administrative costs, if any.

- (2) An amount required to be paid under an order made under sub-section (1) must be taken to be a judgment debt due by the person to the relevant corporation and payment of any amount remaining unpaid under the order may be enforced in the court by which it was made.

S. 76(1) amended by No. 102/1998 s. 17(1)(a)(b).

S. 76(2) amended by No. 102/1998 s. 17(2).

77. Relevant corporation or authorised person may notify enforcement agency of non-payment of toll

- (1) If the relevant corporation, or a person authorised by the relevant corporation for the purposes of this section, believes, on reasonable grounds, that a vehicle that is not registered under this Part in respect of a particular toll zone has been driven in that toll zone in contravention of this Part, the relevant corporation or authorised person may notify the enforcement agency of that belief and request the enforcement agency—

S. 77(1) amended by Nos 102/1998 s. 18(1)(a)–(c), 45/1999 s. 48(2)(a)(b), 4/2000 s. 5(6)(a)(b).

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S. 77(1)(a)
substituted by
No. 102/1998
s. 18(1)(d),
amended by
No. 4/2000
s. 5(6)(c),
substituted by
No. 81/2000
s. 22(1).

S. 77(1)(b)
amended by
No. 102/1998
s. 18(1)(e).

S. 77(1)(c)
amended by
No. 102/1998
s. 18(1)(f).

S. 77(1A)
inserted by
No. 81/2000
s. 22(2) (as
amended by
No. 54/2001
s. 47(1)).

S. 77(2)
amended by
Nos 102/1998
s. 18(3)(a)(b),
45/1999
s. 48(3).

- (a) to send a request for payment of the toll payable in respect of the use of the vehicle in the toll zone to any person who appears to be liable to pay the toll; or
 - (b) to serve an infringement notice under this Part on the owner of the vehicle involved in the offence; or
 - (c) to commence proceedings in respect of that offence under this Part.
- (1A) If the relevant corporation or a person authorised by the relevant corporation for the purposes of this section, believes, on reasonable grounds, that a vehicle that is not registered under this Part has, in respect of a particular toll zone, been driven in that toll zone in contravention of this Part, the relevant corporation may notify the enforcement agency of that belief and request the enforcement agency to send a notice of the requirement to be registered under this Part in respect of that toll zone to the owner of the vehicle concerned.
- (2) Nothing in sub-section (1) requires the relevant corporation or an authorised person to notify the enforcement agency of an offence under this Part.

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78. Disputes in relation to payment of tolls

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| <p>(1) If a relevant corporation or a person authorised by a relevant corporation for the purposes of section 77 has made a request under section 77(1)(a), the enforcement agency may send, by post, a request for payment of the toll payable in respect of the use of the vehicle in the toll zone to the person who appears to be liable to pay the toll.</p> | <p>S. 78(1) amended by Nos 102/1998 s. 18(4)(a)–(c), 45/1999 s. 48(4), substituted by No. 81/2000 s. 23 (as amended by No. 54/2001 s. 47(2)).</p> |
| <p>(1A) If a relevant corporation or a person authorised by a relevant corporation for the purposes of section 77 has made a request under section 77(1A), the enforcement agency may send, by post, a notice of the requirement to be registered under this Part in respect of the toll zone to the owner of the vehicle concerned.</p> | <p>S. 78(1A) inserted by No. 81/2000 s. 23 (as amended by No. 54/2001 s. 47(2)).</p> |
| <p>(2) If a dispute resolution process set out in an agreement referred to in section 73B(1) or established by the relevant corporation relating to the registration, or non-registration, at a particular time of a vehicle under this Part is in progress, proceedings (other than civil proceedings) cannot be commenced under this Part relating to the non-registration of the vehicle at that time.</p> | <p>S. 78(2) amended by No. 102/1998 s. 18(6)(a)(b).</p> |

79. Enforcement agency may authorise persons

- (1) An enforcement agency may authorise any person to carry out functions for the purposes of this Part.
- (2) An authorisation must be in writing.

80. Power to serve a notice

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| <p>(1) If an enforcement officer has reason to believe that a person has committed an offence against section 73, he or she may cause an infringement notice to be served on that person.</p> | <p>S. 80(1) amended by No. 102/1998 s. 19(1)(a).</p> |
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S. 80(2)(b)
substituted by
No. 102/1998
s. 19(1)(b).

S. 80(3)
inserted by
No. 102/1998
s. 19(2).

S. 80A
inserted by
No. 4/2000
s. 6.

S. 81(c)
repealed by
No. 102/1998
s. 19(3)(a).

- (2) An infringement notice may be served—
- (a) by personally serving the notice upon the alleged offender; or
 - (b) by sending the notice by post addressed to—
 - (i) the owner of the vehicle involved in the offence; or
 - (ii) the driver of that vehicle as shown in a statement or declaration supplied in accordance with section 87(3)(a).
- (3) An enforcement officer may cause to be served together with an infringement notice a notice containing information about the requirements arising under this Act in relation to the use of a vehicle in a toll zone.

80A. Toll administration infringement notice

- (1) If an enforcement officer has reason to believe that a relevant agency (other than the enforcement agency) has committed an offence against section 90A(2) or 92(1) or (3), he or she may cause an infringement notice to be served on that relevant agency.
- (2) An infringement notice issued under this section must be served by sending it by post addressed to the relevant agency.

81. Form of notice

An infringement notice—

- (a) must be in the prescribed form; and
- (b) must state the prescribed penalty for the offence; and

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(d) must state that if the amount of the penalty is tendered at the place referred to in the notice the matter will not be brought before a court unless the notice is withdrawn before the end of the period specified in the notice as the time for payment of the penalty.

S. 81(d) amended by No. 102/1998 s. 19(3)(b)(i)(ii).

82. Prescribed penalty

S. 82 amended by Nos 102/1998 s. 20, 4/2000 s. 7(1)(2) (ILA s. 39B(1)).

- (1) The prescribed penalty for an offence for which an infringement notice is issued under section 80 is—
 - (a) in the case of the first infringement notice issued to a person, \$40 or such other amount (not exceeding \$100) as may be prescribed; and
 - (b) in the case of any subsequent infringement notice issued to the person, \$100.
- (2) The prescribed penalty for an offence for which an infringement notice is issued under section 80A is \$2000.
- (3) In determining whether an infringement notice issued to a person under section 80 after the commencement of section 13(1) of the **Melbourne City Link (Further Miscellaneous Amendments) Act 2002** is a first infringement notice for the purposes of sub-section (1)—
 - (a) subject to paragraph (b), an infringement notice issued to the person under section 80 before that commencement is to be taken into account; and

S. 82(1) amended by No. 102/1998 s. 20, substituted by No. 13/2002 s. 13(1).

S. 82(2) inserted by No. 4/2000 s. 7(2).

S. 82(3) inserted by No. 13/2002 s. 13(2).

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- (b) an infringement notice issued to the person before, on or after that commencement is not to be taken into account if—
- (i) it is withdrawn under section 83; or
 - (ii) the person to whom it was issued is not guilty of the offence for which it was issued because of the operation of section 87(3).

83. Withdrawal of notice

- (1) The enforcement officer may withdraw an infringement notice at any time within 28 days after the notice is served (or, at the request of the alleged offender, at any later time) by serving a withdrawal notice on the alleged offender.
- (2) An infringement notice may be withdrawn even if the appropriate penalty has been paid.
- (2A) Despite sub-section (1), an infringement notice cannot be withdrawn under that sub-section where the infringement penalty is registered under Schedule 7 to the **Magistrates' Court Act 1989**.
- (3) Once the notice of withdrawal is served, the amount of any penalty paid under the infringement notice before it is withdrawn must be refunded.

84. Payment of penalty and other amounts

- (1) If the person pays the penalty shown on the infringement notice within the time shown in the notice or, if the enforcement officer allows, at any time before the service of a summons in respect of the offence—
 - (a) further proceedings may not be taken in respect of the offence; and
 - (b) no conviction is to be recorded against the person for the offence.

S. 83(1)
amended by
No. 49/2004
s. 11(1).

S. 83(2A)
inserted by
No. 49/2004
s. 11(2).

S. 83(3)
amended by
No. 102/1998
s. 24(d).

S. 84(1)
amended by
No. 102/1998
s. 24(e).

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- (2) A penalty paid under this section must be applied as if the alleged offender had been convicted of the offence in the Magistrates' Court on a charge filed by the enforcement officer who served the infringement notice.

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S. 84(3)(4)
repealed by
No. 102/1998
s. 24(f).

85. Notice not to prejudice further proceedings

- (1) If—

(a) a person served with an infringement notice has not paid the penalty within the time specified in the notice; or

S. 85(1)(a)
amended by
No. 102/1998
s. 24(g).

(b) an infringement notice is withdrawn—

proceedings may still be taken or continued for the alleged offence.

- (2) If proceedings have been taken or continued for an alleged offence because the person has not paid the penalty specified in the infringement notice and a conviction is imposed by the court, the conviction must not be taken to be a conviction for any purpose except in relation to—

S. 85(2)
amended by
No. 102/1998
s. 24(h).

(a) the making of the conviction itself; and

(b) subsequent proceedings which may be taken in respect of the conviction itself, including proceedings by way of appeal.

86. Application of PERIN procedure

S. 86
substituted by
No. 102/1998
s. 21.

- (1) The procedure set out in Schedule 7 to the **Magistrates' Court Act 1989** may be used instead of commencing a proceeding against—

S. 86(1)
substituted by
No. 4/2000
s. 8(1).

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- (a) a person for an offence against section 73(1) of this Act; or
 - (b) a relevant agency (other than the enforcement agency) for an offence against section 90A(2) or 92(1) or (3) of this Act.
- (2) The **Magistrates' Court Act 1989**, as modified by sub-section (3), applies for the purposes of sub-section (1).
- (3) The **Magistrates' Court Act 1989** applies as if—
- (a) an infringement notice under this Part were an infringement notice within the meaning of Schedule 7 to that Act;
 - (b) an offence referred to in sub-section (1) were a prescribed offence within the meaning of that Schedule;
 - (c) the prescribed penalty for the offence stated in the infringement notice were the infringement penalty for the purposes of that Schedule.

S. 86(3)(b)
amended by
No. 4/2000
s. 8(2).

87. Offences detected by prescribed tolling device

- (1) If a vehicle is driven in a toll zone contrary to section 73(1), the person who, at the time the offence occurs, is the owner of the vehicle involved in the offence is guilty of an offence as if that person were the driver of the vehicle at the time of the alleged offence, unless the court is satisfied that the vehicle was a stolen vehicle or that the number plates displayed on the vehicle were stolen.
- (2) Sub-section (1) does not affect the liability of a driver of a vehicle for an offence but, if the penalty for the offence is paid and has not been refunded under section 83, no further penalty may be imposed or recovered from the owner, driver or any other person.

S. 87(1)
amended by
Nos 102/1998
s. 22(1)(a)(i),
92/2001
s. 32(3).

S. 87(2)
amended by
No. 102/1998
s. 22(1)(a)(ii).

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(3) Despite sub-sections (1) and (2), the owner of a vehicle is not guilty of an offence if—

(a) before or within 28 days after the service on the owner of a summons in respect of the offence, the owner supplies to an enforcement official in a sworn statement in writing or in a statutory declaration the name and address of the person who was driving the vehicle at the relevant time; or

S. 87(3)(a) amended by No. 94/2003 s. 43(1), substituted by No. 49/2004 s. 12(1).

(aab) where an infringement notice was served on the owner in respect of the offence, before the infringement penalty is registered under Schedule 7 to the **Magistrates' Court Act 1989** the owner supplies to an enforcement official in a sworn statement in writing or in a statutory declaration the name and address of the person who was driving the vehicle at the relevant time; or

S. 87(3)(aab) inserted by No. 49/2004 s. 12(2).

(ab) another person against whom a charge has been filed, or on whom an infringement notice has been served, in relation to the driving of the vehicle at the relevant time supplies to an enforcement official in a sworn statement in writing or in a statutory declaration the name and address of the person who was driving the vehicle at the relevant time; or

S. 87(3)(ab) inserted by No. 94/2003 s. 43(2).

(b) the owner satisfies an enforcement official by sworn statement in writing or by a statutory declaration that the owner did not know and could not with reasonable diligence have ascertained the name and address of the person who was driving the vehicle at the relevant time.

S. 87(3)(b) amended by No. 94/2003 s. 43(1).

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S. 87(3A)
inserted by
No. 94/2003
s. 43(3).

S. 87(3A)(b)
amended by
No. 49/2004
s. 12(3).

S. 87(4)
amended by
Nos 94/2003
s. 43(4),
49/2004
s. 12(4).

S. 87(5)
amended by
Nos 94/2003
s. 43(4),
49/2004
s. 12(4).

S. 88
substituted by
No. 102/1998
s. 23.

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(3A) In sub-section (3) "**an enforcement official**" means—

- (a) the informant in any proceeding commenced against the owner or another person; or
- (b) the enforcement officer who caused an infringement notice to be served on the owner or another person or any other enforcement officer; or
- (c) the person who served (or caused to be served) a courtesy letter under Schedule 7 to the **Magistrates' Court Act 1989** on the owner or another person—

in relation to the driving of the vehicle at the relevant time.

- (4) A proceeding against the person named in a statement or declaration supplied under sub-section (3)(a), (aab) or (ab) for an offence under section 73 may be commenced not later than 12 months after the date on which the statement or declaration was supplied.
- (5) A statement or declaration purporting to be made under sub-section (3)(a), (aab) or (ab) if produced in any proceedings against the person named in it and in respect of the offence concerned is evidence that that person was driving the vehicle at all relevant times relating to the offence.

88. Proof that vehicle driven in toll zone

Without prejudice to any other method of proving the relevant fact, if the fact that a vehicle was driven in a toll zone is relevant in proceedings for an offence against section 73(1) or for the recovery of a debt, evidence of that fact as indicated or determined by—

- (a) a prescribed tolling device that was used in the prescribed manner; or

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(b) an image or message produced by a prescribed process—

is admissible in evidence in any proceedings and, in the absence of evidence to the contrary, is proof of the fact.

89. General evidentiary provisions

(1) A certificate in the prescribed form purporting to be issued by the enforcement agency certifying as to any matter related to a toll which appears in or can be calculated from the records kept by the enforcement agency is admissible in evidence in any proceedings and, in the absence of evidence to the contrary, is proof of that matter.

S. 89(1)
amended by
No. 102/1998
s. 22(1)(b).

(2) A certificate in the prescribed form purporting to be issued by the Roads Corporation or the Department of Infrastructure or an authorised person certifying that on a particular date a vehicle was registered under the **Road Safety Act 1986** in the name of a particular person is admissible in evidence in any proceedings and, in the absence of evidence to the contrary, is proof that, on that date, the person was the owner of the vehicle.

S. 89(2)
amended by
Nos 50/1998
s. 21, 102/1998
s. 22(1)(b)(c),
92/2001
s. 32(4).

(3) A certificate or document which purports to have been issued under an Act of the Commonwealth or another State or a Territory corresponding to the **Road Safety Act 1986** certifying that on a particular date a vehicle was registered under that Act in the name of a particular person is admissible in evidence in any proceedings and, in the absence of evidence to the contrary, is proof that, on that date, the person was the owner of the vehicle.

S. 89(3)
amended by
No. 102/1998
s. 22(1)(b).

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S. 89(3A)
inserted by
No. 92/2001
s. 32(5).

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S. 89(3B)
inserted by
No. 92/2001
s. 32(5).

(3A) A certificate containing the prescribed particulars purporting to be issued by the Roads Corporation or the Department of Infrastructure or an authorised person certifying that on a particular date—

- (a) a particular registration number was assigned to a particular vehicle; or
- (b) a particular person was entitled, or last entitled, to use or possess a number plate bearing a particular registration number—

is admissible in evidence in any proceedings and, in the absence of evidence to the contrary, is proof that on that date that registration number was assigned to that vehicle or that person was entitled, or last entitled, to use or possess that number plate, as the case requires.

(3B) A certificate or document which purports to have been issued under any Act of the Commonwealth or of another State or Territory of the Commonwealth corresponding to the **Road Safety Act 1986** certifying that on a particular date—

- (a) a particular registration number was assigned under the corresponding Act to a particular vehicle; or
- (b) a particular person was entitled, or last entitled, under the corresponding Act to use or possess a number plate bearing a particular registration number—

is admissible in evidence in any proceedings and, in the absence of evidence to the contrary, is proof that on that date that registration number was assigned to that vehicle or that person was entitled, or last entitled, to use or possess that number plate, as the case requires.

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(4) A certificate in the prescribed form purporting to be issued by a relevant corporation, or a person authorised by a relevant corporation, certifying—

S. 89(4)
substituted by
No. 102/1998
s. 22(2).

- (a) that a specified vehicle was, or was not, registered under this Part in respect of a specified toll zone at a specified time; or
- (b) that the relevant corporation was, or was not, a party to an agreement relating to the use of a specified vehicle in a toll zone at a specified time; or
- (c) that an agreement between a person and the relevant corporation relating to the use of a specified vehicle in a toll zone—

S. 89(4)(a)
amended by
No. 4/2000
s. 9.

- (i) existed, or did not exist, at a specified time; or
- (ii) contained, or did not contain, specified terms; or

(ca) that a specified vehicle was, or was not, covered by a tollway billing arrangement at a specified time; or

S. 89(4)(ca)
inserted by
No. 49/2004
s. 13.

- (d) that a prescribed tolling device was used in the prescribed manner; or
- (e) that an image or message was produced by a prescribed process; or
- (f) as to any other matter that appears in, or that can be determined or calculated from, the records kept by the relevant corporation—

is admissible in evidence in any proceedings and, in the absence of evidence to the contrary, is proof of the matters stated in the certificate.

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s. 90

S. 89(5)
inserted by
No. 92/2001
s. 32(6).

Pt 4 Div. 3
(Heading)
inserted by
No. 102/1998
s. 25.

S. 90
substituted by
No. 102/1998
s. 25,
amended by
No. 12/2004
s. 162(9).

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(5) In this section—

"authorised person" means a person who is authorised or who is the holder of a position authorised for the purposes of this section by the Roads Corporation.

Division 3—Restrictions on the Disclosure and Use of Certain Information

90. Meaning of "restricted tolling information"

In this section **"restricted tolling information"** means any information obtained from the records prepared by, or for, a relevant agency in performing its obligations, exercising its rights or carrying out its functions under this Act, the regulations, the **Transport Act 1983**, the regulations under that Act, the **Road Management Act 2004** and the regulations under that Act, the Agreement or the Extension Agreement in relation to—

- (a) any of the following details concerning a toll zone—
- (i) the payment or non-payment by any particular person of a toll;
 - (ii) the name and address of any person using the toll zone;
 - (iii) the licence plate number of any vehicle using the toll zone or registered under this Part;
 - (iv) the registration by a relevant vehicle registration authority, or the ownership, of any vehicle using the toll zone;

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- (v) any other identifying information in relation to the use of a vehicle in the toll zone or to any person using the toll zone;
- (b) whether or not a relevant corporation has registered a vehicle under this Part;
- (c) the name of, address of, or any other identifying information in relation to, a person who sought the registration of a vehicle under this Part;
- (d) any information concerning any amount that has been paid, or that is due, or that stands to the credit of a person, in respect of any registration of a vehicle under this Part;
- (e) any other information of a personal nature or that has commercial sensitivity for the person about whom it is kept;
- (f) any information relating to any other matter of a class specified by the regulations for the purposes of this section.

90A. Tolling information not to be disclosed or used except in specified circumstances

S. 90A
 inserted by
 No. 102/1998
 s. 25.

- (1) This section applies to—
 - (a) a relevant agency; and
 - (b) any person who is or was employed by, or who is or was engaged to provide services for, a relevant agency; and
 - (c) a person who is or was employed by, or who is or was engaged to provide services for, a person who is or was employed by, or who is or was engaged to provide services for, a relevant agency; and

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S. 90A(2)(aa)
inserted by
No. 81/2000
s. 24.

S. 90A(2)(ab)
inserted by
No. 81/2000
s. 24.

S. 90A(2)
(ab)(iia)
inserted by
No. 12/2004
s. 162(10).

- (d) any person who possesses any restricted tolling information (regardless of how, or from whom, the person obtained possession of the information).
- (2) A person to whom this section applies must not disclose or use restricted tolling information unless the disclosure or use—
- (a) is reasonably necessary to enable the collection of tolls, or the taking of enforcement action, under this Act; or
 - (aa) is reasonably necessary—
 - (i) to investigate whether or not there has been any loss, theft or misuse of prescribed tolling devices; or
 - (ii) to take any enforcement action in relation to any theft or misuse of a prescribed tolling device; or
 - (ab) is reasonably necessary, either, to investigate whether or not there has been any breach of, or to enforce—
 - (i) any provision of the **Dangerous Goods Act 1985**, or regulations made under that Act; or
 - (ii) any provision of the **Transport Act 1983**, or regulations made under that Act; or
 - (iia) any provision of the **Road Management Act 2004**, or regulations made under that Act; or

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- (iii) any provision of the **Road Transport (Dangerous Goods) Act 1995**, or regulations made under that Act or the applied provisions within the meaning of that Act; or
- (iv) any provision of Part 9A of the **Environment Protection Act 1970**, or regulations made under that Act—
- which relates to the transport of dangerous goods or waste on the Link road or Extension road; or
- (b) is made with the consent of the person to whom the information relates; or
- (c) is made at the direction of the Minister; or
- (d) is made in circumstances in which the person believes on reasonable grounds that the disclosure or use is necessary to prevent or lessen a serious and imminent threat to the life or health of one or more people; or
- (e) is made to, or by, a person authorised by the Minister under section 92(2) for the purposes of an inspection by that person under that section; or
- (f) is made to, or by, the Ombudsman to enable the Ombudsman to fulfil her or his duties; or
- (g) involves information of a class specified by the regulations for the purposes of this section; or
- (h) is made during the course of legal proceedings; or
- (i) is authorised by section 90B or 90D or is otherwise authorised by this Act or any other law.

Penalty: 100 penalty units.

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S. 90A(3)
substituted by
No. 49/2004
s. 14.

S. 90A(3)(a)
amended by
No. 12/2004
s. 162(11).

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(3) In addition, a relevant agency may—

- (a) disclose or use restricted tolling information for the purpose of performing its obligations, exercising its rights or carrying out its functions under this Act, the regulations, the **Transport Act 1983**, the regulations under that Act, the **Road Management Act 2004** and the regulations under that Act, the Agreement or the Extension Agreement; or
- (b) disclose to a tollway operator restricted tolling information relating to—
 - (i) the date and time of use of a toll zone by any vehicle; or
 - (ii) the toll payable for the use of a toll zone by any vehicle; or
 - (iii) the licence plate number or category of any vehicle using a toll zone; or
 - (iv) any vehicle transponder carried in any vehicle using a toll zone; or
- (c) disclose to a tollway operator restricted tolling information relating to—
 - (i) the licence plate number or category of any vehicle registered under this Part; or
 - (ii) any vehicle transponder issued in respect of any vehicle registered under this Part.

S. 90A(3A)
inserted by
No. 49/2004
s. 14.

(3A) A tollway operator to whom restricted tolling information is disclosed under sub-section (3)(b) may use that information to do either or both of the following—

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- (a) bill and charge a party to a tollway billing arrangement for the use in a toll zone of a vehicle covered by that arrangement;
- (b) enable the Link corporation or Extension corporation to be credited with the toll payable for such a use.

(3B) A tollway operator to whom restricted tolling information is disclosed under sub-section (3)(c) may use that information to be credited with a payment by the Link corporation or Extension corporation in respect of the use in a tollway of a vehicle registered under this Part.

S. 90A(3B) inserted by No. 49/2004 s. 14.

(4) The Minister must not, under sub-section (2)(c), direct the disclosure or use of any information that contains details that are likely to lead to the identification of the person to whom the information relates.

90B. Disclosure and use of information for enforcement of criminal law and certain road safety laws

S. 90B inserted by No. 102/1998 s. 25.

(1) In this section—

S. 90B (Heading) inserted by No. 49/2004 s. 15(1).

"authorised Roads Corporation officer" means an officer of the Roads Corporation authorised under sub-section (1A);

S. 90B(1) def. of "authorised Roads Corporation officer" inserted by No. 49/2004 s. 15(2).

"enforcement of a relevant road safety law" means any activity in relation to—

S. 90B(1) def. of "enforcement of a relevant road safety law" inserted by No. 49/2004 s. 15(2).

- (a) investigating whether an offence against a relevant road safety law has been committed;

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S. 90B(1) def.
of "relevant
road safety
law"
inserted by
No. 49/2004
s. 15(2).

- (b) prosecuting an offence against a relevant road safety law;
- (c) detecting, or preventing, the commission of an offence against a relevant road safety law;

"enforcement of the criminal law" means any activity in relation to—

- (a) investigating or prosecuting an indictable offence;
- (b) investigating whether an indictable offence has been committed;
- (c) investigating or monitoring any person who is reasonably suspected of planning to commit, being in the process of committing, or having committed, an indictable offence;
- (d) detecting, or preventing, the commission of indictable offences;
- (e) any other enforcement activity that relates to indictable offences;

"indictable offence" includes any offence committed outside Victoria that would have been an indictable offence if committed in Victoria.

"relevant road safety law" means—

- (a) section 64 of the **Road Safety Act 1986**; or
- (b) section 65 of the **Road Safety Act 1986**; or
- (c) rule 152(1) of the "Road Rules" within the meaning of the Road Safety (Road Rules) Regulations 1999; or

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- (d) regulation 222(6) of the Road Safety (Vehicles) Regulations 1999; or
 - (e) regulation 802(1) of the Road Safety (Vehicles) Regulations 1999; or
 - (f) regulation 808(1) of the Road Safety (Vehicles) Regulations 1999; or
 - (g) regulation 809(1) of the Road Safety (Vehicles) Regulations 1999;
- (1A) The Roads Corporation may, in writing, authorise an officer of the Roads Corporation to be an authorised Roads Corporation officer for the purposes of this section. S. 90B(1A) inserted by No. 49/2004 s. 15(3).
- (2) A person to whom section 90A applies may disclose restricted tolling information to a member of the police force or an authorised Roads Corporation officer if— S. 90B(2) substituted by No. 49/2004 s. 15(4).
- (a) an authorised police officer has certified in writing that the disclosure is reasonably necessary for the enforcement of the criminal law or the enforcement of a relevant road safety law; or
 - (b) the Roads Corporation has certified in writing that the disclosure is reasonably necessary for the enforcement of a relevant road safety law.
- (3) If information is disclosed to a member of the police force or an authorised Roads Corporation officer under sub-section (2), the member or officer must not use that information, or disclose the information to any other person, unless— S. 90B(3) amended by No. 49/2004 s. 15(5)(a)(b).
- (a) the member or officer believes the use or disclosure is reasonably necessary for the enforcement of the criminal law or the enforcement of a relevant road safety law; or S. 90B(3)(a) amended by No. 49/2004 s. 15(5)(b)(c).
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(b) the use or disclosure is otherwise authorised under this Division.

(4) A certificate under sub-section (2) may be given in an electronic form (for example, electronic mail).

90C. Records of disclosure and use by the police

(1) The Chief Commissioner of Police must ensure that there are created in relation to—

(a) certificates that are issued by authorised police officers for the purposes of section 90B; and

(b) the disclosure or use of restricted tolling information by members of the police force—

any records that are reasonably required by the Ombudsman, after consultation with the Chief Commissioner, to enable the Ombudsman to carry out the Ombudsman's functions in relation to this Division.

(2) The Chief Commissioner of Police must also ensure—

(a) that the records—

(i) are created in the form and manner, and within the time; and

(ii) are kept in the manner—

reasonably required by the Ombudsman after consultation with the Chief Commissioner of Police; and

(b) that any record created under this section is retained in the records of the police force for a period of 2 years (or any other period specified by the regulations for the purposes of this section) after the date the record was made.

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- (3) This section does not apply to the disclosure or use of restricted tolling information by members of the police force for the purpose of taking enforcement action under this Act.

90CA. Records of disclosure and use by authorised Roads Corporation officers

S. 90CA
 inserted by
 No. 49/2004
 s. 16.

- (1) The Roads Corporation must ensure that there are created in relation to—
- (a) certificates that are issued by the Roads Corporation for the purposes of section 90B; and
 - (b) the disclosure or use of restricted tolling information by authorised Roads Corporation officers within the meaning of that section—

any records that are reasonably required by the Ombudsman, after consultation with the Roads Corporation, to enable the Ombudsman to carry out the Ombudsman's functions in relation to this Division.

- (2) The Roads Corporation must also ensure—
- (a) that the records—
 - (i) are created in the form and manner, and within the time; and
 - (ii) are kept in the manner—
 reasonably required by the Ombudsman after consultation with the Roads Corporation; and
 - (b) that any record created under this section is retained in the records of the Roads Corporation for a period of 2 years (or any other period specified by the regulations for the purposes of this section) after the date the record was made.

s. 90D

S. 90D
inserted by
No. 102/1998
s. 25.

90D. Disclosure or use for purposes of court orders etc.

- (1) A person to whom section 90A applies may disclose restricted tolling information to a court, the sheriff, a person or body acting on behalf of the State of Victoria or a law enforcement agency to enable the court, sheriff, person, body or agency to make, enforce or execute a court order or judgment in relation to an offence against this Part or a liability arising under this Part.
- (2) If information is disclosed under sub-section (1), the court, sheriff, person, body or agency may disclose or use that information to make, enforce or execute any court order or judgment (even if the order or judgment does not relate to an offence against this Part or a liability arising under this Part).

S. 90E
inserted by
No. 102/1998
s. 25.

90E. Records of disclosure or use of restricted tolling information to be kept

- (1) A relevant agency—
 - (a) must record the following details of each disclosure or use of restricted tolling information that the relevant agency makes—
 - (i) the name of the person who disclosed or used the information; and
 - (ii) the date the disclosure or use was made; and
 - (iii) in the case of a disclosure of the information, the person or body to whom the disclosure was made; and
 - (iv) in the case of a use of the information, a brief description of how the information was used; and

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- (v) the authority (for example, the relevant section of this Act) under which the disclosure or use was made; and
 - (vi) if the authority under which the disclosure or use was made involved a document (for example, a warrant, certificate of an authorised police officer or a consent), a copy of that document; and
- (b) must make the record as soon as is practicable, and in any case not later than 5 business days after, the disclosure or use occurs; and
- (c) must retain the record—
- (i) in a form that enables the record to be readily inspected; and
 - (ii) for a period of 2 years (or any other period specified by the regulations for the purposes of this section) after the date the record was made.

Penalty: 100 penalty units.

- (2) Sub-section (1) does not apply to any of the following—
- (a) any disclosure or use that is reasonably necessary to enable the collection of tolls, the registration of a vehicle under this Part or the taking of enforcement action, under this Act;
 - (b) any disclosure or use of restricted tolling information by a relevant agency for the purpose of performing its obligations, exercising its rights or carrying out its functions under this Act, the regulations, the **Transport Act 1983**, the regulations under that Act, the **Road Management Act 2004**

S. 90E(2)(b)
 amended by
 No. 12/2004
 s. 162(12).

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s. 90F

and the regulations under that Act, the Agreement or the Extension Agreement;

(c) any disclosure or use that is made under section 90D.

(3) A relevant agency must not, in purporting to comply with this section, make any record, or any entry in any record, that the agency knows is false or misleading.

Penalty: 100 penalty units.

90F. Application of Division to enforcement agency

(1) Despite anything to the contrary in this Division, it does not operate to create an offence with respect to any conduct engaged in by a person who is a member of the force within the meaning of the **Police Regulation Act 1958**.

(2) Nothing in sub-section (1) prevents conduct, which would have constituted an offence against this Division if the person who engaged in it had not been a member of the force at the time of engaging in it, from constituting a breach of discipline within the meaning of the **Police Regulation Act 1958**.

91. Roads Corporation can disclose certain information

(1) Despite anything to the contrary in section 92(2) of the **Road Safety Act 1986**, the Roads Corporation or a relevant person within the meaning of that section may disclose information about the registration under that Act or ownership of any vehicle for the purposes of this Part—

(a) to the enforcement agency; or

(b) to a person who is employed by, or who is engaged to provide services for, the Roads Corporation, relevant person or the enforcement agency.

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- (2) The Roads Corporation or a relevant person may disclose the information even if it has not entered into a confidentiality agreement under section 92 of the **Road Safety Act 1986** with the enforcement agency or person.

Division 4—Records

Pt 4 Div. 4
(Heading)
inserted by
No. 102/1998
s. 32(c).

92. Relevant corporation to keep proper records

- (1) A relevant corporation must keep records that correctly record or enable it to be determined or calculated—
- (a) whether or not the relevant corporation has registered a vehicle under section 73A and, if it has so registered a vehicle—
 - (i) the period of that registration;
 - (ii) the toll zone or zones in respect of which the vehicle is registered;
 - (iii) in the case of registration in accordance with section 73C, the conditions of use notified to the person who sought the registration and the manner in which those conditions were notified to that person;
 - (b) whether, and if so what, information has been given under section 73D(1) to a person who sought registration of a vehicle;
 - (c) any cancellation or suspension by the relevant corporation of a registration and the date and time on which that cancellation or suspension came into operation;

S. 92(1)
amended by
No. 102/1998
s. 24(i),
substituted by
No. 4/2000
s. 10.

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- (d) whether or not an agreement referred to in section 73B existed or exists between the relevant corporation and a person and, if so, the period for which that agreement had or has force and the terms of that agreement;
- (e) any toll, fee or charge that has been paid, or that is due, to the relevant corporation under this Part and any amount that stands to the credit of a person in respect of any vehicle registered under this Part;
- (f) whether or not a vehicle is exempted under section 73(5) from the requirement to be registered under this Part and any conditions of that exemption.

Penalty: 100 penalty units.

- (2) A person authorised by the Minister may enter the offices of a relevant agency during ordinary business hours to inspect its records required by, or created for the purposes of, this Part.
- (3) A relevant agency must not prevent a person authorised under sub-section (2) from carrying out an inspection under that sub-section.

Penalty: 100 penalty units.

93. Destruction of records

- (1) A relevant corporation must cause any records it holds in relation to the non-payment of a toll to be destroyed within 2 years after the creation of the records or within any shorter or longer period prescribed by the regulations.

Penalty: 100 penalty units.

- (2) Sub-section (1) does not apply to records which do not identify any person or vehicle.

S. 92(2)
substituted by
No. 102/1998
s. 26(1).

S. 92(3)
amended by
No. 102/1998
s. 26(2).

S. 93(1)
amended by
No. 102/1998
s. 24(i).

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s. 93

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- (3) Sub-section (1) does not apply to records which are required for legal proceedings, being proceedings which commenced before the date on which, under sub-section (1), the records would be required to be destroyed.
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S. 93(3)
inserted by
No. 81/2000
s. 25.

Melbourne City Link Act 1995
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Part 4A—Exhibition Street Extension Project

s. 93A

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Pt 4A
(Headings
and ss 93A–
93J)
inserted by
No. 39/1997
s. 6.

S. 93A
inserted by
No. 39/1997
s. 6,
amended by
No. 50/1998
s. 22.

S. 93B
inserted by
No. 39/1997
s. 6,
repealed by
No. 81/2000
s. 26(1).

Pt 4A Div. 2
(Heading and
ss 93C–93F)
inserted by
No. 39/1997
s. 6,
repealed by
No. 81/2000
s. 26(2).

S. 93G
inserted by
No. 39/1997
s. 6.

S. 93G(1)
substituted by
No. 50/1998
s. 23(1).

PART 4A—EXHIBITION STREET EXTENSION PROJECT

**Division 1—Exhibition Street Extension Project and
Extension Project area**

93A. Exhibition Street Extension Project

In this Act a reference to the Exhibition Street Extension Project is a reference to the project for a road connection from Exhibition Street to the southern link of the Project across or above the Jolimont rail yards and along Batman Avenue to the interchange of the South Eastern Freeway with Punt Road and includes the ESEP Project as defined in the Extension Agreement.

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Division 3—Management of Exhibition Street Extension

93G. Lease of land in Extension Project area

- (1) The Governor in Council, on behalf of the Crown, subject to and in accordance with the Extension Agreement, may grant a lease of any Crown land—

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s. 93G

- (a) which forms part of the Extension road; or
- (b) upon which there are works ancillary to the Extension road—

to any person or persons entitled to such a lease in accordance with the Extension Agreement.

(1A) In a lease under sub-section (1), the Governor in Council may impose conditions, having regard, among other things, to the following matters in relation to a stratum of Crown land—

S. 93G(1A)
inserted by
No. 50/1998
s. 23(1).

- (a) that reasonable access to and use of the stratum and other land be provided for; and
- (b) that the rights of the registered proprietor, lessee or licensee of other land not be interfered with; and
- (c) that the rights of support of the stratum or of other land or of any building or other structure erected or to be erected on those lands be provided for; and
- (d) that the making or maintenance of improvements by the lessee be provided for; and
- (e) that any necessary rights for the passage or provision of services (including drainage, sewerage or the supply of gas, electricity or telephone) to or through the stratum, where those rights are necessary for the reasonable enjoyment of the stratum or of other land be provided for.

(2) The granting of a lease under this section of a stratum of land is conclusive proof of compliance with sub-section (1A)(a), (b), (c), (d) or (e) with respect to the lease.

S. 93G(2)
amended by
No. 50/1998
s. 23(2).

* * * * *

S. 93G(3)
repealed by
No. 102/1998
s. 27.

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s. 93H

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S. 93G(4)
amended by
No. 50/1998
s. 23(3).

S. 93G(5)
substituted by
No. 50/1998
s. 23(4).

S. 93G(7)
amended by
No. 50/1998
s. 23(5).

S. 93GA
inserted by
No. 102/1998
s. 28,
amended by
No. 74/2000
s. 3(Sch. 1
item 80),
repealed by
No. 81/2000
s. 26(3).

S. 93H
inserted by
No. 39/1997
s. 6,
substituted by
No. 102/1998
s. 29.

S. 93H(1)
substituted by
No. 81/2000
s. 27.

- (4) The lessee may only mortgage, charge, assign or otherwise encumber the lessee's interest in the lease in accordance with the terms of the Extension Agreement.
- (5) The term of the lease must be in accordance with the Extension Agreement.
- (6) A lease may be amended at any time with the consent of the lessee.
- (7) A lease may be—
 - (a) terminated before the end of the term of the lease; or
 - (b) renewed—in accordance with the Extension Agreement.

* * * * *

93H. Declaration of Extension road

- (1) The Minister may, from time to time declare any part of any land leased under section 93G to be a road.
- (2) The Minister must cause a notice of a declaration under sub-section (1) to be published in the Government Gazette.

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s. 93I

- (3) On the publication of a notice of a declaration under sub-section (2), the road specified in the declaration is deemed to be—
- (a) an arterial road within the meaning of the **Road Management Act 2004**; and
 - (b) a road open to and for use by the public for passage with vehicles; and
 - (c) a highway within the meaning of the **Road Safety Act 1986**.
- (4) This section does not affect the grant or operation of a lease despite anything to the contrary in Schedule 5 of the **Road Management Act 2004**.

S. 93H(3)(a) amended by No. 12/2004 s. 162(6).

S. 93H(4) amended by No. 12/2004 s. 162(7).

93I. Road operation powers

S. 93I inserted by No. 39/1997 s. 6, substituted by No. 50/1998 s. 24.

- (1) If the Extension Agreement, or another agreement made under the terms of the Extension Agreement, provides for road operation and management powers in respect of land leased under section 93G to be conferred on the Extension corporation, then, despite anything to the contrary in the **Transport Act 1983** or the regulations under that Act or the **Local Government Act 1989** or the regulations under that Act or the **Road Management Act 2004** or the regulations under that Act, on and from the grant of the lease under section 93G—
- (a) the Extension corporation or any officer or employee of the Extension corporation may exercise those powers, in respect of the leased land; and

S. 93I(1) amended by No. 12/2004 s. 162(8).

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(b) the Roads Corporation and any Council may not exercise those powers in respect of the leased land.

(2) In this section "**road operation and management powers**" means powers, relating to the operation and maintenance of, and traffic management of a kind applicable to a State highway, including those powers, which apply to a State highway by virtue of the fact that it is a declared road.

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S. 93J
inserted by
No. 39/1997
s. 6,
substituted by
No. 50/1998
s. 25,
repealed by
No. 102/1998
s. 24(j).

PART 5—GENERAL

94. Link corporation and others to have same protections and immunities as Roads Corporation

- (1) The Link corporation, a licensee, a licence holder and a lessee have the same protections and immunities in carrying out their respective functions under—

S. 94(1)
amended by
No. 78/2001
s. 8.

- (a) this Act or the regulations; or
- (b) the **Transport Act 1983** or the regulations under that Act; or
- (c) the Agreement; or
- (d) a licence or lease issued or granted under Part 3 of this Act; or
- (e) an authorisation under Part 9 of the **Land Acquisition and Compensation Act 1986**—

in relation to the construction, operation, maintenance, management and control of the roads referred to in section 58 and the Link road as the Roads Corporation has in carrying out its functions under the **Transport Act 1983** or the regulations under that Act or as a highway authority at law in relation to the construction, operation, maintenance, management or control of highways.

- (2) The Link operator, when acting under this Act—
- (a) as a delegate of the Link corporation has the same protections and immunities as the Link corporation has under sub-section (1); or
 - (b) under a sub-delegation from the Link corporation has the same protections and immunities as the Link corporation has under sub-section (5).

S. 94(2)
substituted by
No. 50/1998
s. 26(1).

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Act No. 107/1995

Part 5—General

s. 94

S. 94(3)
inserted by
No. 50/1998
s. 26(1).

- (3) The Extension corporation and a lessee have the same protections and immunities in carrying out their respective functions under—

- (a) this Act or the regulations; or
- (b) the **Transport Act 1983** or the regulations made under that Act; or
- (c) the Extension Agreement; or
- (d) a lease granted under section 93G—

in relation to the operation, maintenance, management and control of the land which is the subject of that lease, as the Roads Corporation has in carrying out its functions under the **Transport Act 1983** or the regulations under that Act or as a highway authority at law in relation to the operation, maintenance, management or control of highways.

S. 94(4)
inserted by
No. 50/1998
s. 26(1).

- (4) The Extension operator, when acting under this Act—

- (a) as a delegate of the Extension corporation has the same protections and immunities as the Extension corporation has under sub-section (3); or
- (b) under a sub-delegation from the Link corporation has the same protections and immunities as the Link corporation has under sub-section (5).

S. 94(5)
inserted by
No. 50/1998
s. 26(1).

- (5) The Link corporation, when acting under this Act as a delegate of the Extension corporation has the same protections and immunities as the Extension corporation has under sub-section (3).

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Part 5—General

s. 95

95. Link corporation, licensee and lessee not liable for obstruction of rivers

No action lies against the Link corporation, a licensee or a lessee for or in respect of any obstruction to the navigation of any river occasioned or alleged to be occasioned by—

- (a) the Link road or its associated structures or facilities; or
- (b) any construction work carried out in connection with the Project.

96. Taxes and charges

(1) No stamp duty or other tax is chargeable under any Act in respect of anything done under Division 2, 3, 4, 5 or 6 of Part 3 or in respect of any act or transaction connected with or necessary to be done by reason of any of those Divisions.

(2) An amount payable by the State under an indemnity under clause 11.5 of the Agreement or clause 11.5 of the Extension Agreement is payable from the Consolidated Fund which is hereby to the necessary extent appropriated accordingly.

S. 96(2)
 amended by
 No. 50/1998
 s. 27(1).

(3) No land tax is payable by the Link corporation or a licensee, licence holder or lessee in respect of land—

S. 96(3)
 amended by
 Nos 81/2000
 s. 28, 78/2001
 s. 9(1).

- (a) which is or is to be the Link road; or
- (b) which is land leased under section 60; or

S. 96(3)(b)
 amended by
 No. 50/1998
 s. 27(2).

(c) which is any other kind of land—

and in respect of which under the Agreement land tax is not to be assessed or payable.

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S. 96(3A)
inserted by
No. 50/1998
s. 27(3).

S. 96(4)
amended by
Nos 102/1998
s. 6(3),
78/2001
s. 9(2),
13/2002 s. 14.

S. 96(5)
amended by
No. 78/2001
s. 9(3).

S. 96(5A)
inserted by
No. 86/1998
s. 21(3),
amended by
No. 59/2003
s. 121(3).

S. 96(6)
amended by
No. 39/1997
s. 15.

S. 97
repealed by
No. 81/2000
s. 29.

S. 98(1)
substituted by
No. 50/1998
s. 28.

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- (3A) No land tax is payable by the Extension corporation or a lessee in respect of land—
- (a) which is leased land under section 93G; or
 - (b) which is any other kind of land—
- and in respect of which under the Extension Agreement land tax is not to be assessed or payable.
- (4) Licensed land and leased land (except the Link control site, the Customer service site and the Burnley office site) and licensed areas are not rateable land within the meaning of section 154 of the **Local Government Act 1989**.
- (5) Section 221 of the **Local Government Act 1989** does not apply in respect of licensed land, licensed areas or leased land.
- (5A) Section 35E of the **Docklands Act 1991** does not apply in respect of licensed land or leased land.
- (6) The Link control site is not rateable land within the meaning of section 154 of the **Local Government Act 1989** for the purpose of the **Water Industry Act 1994**, the **Water Act 1989** and the **Melbourne and Metropolitan Board of Works Act 1958**.

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98. Emergency management

- (1) The Link corporation and the Extension Corporation are deemed to be government agencies for the purposes of Part 5 of the **Emergency Management Act 1986**.

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Part 5—General

s. 99

- (2) Sub-section (1) does not prevent the Link corporation or the Extension corporation from receiving compensation under section 24 of the **Emergency Management Act 1986** for the taking and use of the corporation's property under that section.
- (3) This section applies despite anything to the contrary in the Agreement.

S. 98(2)
substituted by
No. 50/1998
s. 28.

99. Restrictions on exercise of certain powers

- (1) A public body must obtain the consent of—
 - (a) the Link corporation before exercising any power affecting land leased under section 60; and
 - (b) the Extension corporation before exercising any power affecting land leased under section 93G.
- (2) Sub-section (1) does not apply to—
 - (a) an emergency power; or
 - (b) a power to use a vehicle on the Link road or the Extension road (as the case requires).
- (3) The person giving consent under sub-section (1) may impose conditions on its consent.
- (4) If—
 - (a) consent under sub-section (1) is refused or is not given within a reasonable period; or
 - (b) conditions are imposed which are not acceptable to the public body—

the public body may refer the matter to the Minister who may give his or her consent in place of a consent under sub-section (1) with or without conditions.

S. 99(1)
substituted by
No. 50/1998
s. 29(1).

S. 99(2)(b)
amended by
No. 50/1998
s. 29(2).

S. 99(3)
amended by
No. 50/1998
s. 29(3).

S. 99(4)
substituted by
No. 50/1998
s. 29(4).

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100. Powers of certain bodies extended

A Minister, public statutory authority or Council is deemed to have such powers as are necessary to enable the Minister, authority or Council—

- (a) to comply with any direction under or requirement of this Act or the regulations; and
- (b) to do any other thing which is necessary or convenient to be done for the purposes of the Project or the Exhibition Street Extension Project.

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S. 100(b)
amended by
No. 39/1997
s. 16.

S. 101
amended by
Nos 39/1997
s. 17, 46/1998
s. 7(Sch. 1),
repealed by
No. 81/2000
s. 30.

102. Dispute resolution

- (1) The Governor in Council may determine any dispute or question about anything done or proposed to be done under this Act or any other Act and that arises in relation to, or that may affect, the Project or the Exhibition Street Extension Project or the management or operation of the Link road or the Extension road, if the dispute or question arises between any of the following—
 - (a) a public statutory authority;
 - (b) a Department Head within the meaning of the **Public Sector Management and Employment Act 1998**;
 - (c) a Council.
- (2) A dispute or question can only be referred for determination under sub-section (1) on the joint recommendation of the Minister and the Minister

S. 102(1)
amended by
Nos 39/1997
s. 18, 50/1998
s. 30.

S. 102(1)(b)
amended by
No. 46/1998
s. 7(Sch. 1).

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administering the Act under which any body concerned is established or operates.

- (3) The determination has effect despite anything to the contrary in any other Act, and the persons or bodies between which the dispute or question arose are bound by the determination.

103. Limitation on Council powers

- (1) A Council must not exercise its powers under the following provisions of the **Local Government Act 1989** in relation to leased land or licensed land—
- (a) sections 204, 207A, 207B, 207C, 207D and 207E; and
 - (b) Schedule 10; and
 - (c) Schedule 11.
- (2) A Council must not exercise any of its powers under Division 2 of Part 9 of the **Local Government Act 1989** inconsistently with the functions and powers of the Link corporation or the Extension corporation or a lessee under the **Transport Act 1983** or the regulations under that Act or under the Agreement or the Extension Agreement or a lease granted under Part 3 or Part 4A.
- (3) Sections 87 to 89 of the **Melbourne and Metropolitan Board of Works Act 1958** apply in relation to—
- (a) the Link road as if—
 - (i) any reference in those sections to a council were a reference to the Link corporation; and
 - (ii) any reference in those sections to a municipal district were a reference to the Link road; and

S. 103(2)
 amended by
 Nos 39/1997
 s. 19, 50/1998
 s. 31(1)(a)(b),
 81/2000
 s. 31(a)–(c).

S. 103(3)
 substituted by
 No. 50/1998
 s. 31(2).

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S. 103(4)
inserted by
No. 86/1998
s. 21(4),
substituted by
No. 59/2003
s. 121(4).

S. 104(1)(a)
amended by
No. 50/1998
s. 32(1).

S. 104(1)(b)
amended by
No. 50/1998
s. 32(2).

S. 104(1)(c)
inserted by
No. 50/1998
s. 32(2).

- (b) the Extension road as if—
- (i) any reference in those sections to a council were a reference to the Extension corporation; and
 - (ii) any reference in those sections to a municipal district were a reference to the Extension road.

- (4) This section applies to the powers under the **Local Government Act 1989** which are conferred on the Victorian Urban Development Authority under section 35G of the **Docklands Act 1991** as if a reference in sub-sections (1) and (2) to a Council were a reference to the Victorian Urban Development Authority.

104. Limitation on powers to make local laws

- (1) A Council must not make a local law under the **Local Government Act 1989** for or with respect to—
- (a) the use of the Link road or the Extension road; or
 - (b) the carrying out of works for the purposes of the Project (including the timing of works for and standards of construction of those works); or
 - (c) the carrying out of works by or on behalf of the Extension Corporation for the purposes of the Exhibition Street Extension Project (including the timing of works for and the standards of construction of those works).
- (2) Without limiting section 111(2), (3) and (4) of the **Local Government Act 1989**, a local law, whether made before or after the commencement of this section, is inoperative to the extent that—

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- (a) it makes provision for or with respect to or affecting any matter or thing referred to in sub-section (1); or
- (b) it is inconsistent with the exercise by the Link corporation, the Extension corporation or a lessee of its powers or functions under this Act or any other Act or under the Agreement or the Extension Agreement, or under a lease granted under this Act.

S. 104(2)(b) amended by Nos 50/1998 s. 32(3)(a)(b), 81/2000 s. 32(a)(i)–(iv).
- (3) Without limiting sub-section (2), a local law is inoperative to the extent that—

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					S. 104(3)(a) repealed by No. 81/2000 s. 32(b)(i).
- (b) it has the effect of, or it is exercised in a manner directed at, preventing, hindering or disrupting—

 - (i) the Link corporation or the holder of a lease granted under section 60 in the performance of an obligation under the Agreement; or

S. 104(3)(b)(i) amended by No. 81/2000 s. 32(b)(ii).
 - (ii) the Extension corporation or the holder of a lease granted under section 93G in the performance of an obligation under the Extension Agreement—

if the Minister and the Minister administering the **Local Government Act 1989**, by Order published in the Government Gazette, declare it to be inoperative.
- (4) This section applies to local laws made or to be made by the Victorian Urban Development Authority under section 35D of the **Docklands Authority Act 1991** as if—

S. 104(4) inserted by No. 86/1998 s. 21(5), substituted by No. 59/2003 s. 121(5).

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- (a) a reference in sub-section (1) to a Council were a reference to the Victorian Urban Development Authority; and
- (b) a reference in sub-sections (1) and (3) to the **Local Government Act 1989** were a reference to the **Docklands Act 1991**.

Ss 105–107
repealed by
No. 81/2000
s. 33.

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S. 108
amended by
No. 50/1998
s. 33,
repealed by
No. 81/2000
s. 33.

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S. 109
amended by
No. 46/1998
s. 7(Sch. 1),
repealed by
No. 81/2000
s. 33.

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Ss 110–113
repealed by
No. 81/2000
s. 33.

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S. 114
amended by
No. 50/1998
s. 34,
repealed by
No. 81/2000
s. 33.

* * * * *

S. 114A
inserted by
No. 102/1998
s. 30.

114A. Removal of stationary vehicles

- (1) The relevant corporation, or any person authorised to do so by the relevant corporation, may move or cause to be moved from the Link road or the Extension road any vehicle—

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s. 114B

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- (a) that is parked or left standing on that road contrary to any law; or
 - (b) that in the opinion of the relevant corporation or person—
 - (i) is, or is likely to be or to cause, a danger to other road users; or
 - (ii) is causing, or is likely to cause, traffic congestion; or
 - (c) that is disabled or damaged.
- (2) A person acting in accordance with subsection (1)—
- (a) may enter a vehicle using, if necessary, reasonable force, for the purpose of conveniently or expeditiously moving it; and
 - (b) may move the vehicle to the nearest convenient place.
- (3) In the case of the removal of a vehicle damaged at an accident scene on the Link road or the Extension road, sub-sections (1) and (2) are not intended to remove any obligation imposed on a person by section 183B of the **Transport Act 1983**.
- (4) A relevant corporation may recover from the owner of a vehicle moved or stored under this section any reasonable costs incurred in moving or storing it.
- (5) In this section "**vehicle**" includes anything attached to, within, or on, the vehicle.

114B. Removal of abandoned property

The relevant corporation may remove any thing on the Link road or the Extension road that appears to have been abandoned.

S. 114B
 inserted by
 No. 102/1998
 s. 30.

S. 115
amended by
No. 81/2000
s. 34(1).

115. Certificates for the purposes of evidence

In any proceedings under this Act, a certificate, signed by the Chief Executive Officer of the Melbourne City Link Authority, as constituted immediately before the commencement of section 38 of the **Melbourne City Link (Miscellaneous Amendments) Act 2000**, certifying—

- (a) that a person was or was not an authorised officer at a particular time; or
- (b) that a licence had or had not been issued to a particular person under this Act or that the Authority or a person authorised by the Authority had a right to occupy land under Part 9 of the **Land Acquisition and Compensation Act 1986**—

is evidence of the facts stated in the certificate.

116. Proceedings

- (1) Proceedings for an offence against Part 4 or regulations under that Part may only be brought by—

- (a) a member of the police force; or
- (b) an enforcement officer; or

- (c) a person authorised by the Minister under sub-section (1A).

- (1A) The Minister may authorise a person to bring proceedings for an offence against Part 4 or regulations under that Part.

S. 116(1)(b)
amended by
No. 4/2000
s. 11.

S. 116(1)(c)
inserted by
No. 4/2000
s. 11.

S. 116(1A)
inserted by
No. 4/2000
s. 11.

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s. 116A

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S. 116(2)
repealed by
No. 81/2000
s. 34(2).

116A. Service of notices

S. 116A
inserted by
No. 81/2000
s. 35.

- (1) If under this Act or the regulations, a notice is required or permitted to be served on any person, the notice may, unless the contrary intention appears, be served in or out of Victoria—
 - (a) by delivering it personally to the person; or
 - (b) by leaving it at the usual or last known place of residence or business of the person with a person apparently over the age of sixteen years and apparently residing at that place or (in the case of a place of business) apparently in charge of or employed at that place; or
 - (c) by sending it by post, addressed to the person at the usual or last known place of residence or business of that person; or
 - (d) if the person has given an address to the enforcement agency or the relevant corporation, by sending it by post to that address.
- (2) This section does not apply to the service of infringement notices under sections 80 and 80A or notices under section 73E.

117. Supreme Court—limitation of jurisdiction

It is the intention of this section to alter or vary section 85 of the **Constitution Act 1975** to the extent necessary to prevent the Supreme Court—

- (a) reviewing matters or entertaining actions of the kind described in section 39(7) and (8) of the **Planning and Environment Act 1987** (as modified by section 21 of this Act); or

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- (b) entertaining actions of the kind described in section 18(2) or 95 or in respect of which a protection or immunity is given under section 94; or
- (c) entertaining actions for compensation in relation to matters in respect of which this Act provides that no compensation is payable; or
- (d) entertaining actions of a kind described in section 207F(3) of the **Local Government Act 1989** as amended by this Act.

117A. Supreme Court—limitation of jurisdiction

It is the intention of—

- (a) section 18(2); and
- (b) section 94(2), (3), (4) and (5)—

to alter or vary section 85 of the **Constitution Act 1975**.

118. Regulations

- (1) The Governor in Council may make regulations for or with respect to—
 - (a) prescribing requirements with respect to placing notices on or in the vicinity of the Link road or the Extension road outside a toll zone and prescribing the information to be provided by such notices;
 - (b) prescribing as a tolling device any system, equipment or thing (including any equipment or thing to be placed in or on a vehicle) for recording the use of a vehicle in a toll zone;
- (ba) prescribing the manner in which such tolling devices are to be installed, set up, tested, operated, used, maintained or repaired;

S. 117A
inserted by
No. 50/1998
s. 35.

S. 118(1)
amended by
No. 50/1998
s. 36(2) (ILA
s. 39B(1)).

S. 118(1)(a)
amended by
Nos 50/1998
s. 36(1)(a)(i)(ii),
102/1998
s. 31(1)(a).

S. 118(1)(b)
amended by
No. 102/1998
s. 24(b).

S. 118(1)(ba)
inserted by
No. 102/1998
s. 31(1)(b).

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| <p>(bb) prescribing the manner in which information from such tolling devices is to be processed, stored, transferred, produced, re-configured, used to produce reports, images or other forms of information, destroyed or otherwise handled;</p> | <p>S. 118(1)(bb)
inserted by
No. 102/1998
s. 31(1)(b).</p> |
| <p>(c) exempting from the payment of tolls vehicles or classes of vehicles that under the Agreement or the Extension Agreement may be exempted from the payment of tolls;</p> | <p>S. 118(1)(c)
amended by
Nos 50/1998
s. 36(1)(b),
102/1998
s. 31(1)(c).</p> |
| <p>(ca) the exemption by a relevant corporation of vehicles from the requirement to be registered under Part 4;</p> | <p>S. 118(1)(ca)
inserted by
No. 102/1998
s. 31(1)(d).</p> |
| <p style="text-align: center;">* * * * *</p> | <p>S. 118(1)(d)
repealed by
No. 102/1998
s. 31(1)(e).</p> |
| <p>(e) prescribing methods of recording the payment of tolls;</p> | |
| <p>(f) prescribing administrative costs for the purposes of Part 4;</p> | <p>S. 118(1)(f)
amended by
No. 102/1998
s. 31(1)(f).</p> |
| <p>(g) any other matter or thing required or permitted by this Act to be prescribed to give effect to this Act.</p> | |
| <p style="text-align: center;">* * * * *</p> | <p>S. 118(1A)
inserted by
No. 102/1998
s. 31(2),
repealed by
No. 13/2002
s. 11(2).</p> |
| <p>(2) The regulations—</p> | <p>S. 118(2)
inserted by
No. 50/1998
s. 36(2).</p> |
| <p style="padding-left: 20px;">(a) may be of general or limited application;</p> | |
| <p style="padding-left: 20px;">(b) may differ according to differences in time, place or circumstances;</p> | |
-

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Act No. 107/1995

Part 5—General

s. 118

-
- (c) may confer a discretionary authority or impose a duty on a specified person or class of person.
-

Melbourne City Link Act 1995
Act No. 107/1995

Part 6—Transitional Provisions

s. 119

PART 6—TRANSITIONAL PROVISIONS

Pt 6
(Heading and
ss 119–128)
amended by
No. 50/1998
ss 37, 38,
substituted as
Pt 6 (Heading
and s. 119) by
No. 81/2000
s. 36.

**119. Effect of agreements—Melbourne City Link
(Miscellaneous Amendments) Act 2000**

New s. 119
inserted by
No. 81/2000
s. 36.

The force and effect of the Agreement, the Extension Agreement and the Integration and Facilitation Agreement are not affected by the coming into operation of section 37 of the **Melbourne City Link (Miscellaneous Amendments) Act 2000**.

**120. Application of amendments made by the Road
Safety (Amendment) Act 2003**

New s. 120
inserted by
No. 94/2003
s. 44.

The amendments to section 87 of this Act made by Part 5 of the **Road Safety (Amendment) Act 2003** apply to offences alleged to have been committed before, on or after the commencement of that Part and irrespective of whether or not a charge was filed or a courtesy letter or infringement notice was served before that commencement.

**121. Transitional provision—Transport Legislation
(Miscellaneous Amendments) Act 2004**

New s. 121
inserted by
No. 49/2004
s. 17.

- (1) Any reference to the Director, Melbourne City Link in any Act or in any proclamation, Order in Council, rule, regulation, order, agreement, instrument, deed or other document whatsoever is, so far as it relates to any period after the commencement of section 5 of the **Transport Legislation (Miscellaneous Amendments) Act**

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Act No. 107/1995

Part 6—Transitional Provisions

s. 121

2004 and if not inconsistent with the context or subject-matter, to be construed as a reference to the Roads Corporation.

- (2) The amendments of section 83 made by section 11 of the **Transport Legislation (Miscellaneous Amendments) Act 2004** applies to any infringement notice issued on or after the commencement of that section of that Act, irrespective of when the infringement was committed.
- (3) The amendments of section 87 made by section 12(1) to (4) of the **Transport Legislation (Miscellaneous Amendments) Act 2004** apply to offences alleged to have been committed before, on or after the commencement of section 12(1) to (4) of that Act and irrespective of whether or not a charge was filed or an infringement notice or courtesy letter was served before that commencement.

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Act No. 107/1995

Sch. 1

SCHEDULES

* * * * *

Sch. 1
repealed by
No. 81/2000
s. 37(1).

Melbourne City Link Act 1995
Act No. 107/1995

Sch. 2

Sch. 2
amended by
No. 21/1996
s. 8(a)(b)(i)(ii),
substituted by
No. 13/2002
s. 15(Sch.
Pt 1).

Victorian Legislation and Parliamentary Documents

SCHEDULE 2

UNIT TRUST

Unit Holding Restriction

1.1 Definitions

- (a) In this Schedule, unless the contrary intention appears:
- (1) "**Acquire**" has the meaning ascribed to it by Divisions 1 and 7 of Part 1.2 of Chapter 1 of the Corporations Law in its form as at 20 October 1995;
 - (2) "**Associate**" has the meaning ascribed to it by Division 2 of Part 1.2 of Chapter 1 of the Corporations Law in its form as at 20 October 1995;
 - (3) "**Entitled**" has the meaning ascribed to it by section 609 of the Corporations Law in the form as at 20 October 1995;
 - (4) "**Relevant interest**" has the meaning ascribed to it by Divisions 1 and 5 of Part 1.2 of Chapter 1 of the Corporations Law in its form as at 20 October 1995,
- in each case as if the relevant provisions of the Corporations Law also applied to units in a unit trust;
- (b) Despite anything in clause 1.1 of the Deed, "**Substantial Holder**" has the meaning ascribed to it in the Concession Deed between the State of Victoria, Transurban City Link Limited, Perpetual Trustee Company Limited and City Link Management Limited with effect from 20 October 1995 as amended up to and including the 15th Amending Deed.

1.2 Restrictions on Acquisition of Units

Except as provided by this Schedule, a person must not acquire, and is not eligible to acquire, Units in the Trust if:

- (a) any person who does not have a relevant interest in any Units or who has a relevant interest in less than 20% of the Units on Issue would immediately after the acquisition, have a relevant interest in 20% or more of the Units on Issue;
- (b) any person who has a relevant interest in 20% or more of the Units on Issue would immediately after the acquisition, have a relevant interest in a greater percentage of Units on Issue than immediately before the acquisition; or

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Act No. 107/1995

Sch. 2

- (c) any person who is entitled to less than 20% of the voting shares in Transurban City Link Limited or less than 20% of the units on issue in the Transurban City Link Unit Trust would, immediately after the acquisition, be entitled to 20% or more of the voting shares in Transurban City Link Limited or 20% or more of the units on issue in the Transurban City Link Unit Trust.

1.3 Exceptions

The restrictions contained in clause 1 do not apply to or in relation to an acquisition of Units to which the State has given its written consent.

1.4 Registration and Divestiture

- (a) No Unit may be issued or, in the case of a paper-based transfer, transferred if the issue or transfer would or might result in or have the effect of causing a contravention of clause 1.2.
- (b) Where a person has acquired Units in the Trust in such circumstances as might or would result in or have the effect of causing a contravention of clause 1.2 or where the Trustee is aware of a contravention of clause 1.2 or that a person has become or remains a holder of a relevant interest in 20% or more of the Units on Issue or has become or remains a Substantial Holder without the State's prior written consent ("unauthorised holding"), the Trustee must, by notice in writing to the State advise the State of that fact within 7 days of becoming so aware.

If the Trustee chooses to apply, on behalf of the person having the unauthorised holding, to the State for the State's consent to the person becoming and/or remaining a holder of a relevant interest in 20% or more of the Units on Issue or a Substantial Holder it must do so in the same 7 day period.

If the State requires the Trustee to do so (irrespective of whether consent has been sought from the State), the Trustee must, as soon as practicable but no later than 7 days after advice from the State, by notice in writing to the person having an unauthorised holding, require that person to dispose of the Units held by it or any part thereof as soon as practicable but no later than 1 month after the end 7 days after receipt of the advice from the State or such longer period agreed between the Trustee and the State, in order to cease such contravention or unauthorised holding, provided that in the absence of any such requirement by the Trustee, the person concerned is not entitled in any way to set aside

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Sch. 2

or cancel the transaction whereby the person acquired the Units, not to claim any refund or to otherwise recover any money paid in respect thereof.

In so acting, the Trustee must consult with the directors of the Companies and, while the Units are quoted on the Official List, the Trustee must consult with the ASX, and shall have regard to, without being bound by, the recommendations of those persons.

- (c) If the requirements of any notice to dispose of the Units are not complied with by the person to whom the notice is addressed within the time specified in the notice, the Trustee must cause the Units to be sold on the ASX (or, if they are not Officially Quoted, in such manner as the Trustee may determine) as soon as practicable but no later than 3 months after the end of the 1 month period referred to in paragraph (b) above or such longer period agreed between the Trustee and the State.
- (d) If the Units sold in accordance with clause 1.4(c) are registered on a branch register, the Trustee may cause such Units to be transmitted to the Register.
- (e) The Trustee may:
 - (1) appoint a person to execute as transferor a transfer in respect of any Units sold in accordance with the provisions of clause 1.4(c) and to receive and give a good discharge of the purchase money; and
 - (2) register the transfer notwithstanding that proof of title of such Units may not have been delivered to the Trustee.
- (f) The purchase money less the expenses of any sale made in accordance with the provisions of clause 1.4(c) must be paid to the Unit holder whose Units were sold provided such Unit holder has delivered to the Trustee such proof of title of the Units as the Trustee accepts.
- (g) Nothing in clause 1.4 renders the Trustee liable or responsible by reason of any person acquiring Units in the Trust in contravention of clause 1.2 or failing to comply with the obligations imposed by clause 1.2.
- (h) The Trustee, before or at any time after issuing any Units or, in the case of a paper-based transfer, rejecting any transfer of Units or at any other time and from time to time, may, by notice in writing to the applicant or issuee or Unit Holder, require such person (or, where such person is a corporation,

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Act No. 107/1995

Sch. 2

a competent officer thereof) to furnish to the Trustee such information or evidence (on oath or otherwise verified by law, if the Trustee should so require) as the Trustee may consider likely to be of assistance in determining whether or not such person is eligible to become or to remain a Unit Holder.

1.5 Employees and agents

In this Schedule, a person is, unless the contrary is proved, presumed to have been aware at a particular time of a fact or occurrence of which an employee or agent of the person having duties or acting on behalf of the employer or principal in connection with a matter to which the fact or occurrence relates was aware at the time.

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Act No. 107/1995

Sch. 3

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Sch. 3
repealed by
No. 81/2000
s. 37(2).

* * * * *

Sch. 4
inserted by
No. 39/1997
s. 20,
amended by
Nos 50/1998
s. 39, 102/1998
s. 33,
repealed by
No. 81/2000
s. 37(3).

* * * * *

Sch. 5
inserted by
No. 50/1998
s. 40,
repealed by
No. 81/2000
s. 37(4).

* * * * *

Sch. 6
inserted by
No. 50/1998
s. 40,
repealed by
No. 81/2000
s. 37(5).

* * * * *

Sch. 7
inserted by
No. 50/1998
s. 40,
repealed by
No. 81/2000
s. 37(6).

* * * * *

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Act No. 107/1995

Sch. 8

SCHEDULE 8

Sch. 8
inserted by
No. 78/2001
s. 10.

FURTHER REVOCATION OF RESERVATIONS

Item 1

Situation and area of land	Alexandra Park, Parish of South Melbourne, City of Melbourne, County of Bourke, 4.6 acres
Instrument and date of reservation	Order in Council dated 5 August 1913
Description of land by reference to the Government Gazette	Government Gazette dated 13 August 1913, page 3532
Purpose of reservation	Public park for the recreation and amusement of His Majesty's subjects and people
Extent of revocation	Land shown hatched on the plan numbered LEGL./01-111 and lodged in the Central Plan Office

Item 2

Situation and area of land	City of Melbourne, Parish of Melbourne North, County of Bourke, 7 acres more or less
Instrument and date of reservation	Order in Council dated 22 April 1936
Description of land by reference to the Government Gazette	Government Gazette dated 29 April 1936, page 1052
Purpose of reservation	Public purposes
Extent of revocation	Land shown hatched on the plan numbered LEGL./01-113 and lodged in the Central Plan Office

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Sch. 9

Sch. 9
inserted by
No. 13/2002
s. 15(Sch.
Pt 2).

Victorian Legislation and Parliamentary Documents

SCHEDULE 9

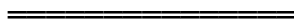
FURTHER REVOCATION OF RESERVATION

Item 1

Situation and area of land	Alexandra Park, Parish of South Melbourne, City of Melbourne, County of Bourke, 4-6 acres
Instrument and date of reservation	Order in Council dated 5 August 1913
Description of land by reference to the Government Gazette	Government Gazette dated 13 August 1913, page 3532
Purpose of reservation	Public park for the recreation and amusement of His Majesty's subjects and people
Extent of revocation	Land shown hatched on the plan numbered LEGL./02-016 and lodged in the Central Plan Office

Item 2

Situation and area of land	City of Melbourne, Parish of Melbourne, County of Bourke, 7 acres more or less
Instrument and date of reservation	Order in Council dated 22 April 1936
Description of land by reference to the Government Gazette	Government Gazette dated 29 April 1936, page 1052
Purpose of reservation	Public purposes
Extent of revocation	Land shown hatched on the plan numbered LEGL./02-017 and lodged in the Central Plan Office



ENDNOTES

1. General Information

Minister's second reading speech—

Legislative Assembly: 2 November 1995

Legislative Council: 28 November 1995

The long title for the Bill for this Act was "A Bill to ratify the Agreement for the Melbourne City Link Project, to make further provision for the Melbourne City Link Project, to amend the **Melbourne City Link Authority Act 1994** and certain other Acts and for other purposes."

Constitution Act 1975:

Section 85(5) statement:

Legislative Assembly: 2 November 1995

Legislative Council: 28 November 1995

Absolute majorities:

Legislative Assembly: 23 November 1995

Legislative Council: 30 November 1995

The **Melbourne City Link Act 1995** was assented to on 12 December 1995 and came into operation as follows:

Parts 1, 2 (sections 1–20), Schedules 1, 2 on 12 December 1995: section 2(1); sections 21–26, 28, 29, 31–68, 94–128 on 14.12.95: Special Gazette (No. 120) 14 December 1995 page 3; section 27, Schedule 3 on 4 April 1996: Special Gazette (No. 32) 2 April 1996 page 1; section 30 on 1 June 1996: Special Gazette (No. 58) 28 May 1996 page 1; sections 69–93 on 12 December 1996: section 2(3).

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Act No. 107/1995

Endnotes

2. Table of Amendments

This Version incorporates amendments made to the **Melbourne City Link Act 1995** by Acts and subordinate instruments.

Melbourne City Link (Amendment) Act 1996, No. 21/1996

Assent Date: 2.7.96
Commencement Date: 2.7.96: s. 2
Current State: All of Act in operation

Electricity Industry (Miscellaneous Amendment) Act 1997, No. 35/1997

Assent Date: 3.6.97
Commencement Date: S. 31(2) on 3.6.97: Special Gazette (No. 58) 3.6.97 p. 1
Current State: This information relates only to the provision/s amending the **Melbourne City Link Act 1995**

Melbourne City Link (Further Amendment) Act 1997, No. 39/1997

Assent Date: 3.6.97
Commencement Date: Ss 1, 2 on 3.6.97: s. 2(1); ss 3, 4(3), 8, 10–12, 14(2), 15 on 12.6.97: Government Gazette 12.6.97 p. 1330; rest of Act on 26.6.97: Government Gazette 26.6.97 p. 1432
Current State: All of Act in operation

Gas Industry (Further Amendment) Act 1997, No. 91/1997

Assent Date: 9.12.97
Commencement Date: S. 47 on 11.12.97: Special Gazette (No. 155) 9.12.97 p. 1
Current State: This information relates only to the provision/s amending the **Melbourne City Link Act 1995**

Rail Corporations (Amendment) Act 1997, No. 104/1997

Assent Date: 16.12.97
Commencement Date: S. 52 on 31.3.98: Special Gazette (No. 23) 31.3.98 p. 1
Current State: This information relates only to the provision/s amending the **Melbourne City Link Act 1995**

Residential Tenancies Act 1997, No. 109/1997

Assent Date: 23.12.97
Commencement Date: S. 533(Sch. 2 item 8) on 1.7.98: Government Gazette 18.6.98 p. 1512
Current State: This information relates only to the provision/s amending the **Melbourne City Link Act 1995**

Public Sector Reform (Miscellaneous Amendments) Act 1998, No. 46/1998

Assent Date: 26.5.98
Commencement Date: S. 7(Sch. 1) on 1.7.98: s. 2(2)
Current State: This information relates only to the provision/s amending the **Melbourne City Link Act 1995**

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Act No. 107/1995

Endnotes

Melbourne City Link (Exhibition Street Extension) Act 1998, No. 50/1998

Assent Date: 2.6.98
Commencement Date: 2.6.98
Current State: All of Act in operation

Road Safety (Amendment) Act 1998, No. 57/1998

Assent Date: 13.10.98
Commencement Date: S. 28(4) on 1.5.99: Government Gazette 18.3.99 p. 665
Current State: This information relates only to the provision/s amending the **Melbourne City Link Act 1995**

Transfer of Land (Single Register) Act 1998, No. 85/1998

Assent Date: 17.11.98
Commencement Date: S. 24(Sch. item 41) on 1.1.99: s. 2(3)
Current State: This information relates only to the provision/s amending the **Melbourne City Link Act 1995**

Local Government (Governance and Melton) Act 1998, No. 86/1998

Assent Date: 17.11.98
Commencement Date: S. 21 on 1.7.99: Government Gazette 17.6.99 p. 1406
Current State: This information relates only to the provision/s amending the **Melbourne City Link Act 1995**

Melbourne City Link (Amendment) Act 1998, No. 102/1998

Assent Date: 1.12.98
Commencement Date: Ss 4–17, 18(1)(3)(4)(6), 19–33 on 1.12.98: s. 2(1)
Current State: This information relates only to the provision/s amending the **Melbourne City Link Act 1995**

Rail Corporations and Transport Acts (Amendment) Act 1999, No. 45/1999

Assent Date: 8.6.99
Commencement Date: S. 48 on 8.6.99: s. 2(1)
Current State: This information relates only to the provision/s amending the **Melbourne City Link Act 1995**

Melbourne City Link (Amendment) Act 2000, No. 4/2000

Assent Date: 28.3.00
Commencement Date: 29.3.00 s. 2
Current State: All of Act in operation

Electricity Industry Legislation (Miscellaneous Amendments) Act 2000, No. 69/2000

Assent Date: 21.11.00
Commencement Date: S. 59 on 1.1.01: s. 2(4)
Current State: This information relates only to the provision/s amending the **Melbourne City Link Act 1995**

Statute Law Revision Act 2000, No. 74/2000

Assent Date: 21.11.00
Commencement Date: S. 3(Sch. 1 item 80) on 1.12.98: s. 2(2)(q)
Current State: This information relates only to the provision/s amending the **Melbourne City Link Act 1995**

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Act No. 107/1995

Endnotes

Melbourne City Link (Miscellaneous Amendments) Act 2000, No. 81/2000
(as amended by No. 54/2001)

Assent Date: 28.11.00
Commencement Date: Ss 4(6), 7, 11, 20, 21, 24, 25, 28, 35 on 6.12.00: Special Gazette (No. 183) 5.12.00 p. 15; ss 4(2), 14, 22, 23, 33, 34 on 1.3.02: Special Gazette (No. 37) 26.2.02 p. 1; ss 3, 4(1)(3)–(5), 5, 6, 8–10, 12, 13, 15–19, 26, 27, 29–32, 36, 37 on 31.12.02: s. 2(3)
Current State: This information relates only to the provision/s amending the **Melbourne City Link Act 1995**

Gas Industry Legislation (Miscellaneous Amendments) Act 2001, No. 32/2001

Assent Date: 19.6.01
Commencement Date: S. 36 on 1.9.01: s. 2(2)
Current State: This information relates only to the provision/s amending the **Melbourne City Link Act 1995**

Transport (Further Amendment) Act 2001, No. 54/2001

Assent Date: 2.10.01
Commencement Date: Ss 45, 46 on 31.12.01: Special Gazette (No. 226) 11.12.01 p. 2
Current State: This information relates only to the provision/s amending the **Melbourne City Link Act 1995**

Melbourne City Link (Further Amendment) Act 2001, No. 78/2001

Assent Date: 27.11.01
Commencement Date: 1.1.02: Special Gazette (No. 226) 11.12.01 p. 2
Current State: All of Act in operation

Road Safety (Further Amendment) Act 2001, No. 92/2001

Assent Date: 11.12.01
Commencement Date: S. 32 on 21.12.01: Government Gazette 13.12.01 p. 3061
Current State: This information relates only to the provision/s amending the **Melbourne City Link Act 1995**

Melbourne City Link (Further Miscellaneous Amendments) Act 2002, No. 13/2002 (as amended by No. 32/2002)

Assent Date: 30.4.02
Commencement Date: Ss 3–11, 13–15, Sch. on 1.6.02: Special Gazette (No. 89) 28.5.02 p. 1; s. 12 on 25.6.02: Special Gazette (No. 111) 25.6.02 p. 1
Current State: This information relates only to the provision/s amending the **Melbourne City Link Act 1995**

Victorian Urban Development Authority Act 2003, No. 59/2003

Assent Date: 16.6.03
Commencement Date: S. 121 on 1.8.03: Government Gazette 31.7.03 p. 2125
Current State: This information relates only to the provision/s amending the **Melbourne City Link Act 1995**

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Act No. 107/1995

Endnotes

Road Safety (Amendment) Act 2003, No. 94/2003

Assent Date: 25.11.03
Commencement Date: Ss 42–44 on 26.11.03: s. 2(1)
Current State: This information relates only to the provision/s amending the **Melbourne City Link Act 1995**

Road Management Act 2004, No. 12/2004

Assent Date: 11.5.04
Commencement Date: S. 162 on 1.7.04: s. 2(2)
Current State: This information relates only to the provision/s amending the **Melbourne City Link Act 1995**

Transport Legislation (Miscellaneous Amendments) Act 2004, No. 49/2004

Assent Date: 16.6.04
Commencement Date: Ss 4–8, 11, 12(1)–(4), 13–17 on 17.6.04: s. 2(1)
Current State: This information relates only to the provision/s amending the **Melbourne City Link Act 1995**

3. Explanatory Details

¹ S. 3 def. of "the Agreement": For a comprehensive list of the Exhibits which form part of the Agreement for the Melbourne City Link Project see explanatory details at the end of the "Agreement for the Melbourne City Link".

² S. 15: The Agreement for the Melbourne City Link Project has been varied by further agreements between the parties in accordance with section 15(1) of the Act. For a comprehensive list of the amending agreements see explanatory details at the end of the "Agreement for the Melbourne City Link".

³ S. 15: The Agreement for the Melbourne City Link Project has been varied in accordance with the terms of the Agreement and section 15(1A) of the Act. For a comprehensive list of the Statements of Variation see explanatory details at the end of the "Agreement for the Melbourne City Link".

⁴ S. 15: Section 4(4) of the **Melbourne City Link (Amendment) Act 1996**, No. 21/1996 reads as follows:

4. Variation of the Agreement

- (4) An agreement in writing purporting to be an agreement referred to in section 15 of the **Melbourne City Link Act 1995** that is laid before each House of the Parliament before 1 June 1996 is deemed to be an agreement in writing between the parties to the Agreement within the meaning of that Act as in force before that date, whether or not all those parties are parties to the agreement in writing.

⁵ S. 15B: The Agreement for Integrating and Facilitating the Project and the Exhibition Street Extension Project has been varied by further agreements of the parties in accordance with section 15B(1) of the Act. For a comprehensive list of the amending agreements see explanatory details at the end of the "Agreement for Integrating and Facilitating the Project and the Exhibition Street Extension Project".

⁶ S. 15B: The Agreement for Integrating and Facilitating the Project and the Exhibition Street Extension Project has been varied in accordance with the terms of the Integration and Facilitation Agreement and section 15B(2) of the Act. For a comprehensive list of the Statements of Variation see explanatory details at the end of the "Agreement for Integrating and Facilitating the Project and the Exhibition Street Extension Project".

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Act No. 107/1995

⁷ S. 15D: The Agreement for the Exhibition Street Extension Project has been varied by further agreements between the parties in accordance with section 15D(1) of the Act. For a comprehensive list of the amending agreements see explanatory details at the end of the "Agreement for the Exhibition Street Extension Project".

⁸ S. 15D: The Agreement for the Exhibition Street Extension Project has been varied in accordance with the terms of the Extension Agreement and section 15D(2) of the Act. For a comprehensive list of the Statements of Variation see explanatory details at the end of the "Agreement for the Exhibition Street Extension Project".