

**Authorised Version**

**Great Ocean Road and Environs Protection  
Act 2020**

**No. 19 of 2020**

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## Authorised Version



Victoria

# Great Ocean Road and Environs Protection Act 2020<sup>†</sup>

No. 19 of 2020

[Assented to 23 June 2020]

### Preamble

The Parliament recognises the intrinsic connection of the traditional owners to the land and sea Country that the Great Ocean Road traverses, and that the area has nourished and sustained the traditional owners physically and spiritually and continues to be important to the traditional owners today and into the future.

### Eastern Maar

The following statement (in a Maar language<sup>1</sup> and in English) is from the Eastern Maar—

*‘watnanda koong meerreeng, tyama-ngan  
malayeetoo’*

*Ngatanwarr*

*Ngeerang meerreeng-an*

*Peepay meerreeng-an*

*Kakayee meerreeng-an*

*Wartee meerreeng-an*

*Maara-wanoong, laka. Wanga-kee-ngeeye*

*Meereeng-ngeeye, pareeyt, nganpeeyan, weeyn,  
wooroot, poondeeya-teeyt*

*Meerreeng-ngeeye, nhakateeyt, woorroong,  
leehnan, moorooop, keerray*

*Meerreeng-ngeeye, thookay-ngeeye, pareeyt  
pareeyt ba waran waran-ngeeye,  
wangeeyarr ba wangeet - ngeeye, maar ba  
thanampool-ngeeye, Ngalam Meen-ngeeye,  
moorooop-ngeeye*

*Meerreeng-ngeeye Maar, Maar meerreeng*

*Wamba-wanoong yaapteeyt-oo, leerpeeneeyt-  
ngeeye, kooweekoowee-ngeeye  
nhakapooreepooree-ngeeye, keeyan-ngeeye  
Wamba-wanoong nhoonpee yaapteeyt-oo,  
tyama-takoort meerreeng*

*Peetyawan weeyn Meerreeng, nhaka Meerreeng,  
keeyan Meerreeng, nganto-pay ngootyoonayt  
meerreeng*

*Kooweeya-wanoong takoort meerreeng-ee ba  
watanoo Meerreeng-ngeeye, yana-thalap-ee ba  
wanga-kee Meerreeng laka*

*Ngeetoong keeyan-ngeen Meerreeng, Meerreeng  
keeyan ngooteen*

Together body and Country, we know long time  
(We see all of you), greeting.

Mother my Country.

Father my Country.

Sister my Country.

Brother my Country.

We are the Maar speaking Peoples. Hear us.



Our Country is water, air, fire, trees, life.  
Our Country is thought, language, heart, soul,  
blood.  
Our Country is our Children, our youth, our Elders,  
our men and women, our Ancestors, our spirit.  
Our Country is Maar, Maar is Country.  
We bring to the light our songs, our stories, our  
vision, our love.  
We bring these things to the light so All can know  
Country.  
To care for Country. To think about Country. To  
love Country. To protect Country.  
We invite all that choose to live on or visit our  
Country to slow down. To tread softly and listen to  
Country speak.  
If you love Country, Country will love you

**Wadawurrung**

The following statement (in the Wadawurrung  
language<sup>2</sup> and in English) is from the  
Wadawurrung—

*Comugeen budjo thalikiyu kin bil bengordi  
ngadak. Ngarrwabil, boron, guli, bagurk.  
Comugeen budjo bengadak ngarruk dja, ngubiyt,  
weagoon gobata gupma wurring baap bengordi  
nganak, djarrima murrupnhuk bengadak*

*Gobata Wadawurrung balug jumbuk dirdalbil  
murrupnhuk bundjil monomeet beeko weagoon.  
Mutjakak noogie wada durrallully.*

*Wangarrak Wadawurrung balug bengadak mirriyu  
birraleedja gobata kia ying, ngarrimilli, wahak,  
karrung, kuya, nyanayit yanunit, djilenawurr, baap  
willam bengordi ngadak*

*Nyurrinana ngal bengordi ngadak*

*Willam wurdiwarri Wadawurrung Balug dja  
bengordi ngadak, bullarto nerriegirr baap  
monomeeth worrowing warree, gelanyi bulboluk*

*Koaka dorla, Godomut, Koornoo, Jan Juc,  
Mangowak*

*Willamo weeagoon monomeetwa yonbarra baap  
wirrapiyn, buniya, tarka binyak ngal. Waweagoon  
nerrigurro kit baap bullarto gurrin kia wahak,  
karrung, yanikan werrity. Corroborree bullarto  
waik ngitj balugwa bengordi ngadak*

*Beek budj kanamo ngitj.  
Mirr wurru ngarra dja bengadak.  
Mirritonton dja Wadawurrung balug, gobata beak  
yerraak murrup yanimirriyu ngarrwauk bengordi  
ngadak*

We deeply respect our people of the past. Elders, children, men, women. We deeply respect their knowledge of country, water, life, their care of the traditions and of each other, we stand with their spirit.

Great spirit Bundjil told us to take care of the great life within the land. To only take what you need without selfishness.

Wadawurrung shared their knowledge of singing, dance, trade, camps, fishing, hunting, paintings, and homes with us to protect for our future generations.

We all need to help.

Our Wadawurrung family group lived within the great sea, with a large land of forested areas and wonderful banks of the ocean, near many water bodies.

Anglesea, Point Addis, Barwon Heads, Jan Juc, Aireys Inlet.

These homes all provide ideal life to birds and fish, eels. Reeds turned into our baskets.

Life in the forest gave resources like food and lots of tools to use for trade, building, journeys.

If there was lots to trade, we would share with our families and celebrate.

---

We love this earth will all our feeling  
We would name our country, by what we could  
see.  
Our country is remembered by Wadawurrung, our  
proud spirit walks to tomorrow to teach others the  
care of our earth.

**The Parliament of Victoria therefore enacts:**

## **Part 1—Preliminary**

### **1 Purposes**

The purposes of this Act are—

- (a) to recognise the importance of the Great Ocean Road and its environs to the economic prosperity and liveability of Victoria, and as one living and integrated natural entity, for the purposes of protecting that area; and
- (b) to provide for the declaration of areas of land and water known as the Great Ocean Road region and the Great Ocean Road scenic landscapes area; and
- (c) to provide for the declaration of an area of public land and water known as the Great Ocean Road coast and parks; and
- (d) to set out principles to which responsible entities must have regard when performing functions or exercising powers in relation to the Great Ocean Road coast and parks; and
- (e) to establish the Great Ocean Road Coast and Parks Authority; and
- (f) to provide for the development, implementation and monitoring of an overarching strategic framework plan for the Great Ocean Road region; and

- (g) to amend the **Commissioner for Environmental Sustainability Act 2003** to impose new reporting requirements in relation to the Great Ocean Road coast and parks; and
- (h) to amend the **Planning and Environment Act 1987** to provide for the interaction between a Great Ocean Road strategic framework plan and planning schemes; and
- (i) to make consequential amendments to other Acts.

## 2 Commencement

- (1) Subject to subsection (2), this Act comes into operation on a day or days to be proclaimed.
- (2) If a provision of this Act does not come into operation before 1 December 2020, it comes into operation on that day.

## 3 Definitions

In this Act—

***amenity*** includes the features of the Great Ocean Road region that engage community connection with nature, culture and heritage and enhance community health and wellbeing, whether through tangible or intangible means;

***approved Great Ocean Road strategic framework plan*** means a Great Ocean Road strategic framework plan that—

- (a) has been approved under section 38;  
and
- (b) is in operation;

***Authority*** means the Great Ocean Road Coast and Parks Authority established under Part 5;

***Barwon Water*** means Barwon Region Water Corporation constituted under Part 6 of the **Water Act 1989**;

***climate change*** has the same meaning as in the **Climate Change Act 2017**;

***Department*** means the Department of Environment, Land, Water and Planning;

***Department Head*** means the person employed as the Department Head under section 12 of the **Public Administration Act 2004** for the Department;

***environment*** means—

- (a) the physical factors of the surroundings of human beings including the land, waters, atmosphere, climate, sound, odours and tastes; and
- (b) the biological factors of animals and plants; and
- (c) the social factor of aesthetics;

***environmental carrying capacity*** means the scale of human activity that can take place in an area without an irreversible change in the environment of that area;

***Great Ocean Road*** means the National Heritage listed length of the Great Ocean Road;

***Great Ocean Road coast and parks*** means—

- (a) an area of public land or water declared under section 9; and
- (b) the initial Great Ocean Road land declared under section 68;

***Great Ocean Road coast and parks protection principles*** means the principles set out in Part 3;

***Great Ocean Road region*** means an area of land or water declared under section 8;

***Great Ocean Road scenic landscapes area*** means an area of land or water declared under section 10;

***Great Ocean Road settlement boundary*** means a settlement boundary in the Great Ocean Road scenic landscapes area that is protected under a Great Ocean Road strategic framework plan;

***Great Ocean Road strategic framework plan*** means a plan prepared in accordance with Part 4;

***Great Ocean Walk*** means—

- (a) the walking track between Apollo Bay and the Twelve Apostles that is commonly known as the "Great Ocean Walk"; and
- (b) any additional areas of land declared under section 11;

***Head, Transport for Victoria*** has the same meaning as in the **Transport Integration Act 2010**;

***marine and coastal environment*** has the same meaning as in the **Marine and Coastal Act 2018**;

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

***native title holder*** has the same meaning as in section 224 of the Native Title Act 1993 of the Commonwealth;

***Parks Victoria*** has the same meaning as in the  
**Parks Victoria Act 2018**;

***Planning Minister*** means the Minister  
administering the **Planning and  
Environment Act 1987**;

***protected settlement boundary*** has the same  
meaning as in the **Planning and  
Environment Act 1987**;

***public land*** means—

- (a) land reserved under the **Crown Land  
(Reserves) Act 1978**; or
- (b) land under the **Land Act 1958**; or
- (c) reserved forest within the meaning of  
the **Forests Act 1958**; or
- (d) land under the management and control  
of the Secretary or Parks Victoria under  
the **Wildlife Act 1975**; or
- (e) land administered under the **National  
Parks Act 1975**; or
- (f) freehold land owned by a responsible  
entity—

but does not include—

- (g) land that is privately owned; or
- (h) land that is owned by a municipal  
council;

***recognition and settlement agreement*** has the  
same meaning as in the **Traditional Owner  
Settlement Act 2010**;

***registered Aboriginal party*** has the same meaning  
as in the **Aboriginal Heritage Act 2006**;

***responsible entity*** means—

- (a) the Authority; or

- (b) Barwon Water; or
- (c) Colac Otway Shire Council; or
- (d) Corangamite Catchment Management Authority; or
- (e) Corangamite Shire Council; or
- (f) Glenelg-Hopkins Catchment Management Authority; or
- (g) Head, Transport for Victoria; or
- (h) Moyne Shire Council; or
- (i) Parks Victoria; or
- (j) the Secretary; or
- (k) Southern Rural Water; or
- (l) Surf Coast Shire Council; or
- (m) a Traditional Owner Land Management Board; or
- (n) Victorian Planning Authority; or
- (o) Victorian Rail Track continued under section 116 of the **Transport Integration Act 2010**; or
- (p) Wannon Water; or
- (q) Warrnambool City Council; or
- (r) any other public entity or body established for a public purpose that is prescribed to be a responsible entity;

***Secretary*** means the body corporate established by Part 2 of the **Conservation, Forests and Lands Act 1987**;

***settlement boundary*** has the same meaning as in the **Planning and Environment Act 1987**;



***Southern Rural Water*** means Gippsland and Southern Rural Water Corporation constituted under Part 6 of the **Water Act 1989**;

***specified Aboriginal party***, in relation to an area of land, means any of the following—

- (a) if there are native title holders for the whole or part of the area—the native title holders;
- (b) if there is a traditional owner group entity appointed for the whole or part of the area and that traditional owner group entity is a party to a recognition and settlement agreement—the traditional owner group entity;
- (c) if there is a registered Aboriginal party for the whole or part of the area—the registered Aboriginal party;

***traditional owner group entity*** has the same meaning as in the **Traditional Owner Settlement Act 2010**;

***Traditional Owner Land Management Board*** means a Board established under Part 8A of the **Conservation, Forests and Lands Act 1987**;

***Victorian coastal waters*** has the same meaning as the expression "coastal waters of the State" has in relation to Victoria under the Coastal Waters (State Powers) Act 1980 of the Commonwealth;

***Wannon Water*** means Wannon Region Water Corporation constituted under Part 6 of the **Water Act 1989**.

**4 Act does not affect native title rights and interests or certain other rights**

(1) Nothing in this Act—

- (a) is intended to affect native title rights and interests otherwise than in accordance with the Native Title Act 1993 of the Commonwealth; or
- (b) derogates from any right or expectation under the **Aboriginal Heritage Act 2006** or the **Traditional Owner Settlement Act 2010**; or
- (c) affects any other right or expectation of traditional owners or Aboriginal Victorians under any other Act or law.

(2) In this section, *affect* and *native title rights and interests* have the same meanings as in the Native Title Act 1993 of the Commonwealth.

**5 Filming Approval Act 2014**

This Act is filming approval legislation within the meaning of the **Filming Approval Act 2014**.

**6 Transport Integration Act 2010**

This Act is interface legislation within the meaning of the **Transport Integration Act 2010**.

**7 Act binds the 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.

## **Part 2—Great Ocean Road region, coast and parks and scenic landscapes area**

### **8 Great Ocean Road region**

- (1) The Governor in Council, on the recommendation of the Minister, may by Order published in the Government Gazette declare any area of land or water referred to in subsection (3) to be the Great Ocean Road region.
- (2) The Minister may only make a recommendation under subsection (1) with the consent of—
  - (a) any Minister that administers an Act under which public land is managed, if public land under that Act is within the proposed Great Ocean Road region; and
  - (b) the Planning Minister.
- (3) An Order under subsection (1) may include the following—
  - (a) land and water between the outer limit of Victorian coastal waters and the Great Ocean Road;
  - (b) land and water between the Great Ocean Road and inland of the Great Ocean Road that is within the municipal districts of the following municipal councils—
    - (i) Surf Coast Shire Council;
    - (ii) Colac Otway Shire Council;
    - (iii) Corangamite Shire Council;
    - (iv) Moyne Shire Council;
    - (v) Warrnambool City Council.
- (4) The Order must identify any land to which it applies by reference to a numbered plan lodged in the Central Plan Office.

- (5) The Governor in Council may remove any land or water from the Great Ocean Road region in the same manner as a declaration is made under this section.

## **9 Great Ocean Road coast and parks**

- (1) The Governor in Council, on the recommendation of the Minister, may by Order published in the Government Gazette declare any area of public land or water referred to in subsection (3) to be the Great Ocean Road coast and parks.
- (2) The Minister may only make a recommendation under subsection (1) with the consent of—
- (a) any Minister that administers an Act under which public land is managed, if public land under that Act is within the proposed Great Ocean Road coast and parks; and
  - (b) the Planning Minister.
- (3) An Order under subsection (1) may include the following—
- (a) public land and water between the outer limit of Victorian coastal waters and the Great Ocean Road;
  - (b) public land and water between the Great Ocean Road and inland of the Great Ocean Road that is within the municipal districts of the following municipal councils—
    - (i) Surf Coast Shire Council;
    - (ii) Colac Otway Shire Council;
    - (iii) Corangamite Shire Council;
    - (iv) Moyne Shire Council;
    - (v) Warrnambool City Council.

- (4) The Order must identify any land to which it applies by reference to a numbered plan lodged in the Central Plan Office.
- (5) The Governor in Council may remove any land or water from the Great Ocean Road coast and parks in the same manner as a declaration is made under this section.

#### **10 Great Ocean Road scenic landscapes area**

- (1) The Governor in Council, on the recommendation of the Minister, may by Order published in the Government Gazette declare any area of land or water referred to in subsection (3) to be the Great Ocean Road scenic landscapes area.
- (2) The Minister may only make a recommendation under subsection (1) with the consent of—
  - (a) the Premier; and
  - (b) the Treasurer; and
  - (c) any Minister that administers an Act under which public land is managed, if public land under that Act is within the proposed Great Ocean Road scenic landscapes area; and
  - (d) the Planning Minister.
- (3) An Order under subsection (1) may include the following—
  - (a) land and water between the coastline and the Great Ocean Road;
  - (b) land between the outer limit of Victorian coastal waters and inland of the Great Ocean Road that is within the viewshed of the Great Ocean Road, the coastline or the Great Ocean Walk;
  - (c) any land adjacent to land referred to in paragraph (a) or (b).

- (4) The Order must identify any land to which it applies by reference to a numbered plan lodged in the Central Plan Office.
- (5) The Governor in Council may remove any land or water from the Great Ocean Road scenic landscapes area in the same manner as a declaration is made under this section.
- (6) In this section—  
*viewshed* means a landscape that can be viewed from a specified position and determined by the application of mapping tools and landscape assessment methodologies.

## **11 Declarations of additional areas of Great Ocean Walk**

For the purposes of section 10, the Minister may by Order published in the Government Gazette declare any additional areas of land to be part of the Great Ocean Walk.

## **Part 3—Great Ocean Road coast and parks protection principles**

### **12 Application of Part**

The principles set out in this Part apply to responsible entities performing a function or duty or exercising a power in relation to the Great Ocean Road coast and parks.

### **13 General and economic principles**

- (1) The amenity and visitor experience of the Great Ocean Road coast and parks, including its natural features, character and appearance, should be protected and enhanced for the benefit of the whole community.
- (2) A holistic approach to the management of the Great Ocean Road coast and parks should be adopted with integrated planning, aligned decision-making and coordinated implementation of planning across all responsible entities.
- (3) Decision-making should be based on the effective integration of environmental, cultural, social and economic considerations.
- (4) Protecting the environment and attracting sustainable investment should be a responsibility shared by all levels of government, industry, business and communities.
- (5) Each generation should ensure that the environmental, social, cultural and economic benefits that have been acquired are maintained or enhanced for the benefit of future generations.

### **14 Aboriginal inclusion principles**

- (1) Aboriginal cultural values, practices, heritage and knowledge should be acknowledged, respected, protected and promoted.

- (2) The intrinsic connection of the traditional owners to Country should be acknowledged through partnership and involvement in policy development, planning, and decision-making for public land management.
- (3) Traditional owners should be involved in the integration of their ecological knowledge and land management practices into the management of the Great Ocean Road coast and parks.

## **15 Environmental principles**

- (1) Natural, cultural and ecological values should be protected, and cumulative impacts on the environment should be considered in decision-making.
- (2) Decision makers should take into account evidence about climate change risks to avoid, so far as possible, serious or irreversible damage resulting from climate change.
- (3) If there are threats of serious or irreversible damage to the environment, a lack of full scientific certainty should not be used as a reason for postponing measures to prevent or minimise those threats.
- (4) There should be a net gain for the environment arising out of any individual change in land use.

## **16 Social principles**

- (1) The heritage of the Great Ocean Road and post-European settlement communities should be recognised, protected and promoted.
- (2) Management and development of the Great Ocean Road coast and parks should protect and improve community access, use and enjoyment, and allow for multiple compatible uses of public open spaces that are within the environmental carrying capacity of those spaces.



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- (3) Community consultation and participation should play an essential and effective role in the protection, improvement and promotion of the Great Ocean Road coast and parks.

## **Part 4—Great Ocean Road strategic framework plan**

### **Division 1—Purposes of Great Ocean Road strategic framework plan**

#### **17 Purposes**

The purposes of the Great Ocean Road strategic framework plan are—

- (a) to provide the strategic direction for the future use of land in the Great Ocean Road region and for sustainable economic development across that region; and
- (b) to identify areas for protection within the Great Ocean Road region; and
- (c) to guide sustainable visitation within the Great Ocean Road region by providing for a regional policy for visitor management; and
- (d) to guide planning and investment relating to visitor facilities and infrastructure in the Great Ocean Road region.

### **Division 2—Preparation of Great Ocean Road strategic framework plan**

#### **18 Minister must prepare Great Ocean Road strategic framework plan**

The Minister must prepare a Great Ocean Road strategic framework plan in accordance with this Part.

#### **19 Consistency with Great Ocean Road coast and parks protection principles**

Any part of the Great Ocean Road strategic framework plan that applies to the Great Ocean Road coast and parks must not be inconsistent

with the Great Ocean Road coast and parks protection principles.

## **20 Land to which the Great Ocean Road strategic framework plan applies**

- (1) The Great Ocean Road strategic framework plan applies to the Great Ocean Road region.
- (2) The Minister may specify all or part of the Great Ocean Road region as land to which a specified part of the Great Ocean Road strategic framework plan applies.
- (3) The Minister may include spatial plans in the Great Ocean Road strategic framework plan for the purposes of subsection (2).
- (4) The Minister may specify as binding on responsible entities any parts of the Great Ocean Road strategic framework plan that relate to the Great Ocean Road scenic landscapes area.

## **21 Long-term objectives and vision statement**

- (1) The Great Ocean Road strategic framework plan must set out long-term objectives for the Great Ocean Road region.
- (2) The Great Ocean Road strategic framework plan must set out a vision statement for a period of at least 50 years that—
  - (a) identifies the values, priorities and preferences of the Victorian community in relation to the Great Ocean Road region; and
  - (b) identifies the aspirations and objectives of specified Aboriginal parties in relation to the Great Ocean Road region; and
  - (c) includes preferences for future land use, protection and development in the Great Ocean Road region.

## **22 Requirements of Great Ocean Road strategic framework plan**

- (1) The Great Ocean Road strategic framework plan must—
- (a) give effect to the long-term objectives identified under section 21(1); and
  - (b) give effect to the vision statement; and
  - (c) recognise, protect and promote Aboriginal tangible and intangible values and other cultural and heritage values; and
  - (d) prioritise preservation of the ecological and landscape integrity of marine and coastal environments in the Great Ocean Road region; and
  - (e) include a framework for decision-making in relation to the future use and sustainable development of land in the Great Ocean Road region that—
    - (i) identifies areas for protection within the Great Ocean Road region; and
    - (ii) integrates environmental, cultural, social and economic factors for the benefit of the community; and
    - (iii) encourages environmentally sustainable development; and
    - (iv) subject to subsection (2), may designate any settlement boundary in a plan of the Great Ocean Road scenic landscapes area as a Great Ocean Road settlement boundary; and
    - (v) identifies areas for key visitor facilities and infrastructure and sets out an approach to visitor management within the Great Ocean Road region; and

- (vi) takes into account the projected impacts of natural processes and climate change; and

**Note**

Natural processes include any geomorphological processes, weather or environmental forces.

- (vii) takes into account emergency management requirements; and
  - (viii) takes the following into account—
    - (A) the quality of life for local communities in the Great Ocean Road region;
    - (B) the need for economic development of the Great Ocean Road region; and
  - (f) state the parts of the plan that are binding (if any) on responsible entities and the parts to which responsible entities are only required to have regard; and
  - (g) cover any other matter relating to the Great Ocean Road region as determined by the Minister.
- (2) A Great Ocean Road strategic framework plan must not designate a settlement boundary that is a protected settlement boundary as a Great Ocean Road settlement boundary.
  - (3) The Great Ocean Road strategic framework plan must include a copy of any Orders made under section 8, 9 or 10.

### **Division 3—Minister to prepare draft Great Ocean Road strategic framework plan**

#### **23 Preparation of draft Great Ocean Road strategic framework plan**

- (1) The Minister must prepare a draft Great Ocean Road strategic framework plan and give a copy of that plan to—
  - (a) any specified Aboriginal party in relation to the Great Ocean Road region; and
  - (b) the responsible entities and the Ministers responsible for those entities.
- (2) An entity referred to in subsection (1)(a) or (b) may make a submission to the Minister on the draft Great Ocean Road strategic framework plan.

### **Division 4—Public consultation**

#### **24 Release of draft Great Ocean Road strategic framework plan for public consultation**

- (1) The Minister may approve a draft Great Ocean Road strategic framework plan for release for public consultation.
- (2) The Minister must have regard to any submissions received under section 23(2) when determining whether to approve a draft Great Ocean Road strategic framework plan for release for public consultation.
- (3) After the Minister has approved a draft Great Ocean Road strategic framework plan for release for public consultation, the Minister must make a copy of that draft available—
  - (a) for public inspection, free of charge, at the head office of the Department; and
  - (b) on the Internet site of the Department.

## **25 Public submissions on draft Great Ocean Road strategic framework plan**

- (1) The Minister must advertise, in any manner the Minister thinks fit—
  - (a) the availability of a draft Great Ocean Road strategic framework plan for inspection; and
  - (b) the opportunity for public submissions to be made to the Minister on the draft plan, indicating that all submissions will be available for inspection by the public; and
  - (c) the time period for public submissions to be made, being a period of at least 2 months.
- (2) The Minister must make a copy of all public submissions made to the Minister on a draft Great Ocean Road strategic framework plan available for public inspection, free of charge, at the head office of the Department.
- (3) At the end of the public submission period, the Minister must—
  - (a) consider all submissions made to the Minister; and
  - (b) refer any submissions that the Minister does not adopt to a panel appointed under section 26.

## **Division 5—Panels**

### **26 Appointment of panel**

The Minister must appoint a panel to consider submissions to be referred to a panel by the Minister under section 25(3)(b).

### **27 Composition of panel**

A panel may consist of one or more persons.

## **28 Chairperson**

If a panel consists of more than one member, the Minister must appoint one of the members to be chairperson.

## **29 Costs and expenses of panel**

- (1) Each member of a panel is entitled to receive any fees and allowances fixed by the Department Head in respect of that member.
- (2) The Department Head must pay the fees or allowances unless the Minister otherwise determines.
- (3) If any member of a panel is a person employed by or on behalf of the Crown, the Department Head must pay to the Crown the amount fixed by the Minister in respect of the costs of remuneration and expenses of that person for the period that the person is a member of the panel.
- (4) The Department Head must pay for, or reimburse, any reasonable costs and expenses incurred for or by a panel in carrying out its functions under this Part unless the Minister otherwise determines.

## **30 Panels with more than one member**

The following provisions apply to panels with more than one member—

- (a) in the case of a panel of 2 members, the chairperson constitutes a quorum;
- (b) in the case of a panel of more than 2 members, a quorum is half the number of members constituting the panel and, if this would not be a whole number, the next highest whole number;



- (c) the members of a panel of more than 2 members may appoint a member to act as chairperson at a meeting of the panel if the chairperson is unable to attend;
- (d) the chairperson has an additional or casting vote if there is an equality of votes at a meeting of the panel;
- (e) if there is a quorum, the panel may act despite a vacancy in its membership;
- (f) the Minister may appoint another member to a panel if there is a vacancy.

### **31 Panel may regulate its own proceedings**

Subject to this Division, a panel may regulate its own proceedings.

### **32 Department Head to provide assistance**

The Department Head must provide a panel with any secretarial and other assistance that the panel requires to carry out its functions under this Part.

### **33 Consideration of submissions**

- (1) A panel must consider the submissions referred to it and give any person who made a public submission referred to it a reasonable opportunity to be heard.
- (2) The panel must give a reasonable opportunity to be heard to—
  - (a) any responsible entity; and
  - (b) the Minister; and
  - (c) any specified Aboriginal party for the Great Ocean Road region; and
  - (d) any person that the Minister directs the panel to hear.

### 34 Conduct of hearings by panel

- (1) Subject to this Part and any necessary modification, Division 2 of Part 8 of the **Planning and Environment Act 1987** (except sections 169 and 170 of that Act) applies to the conduct of a hearing by a panel under this Part as if—
  - (a) a reference in Part 8 of that Act to the relevant planning authority were a reference to the Minister; and
  - (b) Part 8 of that Act did not refer to the preparation of a planning scheme or an amendment of a planning scheme.
- (2) The panel must report its findings, including any recommendations that the panel thinks fit—
  - (a) to the Minister; and
  - (b) to the Planning Minister (if the Minister administering this Act is not the Planning Minister).
- (3) The Minister must make a copy of the panel's report under subsection (2) available—
  - (a) for public inspection, free of charge, at the head office of the Department; and
  - (b) on the Internet site of the Department.

### 35 Offences

A person must not—

- (a) obstruct a member of a panel while the member is performing functions or exercising powers as a member; or
- (b) obstruct any person attending a hearing before a panel; or
- (c) repeatedly interrupt a hearing before a panel;  
or

- (d) without lawful excuse disobey a direction of a panel.

Penalty: 10 penalty units.

## **Division 6—Revision and approval of Great Ocean Road strategic framework plan**

### **36 Minister to prepare revised draft Great Ocean Road strategic framework plan**

After the process under Divisions 4 and 5 (the *public submission process*) is completed, the Minister must—

- (a) consider a report of a panel under section 33(4); and
- (b) prepare a revised draft Great Ocean Road strategic framework plan to take account of—
  - (i) any amendments arising out of the public submission process; and
  - (ii) any recommendations in any report of a panel.

### **37 Minister to provide a revised draft Great Ocean Road strategic framework plan to certain entities**

- (1) The Minister must give a copy of a revised draft Great Ocean Road strategic framework plan—
  - (a) to the responsible entities, and to the Ministers responsible for those entities; and
  - (b) to any specified Aboriginal party in relation to the Great Ocean Road region.
- (2) The Minister must have regard to any responses received from the persons referred to in subsection (1) when determining whether to approve a revised draft Great Ocean Road strategic framework plan.

## **Division 7—Approval of Great Ocean Road strategic framework plan**

### **38 Minister to publish notice of approval in Government Gazette**

- (1) The Minister may approve a Great Ocean Road strategic framework plan, subject to receiving the approval of the following Ministers—
  - (a) the Planning Minister (if the Minister administering this Act is not the Planning Minister) in regard to any contents that have implications relating to the **Planning and Environment Act 1987**;
  - (b) any Minister that administers an Act under which public land is managed, if public land under that Act is within the Great Ocean Road region.
- (2) The Minister must publish notice of the approval of the Great Ocean Road strategic framework plan in the Government Gazette.

### **39 When Great Ocean Road strategic framework plan comes into operation**

A Great Ocean Road strategic framework plan comes into operation on—

- (a) the day on which notice of its approval is published in the Government Gazette; or
- (b) any later date specified in that notice as the day the Great Ocean Road strategic framework plan comes into operation.

### **40 Great Ocean Road strategic framework plan and notice of approval to be laid before Parliament**

On or before the 7th sitting day after notice of the approval of a Great Ocean Road strategic framework plan has been published in the Government Gazette under section 38, a copy of

that plan and that notice must be laid before each House of the Parliament.

**41 Public availability of approved Great Ocean Road strategic framework plan**

While an approved Great Ocean Road strategic framework plan remains in force, a copy of it must be made available—

- (a) for public inspection, free of charge, at the principal office of each responsible entity and the Department; and
- (b) on the Internet sites of each responsible entity and the Department.

**Division 8—Amendment of approved plan and preparation of new plan**

**42 Minor amendments to approved Great Ocean Road strategic framework plan**

- (1) The Minister may amend an approved Great Ocean Road strategic framework plan if the Minister is satisfied that the amendment is of a minor or technical nature so that compliance with this Part (other than this section) in relation to the amendment is not warranted.
- (2) Before making an amendment under subsection (1), the Minister must consult with—
  - (a) the Planning Minister, if the Minister administering this Act is not the Planning Minister; and
  - (b) any Minister that administers an Act under which public land is managed, if public land under that Act is within the Great Ocean Road region; and
  - (c) the Minister responsible for a responsible entity affected by the proposed amendment.

**43 Preparation of new Great Ocean Road strategic framework plan after 10 years**

- (1) No later than 10 years after the commencement of a Great Ocean Road strategic framework plan, the Minister must—
  - (a) conduct and complete a review of that Great Ocean Road strategic framework plan; and
  - (b) prepare and complete a new Great Ocean Road strategic framework plan.
- (2) Subject to any necessary modification, Divisions 1 to 7 apply to the preparation of a new Great Ocean Road strategic framework plan.

**Division 9—Interaction with other Acts**

**44 Specific legislation and a Great Ocean Road strategic framework plan**

- (1) If a Great Ocean Road strategic framework plan applies to any land to which a management plan under the **Heritage Rivers Act 1992** applies, the Great Ocean Road strategic framework plan must not be inconsistent with—
  - (a) that Act; or
  - (b) any management plan under that Act unless the Minister administering that Act, after consultation with the Minister administering the Act under which the relevant land is managed (if any), gives a specific written endorsement to the Minister authorising the inconsistency.
- (2) If a Great Ocean Road strategic framework plan applies to any land administered under the **National Parks Act 1975**, the Great Ocean Road strategic framework plan must not be inconsistent with—
  - (a) that Act; or

- (b) any management plan under that Act unless Parks Victoria gives a specific written endorsement to the Minister authorising the inconsistency; or
  - (c) any land management plan under the **Parks Victoria Act 2018** unless Parks Victoria gives a specific written endorsement to the Minister authorising the inconsistency.
- (3) If a Great Ocean Road strategic framework plan applies to any land that is reserved under the **Crown Land (Reserves) Act 1978**, the Great Ocean Road strategic framework plan must not be inconsistent with—
  - (a) that Act; or
  - (b) the purpose for which that land is reserved; or
  - (c) any land management plan under the **Parks Victoria Act 2018** unless Parks Victoria gives a specific written endorsement to the Minister authorising the inconsistency; or
  - (d) an accepted recommendation.
- (4) If a Great Ocean Road strategic framework plan applies to any land that is reserved under the **Crown Land (Reserves) Act 1978**, and that land is subject to additional management requirements as a State Wildlife Reserve or a Nature Reserve under the **Wildlife Act 1975**, the Great Ocean Road strategic framework plan must not be inconsistent with—
  - (a) the **Wildlife Act 1975**; or
  - (b) any plan of management under the **Wildlife Act 1975** unless the land manager gives a specific written endorsement to the Minister authorising the inconsistency; or

- (c) any land management plan under the **Parks Victoria Act 2018** unless Parks Victoria gives a specific written endorsement to the Minister authorising the inconsistency; or
  - (d) an accepted recommendation.
- (5) If a Great Ocean Road strategic framework plan applies to any land to which a regional waterway strategy under the **Water Act 1989** applies, the Great Ocean Road strategic framework plan must not be inconsistent with—
  - (a) the **Water Act 1989**; or
  - (b) that strategy unless the Water Minister and the environment Minister jointly give a specific written endorsement to the Minister authorising the inconsistency.
- (6) If a Great Ocean Road strategic framework plan applies to any land that is Crown land which is the subject of a joint management plan under Part 8A of the **Conservation, Forests and Lands Act 1987** in respect of appointed land under that Part between the Secretary and a Traditional Owner Land Management Board, the Great Ocean Road strategic framework plan must not be inconsistent with—
  - (a) the **Conservation, Forests and Lands Act 1987**; or
  - (b) that joint management plan for the appointed land unless the Secretary and the Traditional Owner Land Management Board jointly give a specific written endorsement to the Minister authorising the inconsistency.
- (7) If a Great Ocean Road strategic framework plan applies to any land that is marine and coastal Crown land which is the subject of a coastal and marine management plan under Division 1 of Part 7 of the **Marine and Coastal Act 2018**, the



Great Ocean Road strategic framework plan must not be inconsistent with—

- (a) the **Marine and Coastal Act 2018**; or
  - (b) that coastal and marine management plan unless the Minister administering that Act gives a specific written endorsement to the Minister authorising the inconsistency; or
  - (c) an environmental management plan made under section 49(2) of the **Marine and Coastal Act 2018**; or
  - (d) an accepted recommendation.
- (8) If a Great Ocean Road strategic framework plan applies to any land that is State forest under the **Forests Act 1958**, the Great Ocean Road strategic framework plan must not be inconsistent with—
- (a) the **Forests Act 1958**; or
  - (b) any working plan under that Act unless the land manager gives a specific written endorsement to the Minister authorising the inconsistency; or
  - (c) any land management plan under the **Parks Victoria Act 2018** unless Parks Victoria gives a specific written endorsement to the Minister authorising the inconsistency; or
  - (d) an accepted recommendation.
- (9) If a Great Ocean Road strategic framework plan applies to any land that is unreserved Crown land, the Great Ocean Road strategic framework plan must not be inconsistent with—
- (a) the **Land Act 1958**; or
  - (b) any land management plan under the **Parks Victoria Act 2018** unless Parks Victoria gives a specific written endorsement to the Minister authorising the inconsistency; or

- (c) an accepted recommendation.
- (10) If a Great Ocean Road strategic framework plan applies to any land that is within an area of Victoria declared by the Governor in Council to be a distinctive area and landscape under Part 3AAB of the **Planning and Environment Act 1987**, the Great Ocean Road strategic framework plan must not be inconsistent with the Statement of Planning Policy approved in relation to that area under that Part.
- (11) Notice of any endorsement under this section must be published in the Government Gazette by the entity giving the endorsement to the Minister.
- (12) In this section—
- accepted recommendation* has the same meaning as in section 3 of the **Crown Land (Reserves) Act 1978**;
- environment Minister* has the same meaning as in the **Water Act 1989**;
- water Minister* means the Minister administering the **Water Act 1989**.

## **Division 10—Delegation**

### **45 Power of Minister to delegate**

The Minister may, by instrument, delegate to any person any powers or functions under this Act relating to the Great Ocean Road strategic framework plan, other than this power of delegation.

## **Part 5—Great Ocean Road Coast and Parks Authority**

### **Division 1—Establishment, functions and powers**

#### **46 Establishment of the Authority**

- (1) The Great Ocean Road Coast and Parks Authority is established.
- (2) The Authority—
  - (a) is a body corporate with perpetual succession; and
  - (b) has a common seal; and
  - (c) may sue and be sued in its corporate name; and
  - (d) may acquire, hold and dispose of real and personal property; and
  - (e) may take land on lease and grant subleases of leased land; and
  - (f) may accept grants or donations of money or other personal property (whether by deed, will or otherwise) for a purpose related to the functions of the Authority; and
  - (g) may expend any revenue from the land or any other moneys for any of the purposes of performing any of the functions of the Authority; and
  - (h) may do and suffer all acts and things that a body corporate may by law do and suffer.
- (3) The common seal must be kept as directed by the board of the Authority and must not be used except as authorised by the board.

- (4) All courts must take judicial notice of the common seal of the Authority affixed to a document and, until the contrary is proved, must presume that it was duly affixed.
- (5) Section 9 of the **Financial Management Act 1994** does not apply to any grant or donation accepted by the Authority under subsection (2)(f).

#### **47 Object of the Authority**

The object of the Authority is to protect, conserve, rehabilitate and manage Crown land and coastal assets within the Great Ocean Road coast and parks.

#### **48 Functions and powers of the Authority**

- (1) The Authority has the following functions—
  - (a) to accept appointment as the committee of management of Crown land within the Great Ocean Road coast and parks;
  - (b) to be the lead agency for visitation management policy and planning of the Great Ocean Road scenic landscapes area;
  - (c) to provide advice to the Minister, the Department Head and responsible entities on matters relevant to the Great Ocean Road coast and parks;
  - (d) to do anything that is necessary or convenient to be done for or in connection with, or incidental to, the achievement of its object;
  - (e) any other function conferred on the Authority by or under this Act or any other Act.
- (2) The Authority has all powers necessary to perform its functions under this Act.

- (3) In performing its functions and exercising its powers the Authority must—
- (a) acknowledge the intrinsic connection of the traditional owners to Country, including by way of suitable representation or involvement of specified Aboriginal parties in relation to the Great Ocean Road coast and parks in policy development, planning, land management and decision-making; and
  - (b) engage, consult and collaborate with other responsible entities that have responsibility for managing land and the visitor experience within the Great Ocean Road scenic landscapes area; and
  - (c) have regard to the functions conferred on councils, planning authorities and responsible authorities by the **Planning and Environment Act 1987**; and
  - (d) have regard to the functions of public sector bodies, including bodies that have responsibility for the planning and delivery of infrastructure, visitor economy and related services in and around the Great Ocean Road scenic landscapes area; and
  - (e) strive to achieve State Government policy objectives through coordination between all levels of government, government agencies and with the private sector; and
  - (f) have regard to the Authority's current annual corporate plan and 5-year business strategy; and
  - (g) engage with local communities in the development of public land management plans and policies that are of particular relevance to those local communities.

- (4) The Authority must obtain the approval of the Minister before acquiring or disposing of real property.
- (5) The Authority must publish on its Internet site a report on the outcome of each engagement with a local community.

#### **49 Lead agency**

- (1) The Authority is the lead agency for visitation management policy and planning by responsible entities of the Great Ocean Road scenic landscapes area.
- (2) Without limiting section 48, in performing its function as lead agency the Authority may—
  - (a) liaise with, and encourage the co-operation of all responsible entities, peak bodies, industries, communities and other persons involved in the economic development, promotion, management and supporting services for a coordinated approach to sustainable visitation in the area; and
  - (b) provide advice to Ministers, Government Departments, public entities and municipal councils about policies, practices and the provision of visitor management services, facilities and infrastructure relating to the area.

#### **50 Chief executive officer of the Authority**

- (1) The Authority may appoint a person as chief executive officer of the Authority.
- (2) A person appointed under subsection (1) must not be a member of the board of the Authority.
- (3) The chief executive officer holds office for the period, not exceeding 5 years, specified in their instrument of appointment.

- (4) The chief executive officer is responsible to the board of the Authority for the carrying out of the Authority's functions.
- (5) The chief executive officer must comply with the directions of the board of the Authority.

### **51 Staff of the Authority**

The Authority may employ any other staff necessary for the performance of its functions.

### **52 Delegation by the Authority**

- (1) Subject to subsection (2), the Authority, by instrument, may delegate any function, duty or power of the Authority to—
  - (a) one or more members of the board; or
  - (b) a committee established by the Authority that is constituted by members of the board; or
  - (c) the chief executive officer or an employee or a class of employee of the Authority; or
  - (d) a person or a class of person employed under the **Public Administration Act 2004** in the administration of this Act or any other enactment.
- (2) The Authority cannot delegate—
  - (a) this power of delegation; or
  - (b) a power that the Authority has as a committee of management appointed under section 14 of the **Crown Land (Reserves) Act 1978** or section 50(3) of the **Forests Act 1958**.

### **53 Ministerial directions**

- (1) The Minister may—
  - (a) give directions to the Authority in relation to the performance of its functions or the exercise of its powers; and
  - (b) give directions to the Authority in relation to the performance of its functions or the exercise of its powers as a committee of management appointed under section 14 of the **Crown Land (Reserves) Act 1978** or section 50(3) of the **Forests Act 1958**.
- (2) The Minister must give the Authority at least 14 days' written notice of the Minister's intention to give the Authority a direction under subsection (1).
- (3) The Authority must comply with a direction received under subsection (1).
- (4) The Authority must publish a direction—
  - (a) in the Government Gazette; and
  - (b) on its Internet site.
- (5) The Authority must publish a summary of a direction in its annual report.

### **54 Authority is a public entity and a public body**

- (1) The Authority is a public entity for the purposes of the **Public Administration Act 2004**.
- (2) The Authority is a public body for the purposes of the **Financial Management Act 1994**.



## **Division 2—Board of the Great Ocean Road Coast and Parks Authority**

### **55 Board of directors**

- (1) The Authority must have a board of directors.
- (2) The board may exercise the powers of the Authority.

### **56 Constitution of the board**

- (1) The board consists of—
  - (a) a chairperson; and
  - (b) a deputy chairperson; and
  - (c) a nominee from each specified Aboriginal party; and
  - (d) other directors.
- (2) The board must consist of no more than 12 directors.

### **57 Appointment of directors**

- (1) The directors of the Authority must be appointed by the Governor in Council on the recommendation of the Minister.
- (2) Each director of the Authority must have skills, knowledge or experience relevant to the functions of the Authority.
- (3) In addition to subsection (2), the directors of the Authority must consist of at least one of each of the following persons who, in the opinion of the Minister, have—
  - (a) substantial experience of public administration or governance;
  - (b) skills and experience in financial management;

- (c) skills and experience in environmental conservation.
- (4) A person employed by or on behalf of a responsible entity, or who is on the board or committee of management of a responsible entity, cannot be appointed as a director of the Authority.
- (5) A director must be appointed—
  - (a) for the period, not exceeding 4 years, specified in the instrument of appointment; and
  - (b) on the terms and conditions (including remuneration and allowances) specified in the instrument of appointment.
- (6) A director is eligible for reappointment.

#### **58 Chairperson and deputy chairperson**

The chairperson and deputy chairperson of the board must be appointed from among the directors of the Authority.

#### **59 Vacancies, resignations and removal from office**

- (1) The office of a director of the Authority becomes vacant if the director—
  - (a) becomes an insolvent under administration; or
  - (b) is found guilty of an indictable offence or an offence that, if committed in Victoria, would be an indictable offence; or
  - (c) retires or resigns; or
  - (d) is removed from office.
- (2) If the office of a director of the Authority becomes vacant before the end of the term of office, the Governor in Council may appoint a person to fill the vacancy and to hold office for the remainder of the term.

- (3) If the office of a director of the Authority becomes vacant within 6 months before the end of the term of the office, the office may be left vacant for the remainder of the term.
- (4) A director of the Authority may resign by delivering a signed letter of resignation to the Minister.
- (5) The Governor in Council, on the recommendation of the Minister, may remove a director of the board of the Authority from office on any of the following grounds—
  - (a) misconduct;
  - (b) neglect of duty;
  - (c) inability to perform the duties of the office;
  - (d) the director fails to declare a pecuniary or other interest as required under processes put in place by the Authority under section 81(1)(f) of the **Public Administration Act 2004**;
  - (e) the director is found guilty of an offence relating to the director's duties as a director;
  - (f) the Minister considers that the person is no longer suitable to hold office as a member.

## **60 Validity of acts or decisions**

- (1) An act or decision of the board is not invalid merely because of—
  - (a) a defect or irregularity in, or in connection with, the appointment of a director; or
  - (b) a vacancy in the membership of the Authority.
- (2) Anything done by or in relation to a person purporting to act as a director of the Authority is not invalid merely because—

- (a) the occasion for the appointment had not arisen; or
- (b) there was a defect or irregularity in, or in connection with, the appointment; or
- (c) the appointment had ceased to have effect; or
- (d) the occasion for the person to act had not arisen or had ceased.

#### **61 Proceedings of the board**

- (1) Meetings of the board are to be held at times and places determined by the board.
- (2) A majority of the directors of the board currently holding office constitutes a quorum of the board.
- (3) The board must ensure that minutes are kept of each of its meetings.
- (4) A question arising at a meeting must be determined by a majority of votes of directors present and voting on that question and, if the vote is equal, the person presiding has a casting vote as well as a deliberative vote.
- (5) The board may allow directors to participate in a meeting by electronic means or any other means of communication.
- (6) Subject to this section, the board may regulate its own proceedings.

### **Division 3—Reporting obligations of the board of the Authority**

#### **62 Board to prepare annual corporate plan and 5-year business strategy**

The board of the Authority must prepare the following documents for the approval of the Minister—

- (a) an annual corporate plan setting out the Authority's work program and actions for the next financial year;
- (b) a 5-year business strategy including the Authority's role, priorities and outcomes.

## **Part 6—Reporting on the Great Ocean Road strategic framework plan**

### **63 Responsible entities to report on implementation of the Great Ocean Road strategic framework plan**

- (1) A responsible entity (other than the Authority) must prepare an annual report on the implementation of the approved Great Ocean Road strategic framework plan by the entity during the previous year.
- (2) A responsible entity must provide an annual report to the Authority—
  - (a) every 12 months after the day on which the initial Great Ocean Road strategic framework plan comes into operation; or
  - (b) at other intervals that the Minister specifies in writing to the entity.
- (3) If the Minister specifies other intervals under subsection (2)(b), the Minister must publish notice of that specification in the Government Gazette.

### **64 Authority to report on responsible entities' implementation of the Great Ocean Road strategic framework plan**

- (1) The Authority must prepare an annual report on the implementation of the approved Great Ocean Road strategic framework plan by responsible entities during the previous year, including implementation of the plan by the Authority.
- (2) The Authority must provide an annual report to the Minister no later than the following 31 October after each responsible entity provides an annual report under section 63.

- (3) The Minister must cause a copy of an annual report under this section to be laid before each House of the Parliament within 7 sitting days of that House after receiving the report.

**65 Authority to prepare additional 5-yearly report on responsible entities**

- (1) The Authority, every 5 years after the initial Great Ocean Road strategic framework plan comes into operation, must prepare a report on the implementation of the Great Ocean Road strategic framework plan by each responsible entity during the previous 5 years, including implementation of the plan by the Authority.
- (2) The Authority's 5-yearly report must be based on an assessment of all the environmental, cultural, social and economic outcomes.
- (3) The Authority must provide a 5-yearly report to the Minister no later than the following 31 October after each responsible entity provides an annual report under section 63.
- (4) The Minister must cause a copy of the 5-yearly report to be laid before each House of the Parliament within 7 sitting days of that House after receiving the report.

## **Part 7—General**

### **66 Regulations**

- (1) The Governor in Council may make regulations for or with respect to any matter or thing authorised or required to be prescribed or necessary to be prescribed for carrying this Act into effect.
- (2) The regulations—
  - (a) may be of general or limited application; and
  - (b) may differ according to differences in time, place or circumstance; and
  - (c) may confer a discretionary authority or impose a duty on a specified person or a specified class of person; and
  - (d) may require a matter affected by the regulations to be approved by or to the satisfaction of a specified person or a specified class of person; and
  - (e) may provide in a specified case or class of cases for the exemption of persons or things or a class of persons or things from any of the provisions of the regulations whether unconditionally or on specified conditions and either wholly or to such an extent as is specified.



## Part 8—Savings and transitional provisions

### 67 Definitions

In this Part—

*commencement day* means the day on which  
Part 5 of the **Great Ocean Road and  
Environs Protection Act 2020** comes into  
operation;

*initial Great Ocean Road land* means an area of  
land declared under section 68;

*old body* means the Great Ocean Road Coast  
Committee Inc. or the Otway Coastal  
Committee Inc.;

*transferred employee* means an employee of an  
old body who is taken to be an employee of  
the Authority by section 69(1).

### 68 Authority is committee of management

- (1) On the commencement day, the Authority is taken to be the committee of management appointed under the **Crown Land (Reserves) Act 1978** in respect of land referred to in subsection (2).
- (2) The Minister may by Order published in the Government Gazette declare an area of land reserved under the **Crown Land (Reserves) Act 1978** to be initial Great Ocean Road land.
- (3) The Minister may only make a declaration under subsection (2) if the Minister is satisfied that an old body is the committee of management appointed under the **Crown Land (Reserves) Act 1978** in respect of the land immediately before the making of the declaration.
- (4) A declaration under this section must identify the land to which it applies by reference to a numbered plan lodged in the Central Plan Office.

- (5) On the appointment of the Authority as committee of management of initial Great Ocean Road land the old bodies cease to be the committees of management in respect of that land.

**69 Transfer of staff to the Authority**

- (1) On the commencement day, a person who was employed by an old body immediately before the commencement day is taken to be employed by the Authority.
- (2) A transferred employee is taken to—
- (a) be employed on the same terms and conditions as the transferred employee had under the transferred employee's employment with the old body immediately before the commencement day; and
  - (b) have accrued an entitlement to benefits in connection with the employment with the Authority that is equivalent to the entitlement that the transferred employee had accrued, as an employee of the old body, immediately before the commencement day.
- (3) The service of a transferred employee with the Authority is taken to be continuous with that service of the transferred employee as an employee of the old body that ceased immediately before the commencement day.
- (4) A transferred employee is not entitled to receive any payment or other benefit merely because the transferred employee ceased to be an employee of the old body because of the operation of this Part.
- (5) The chief executive officer of the Authority may give a certificate certifying that, by the operation of this section, the person named in the certificate was taken to be employed with the Authority with effect on and from the commencement day.

- (6) A certificate purporting to be signed by the chief executive officer to the effect set out in subsection (5) is admissible in evidence in any proceeding and is proof of the matters stated in it.
- (7) The superannuation entitlements of any person who is a transferred employee are taken not to be affected by that person becoming a transferred employee.
- (8) If a transferred employee was, immediately before the commencement day, an officer within the meaning of the **State Superannuation Act 1988**, the transferred employee continues to be such an officer.
- (9) Nothing in this section prevents—
  - (a) any of the terms and conditions of employment of a transferred employee from being altered by or under any law, award or agreement with effect on or after the commencement day; or
  - (b) a transferred employee from resigning or being dismissed on or after the commencement day in accordance with the existing terms and conditions of the transferred employee's employment with the Authority.

## **70 Transfer of assets and liabilities to the Authority**

On the commencement day—

- (a) all assets held by an old body immediately before the commencement day vest in the Authority; and
- (b) all liabilities of an old body immediately before the commencement day become liabilities of the Authority.

**71 Transfer of leases, licences and permits to the Authority**

- (1) Any lease granted by an old body and in force immediately before the commencement day is taken to be a lease granted by the Authority as a committee of management under the **Crown Land (Reserves) Act 1978**.
- (2) Any licence or permit granted by an old body and in force immediately before the commencement day is taken to be a lease or permit granted by the Authority as a committee of management under the **Crown Land (Reserves) Act 1978**.
- (3) Nothing effected by this section—
  - (a) is to be regarded as placing any person in a breach of or as constituting a default under any provision prohibiting, restricting or regulating the assignment of a lease, licence or permit referred to in this section; or
  - (b) is to be regarded as fulfilling any condition which allows a person to exercise a right or remedy in respect of, or to terminate, any agreement or obligation; or
  - (c) releases any surety or other obligor wholly or in part from any obligation.

## **Part 9—Amendment of Commissioner for Environmental Sustainability Act 2003**

### **72 Functions of the Commissioner**

After section 8(ab) of the **Commissioner for  
Environmental Sustainability Act 2003** insert—

"(ac) prepare a report on—

- (i) the environmental condition of the  
Great Ocean Road coast and parks; and
- (ii) how the environmental condition of the  
Great Ocean Road coast and parks has  
changed since the last report on the  
Great Ocean Road coast and parks;"

### **73 New section 17C inserted**

After section 17B of the **Commissioner for  
Environmental Sustainability Act 2003** insert—

**"17C Reports on the environmental condition of  
the Great Ocean Road coast and parks**

- (1) The Commissioner must prepare and submit  
to the Minister a periodical report on the  
environmental condition of the Great Ocean  
Road coast and parks.
- (2) A report under subsection (1) may be  
prepared—
  - (a) as part of a Report on the State of the  
Environment of Victoria; or
  - (b) as a separate report.
- (3) If the report is prepared as a separate report,  
it must be prepared at intervals not  
exceeding—
  - (a) 5 years; or

- (b) if the framework for environmental reporting approved under section 17(2) specifies a shorter period, the shorter period.
- (4) The Minister must cause a copy of a report prepared under subsection (1) as a separate report to be laid before each House of the Parliament within 10 sitting days of that House after the report has been given to the Minister.
- (5) If a report prepared under subsection (1) as a separate report includes recommendations made by the Commissioner, the Minister must, not later than the first sitting day after the period of 12 months since the sitting day on which the report was laid before each House of the Parliament, cause a statement of the response of the Government to be laid before each House specifying the action (if any) proposed to be taken by the Government with respect to the recommendations.
- (6) The Great Ocean Road Coast and Parks Authority and the Department of Environment, Land, Water and Planning must give the Commissioner whatever assistance the Commissioner reasonably requires in preparing a report under this section."

## **Part 10—Amendment of Planning and Environment Act 1987**

### **74 Definitions**

In section 3(1) of the **Planning and Environment Act 1987** insert the following definitions—

*"approved Great Ocean Road strategic framework plan* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;

*Great Ocean Road coast and parks* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;

*Great Ocean Road coast and parks protection principles* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;

*Great Ocean Road region* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;

*Great Ocean Road scenic landscapes area* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;

*Great Ocean Road scenic landscapes area planning scheme* means a planning scheme applying to land that is wholly or partially within the Great Ocean Road scenic landscapes area;

*Great Ocean Road settlement boundary* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;

*Great Ocean Road settlement boundary amendment* means an amendment under this Act that alters a Great Ocean Road settlement boundary in a planning scheme;

*Great Ocean Road strategic framework plan* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;

*responsible entity* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;"

**75 New section 4AC inserted**

After section 4AB of the **Planning and Environment Act 1987** insert—

**"4AC Obligations of Department Head in relation to the Great Ocean Road region**

- (1) The Department Head of the Department, when performing a function or duty or exercising a power under this Act—
  - (a) must not act inconsistently with any part of an approved Great Ocean Road strategic framework plan that is expressed to be binding on the Department Head in relation to the Great Ocean Road scenic landscapes area; and
  - (b) must have regard to the Great Ocean Road coast and parks protection principles in relation to the Great Ocean Road coast and parks; and
  - (c) must have regard to those parts of an approved Great Ocean Road strategic framework plan not expressed to be binding on the Department Head in relation to the Great Ocean Road region.
- (2) Subsection (1) does not apply to the performance of a function or the exercise of a power by the Department Head of the Department in relation to a declared project



within the meaning of the **Major Transport Projects Facilitation Act 2009**."

**76 New Part 3AAC inserted**

After Part 3AAB of the **Planning and Environment Act 1987** insert—

**"Part 3AAC—Amendments in the  
Great Ocean Road region**

**Division 1—Compliance with Great  
Ocean Road strategic framework plan**

**46AZN Responsible entities to comply with Great  
Ocean Road strategic framework plan**

- (1) A responsible entity which is a planning authority must not prepare an amendment to a Great Ocean Road scenic landscapes area planning scheme that is inconsistent with anything in a Great Ocean Road strategic framework plan expressed to be binding on the responsible entity.
- (2) A responsible entity which is a planning authority must have regard to an approved Great Ocean Road strategic framework plan when preparing an amendment to a planning scheme applying to land that is wholly or partially within the Great Ocean Road region.
- (3) A responsible entity which is a planning authority must have regard to the Great Ocean Road coast and parks protection principles when preparing an amendment to a planning scheme applying to land that is wholly or partially within the Great Ocean Road coast and parks.

**Division 2—Ratification by Parliament  
for amendments to Great Ocean Road  
scenic landscapes area planning scheme**

**46AZO To which amendments does this Division  
apply?**

- (1) This Division applies to an amendment to a Great Ocean Road scenic landscapes area planning scheme that has been approved by the Minister under section 35 and—
  - (a) is inconsistent with the approved Great Ocean Road strategic framework plan; or
  - (b) includes a Great Ocean Road settlement boundary amendment; or
  - (c) has the effect of altering or removing any controls over the subdivision of land outside a Great Ocean Road settlement boundary to allow the land to be subdivided into more lots or smaller lots than provided for in the Great Ocean Road scenic landscapes area planning scheme.
- (2) This Division does not apply to an amendment to a Great Ocean Road scenic landscapes area planning scheme if the amendment was approved by the Minister before the commencement of this section.

**46AZP Ratification by Parliament required for  
amendments to which this Division applies**

- (1) Sections 36, 37 and 38 do not apply to an amendment to which this Division applies.
- (2) An amendment to which this Division applies does not take effect unless ratified by Parliament in accordance with this Part.

**46AZQ Procedure for ratification of amendment**

- (1) The Minister must cause an amendment to which this Division applies to be laid before each House of Parliament within 7 sitting days of that House after it is approved.
- (2) If a permit has been granted under section 96I in respect of an amendment to which this Division applies, the Minister must cause a notice specifying that the permit has been granted to be laid before each House of Parliament at the same time that the amendment to which this Division applies is laid before that House.
- (3) An amendment to which this Division applies does not take effect unless it is ratified by a resolution passed by each House of Parliament within 10 sitting days after it is laid before that House.
- (4) The Minister must publish a notice of the ratification of an amendment to which this Division applies in the Government Gazette specifying where a person may inspect the amendment.
- (5) An amendment to which this Division applies that has been ratified comes into operation—
  - (a) when the notice of ratification of the amendment is published in the Government Gazette; or
  - (b) on any later day specified in the notice.

**46AZR When does an amendment lapse?**

- (1) An amendment to which this Division applies that has not been ratified lapses on the day immediately after the last day on which it could have been ratified.

- (2) When an amendment to which this Division applies has lapsed, the Minister must publish a notice in the Government Gazette setting out the date on which the amendment lapsed.
- (3) The publication of the notice of lapsing is conclusive proof of the date that the amendment lapsed.

**46AZS Application of Act provisions to amendment**

Sections 4G, 4H, 4I, 40, 41 and 42 (as the case requires) do not apply to an amendment to which this Division applies unless and until the amendment is ratified.

**46AZT Application of Division 5 of Part 4 to amendment**

If a permit has been granted under Division 5 of Part 4 and the planning scheme amendment to which the permit applies is an amendment to which this Division applies—

- (a) if the amendment lapses, the permit is taken to be cancelled on that lapsing; and
- (b) if the amendment is ratified, the notice of ratification must also specify where a person may inspect the permit."

## **Part 11—Consequential amendments to other Acts**

### **Division 1—Catchment and Land Protection Act 1994**

#### **77 Definitions**

In section 3(1) of the **Catchment and Land Protection Act 1994** insert the following definitions—

*"approved Great Ocean Road strategic framework plan* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;

*Great Ocean Road coast and parks* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;

*Great Ocean Road coast and parks protection principles* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;

*Great Ocean Road region* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;

*Great Ocean Road scenic landscapes area* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;"

**78 New section 12AB inserted**

After section 12A of the **Catchment and Land Protection Act 1994** insert—

**"12AB Obligations of the Corangamite Catchment Management Authority and Glenelg Hopkins Catchment Management Authority in relation to the Great Ocean Road region**

- (1) The Corangamite Catchment Management Authority or the Glenelg Hopkins Catchment Management Authority, when performing a function or duty or exercising a power under this Act or any other Act—
  - (a) must not act inconsistently with any part of an approved Great Ocean Road strategic framework plan that is expressed to be binding on the Corangamite Catchment Management Authority or the Glenelg Hopkins Catchment Management Authority (as the case requires) in relation to the Great Ocean Road scenic landscapes area; and
  - (b) must have regard to the Great Ocean Road coast and parks protection principles in relation to the Great Ocean Road coast and parks; and
  - (c) must have regard to those parts of an approved Great Ocean Road strategic framework plan not expressed to be binding on the Corangamite Catchment Management Authority or the Glenelg Hopkins Catchment Management Authority (as the case requires) in relation to the Great Ocean Road region.

- (2) Subsection (1) does not apply to the performance of a function or the exercise of a power by the Corangamite Catchment Management Authority or the Glenelg Hopkins Catchment Management Authority (as the case requires) in relation to a declared project within the meaning of the **Major Transport Projects Facilitation Act 2009**."

## **Division 2—Conservation, Forests and Lands Act 1987**

### **79 Definitions**

In section 3(1) of the **Conservation, Forests and Lands Act 1987** insert the following definition—

*"Great Ocean Road Coast and Parks Authority*  
means the Authority established under Part 5 of the **Great Ocean Road and Environs Protection Act 2020**";

### **80 Definitions**

In section 82A of the **Conservation, Forests and Lands Act 1987** insert the following definition—

*"approved Great Ocean Road strategic framework plan* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**";

### **81 Joint preparation of management plans**

After section 82PA(5) of the **Conservation, Forests and Lands Act 1987** insert—

- "(6) The Traditional Owner Land Management Board and the Secretary must have regard to an approved Great Ocean Road strategic framework plan when preparing a management plan in relation to any appointed land to which an approved Great

Ocean Road strategic framework plan applies."

**82 Appointment of persons to perform certain functions of authorised officers**

After section 84(1)(ab) of the **Conservation, Forests and Lands Act 1987** insert—

"(ac) a specified employee or a specified class of employee of the Great Ocean Road Coast and Parks Authority; or".

**83 Schedule 1 amended**

In Schedule 1 to the **Conservation, Forests and Lands Act 1987**, after "Forests Act 1958." insert "Great Ocean Road and Environs Protection Act 2020."

**Division 3—Crown Land (Reserves) Act 1978**

**84 Definitions**

In section 3 of the **Crown Land (Reserves) Act 1978** insert the following definitions—

*"approved Great Ocean Road strategic framework plan* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;

*Great Ocean Road coast and parks* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;

*Great Ocean Road Coast and Parks Authority* means the Authority established under Part 5 of the **Great Ocean Road and Environs Protection Act 2020**;

*Great Ocean Road coast and parks protection principles* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;



*Great Ocean Road region* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;

*Great Ocean Road scenic landscapes area* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;

**85 Appointment of committees of management**

After section 14(4)(cb) of the **Crown Land (Reserves) Act 1978** insert—

"(d) the Great Ocean Road Coast and Parks Authority, and the Minister administering the **Great Ocean Road and Environs Protection Act 2020** must first approve the appointment if the Minister administering the **Great Ocean Road and Environs Protection Act 2020** is different from the Minister administering this section;"

**86 New section 15B inserted**

After section 15A of the **Crown Land (Reserves) Act 1978** insert—

**"15B Delegation of functions, powers or duties of the Great Ocean Road Coast and Parks Authority as committee of management**

A committee of management appointed under section 14 that is constituted by the Great Ocean Road Coast and Parks Authority, by instrument, may delegate to any of the following persons or bodies any function, power or duty of the committee of management under this Act, other than this power of delegation—

(a) a member of the Great Ocean Road Coast and Parks Authority;

- (b) the chief executive officer or an employee, or class of employee, of the Great Ocean Road Coast and Parks Authority;
- (c) a person or a class of person employed under Part 3 of the **Public Administration Act 2004** in the administration of this Act."

**87 New section 18E inserted**

After section 18D of the **Crown Land (Reserves) Act 1978** insert—

**"18E Obligations of land manager in relation to the Great Ocean Road region**

- (1) The land manager, when performing a function or duty or exercising a power under this Act or any other Act—
  - (a) must not act inconsistently with any part of an approved Great Ocean Road strategic framework plan that is expressed to be binding on the land manager in relation to the Great Ocean Road scenic landscapes area; and
  - (b) must have regard to the Great Ocean Road coast and parks protection principles in relation to the Great Ocean Road coast and parks; and
  - (c) must have regard to those parts of an approved Great Ocean Road strategic framework plan not expressed to be binding on the land manager in relation to the Great Ocean Road region.
- (2) Subsection (1) does not apply to the performance of a function or the exercise of a power by the land manager in relation to a declared project within the meaning of the

**Major Transport Projects Facilitation  
Act 2009."**

**Division 4—Filming Approval Act 2014**

**88 Definitions**

In section 3 of the **Filming Approval Act 2014**,  
in the definition of *filming approval legislation*,  
after paragraph (d) **insert—**

"(daa) the **Great Ocean Road and Environs  
Protection Act 2020**; and".

**Division 5—Forests Act 1958**

**89 Definitions**

In section 3(1) of the **Forests Act 1958** **insert** the  
following definitions—

*"approved Great Ocean Road strategic  
framework plan* has the same meaning as in  
the **Great Ocean Road and Environs  
Protection Act 2020**;

*Great Ocean Road coast and parks* has the same  
meaning as in the **Great Ocean Road and  
Environs Protection Act 2020**;

*Great Ocean Road Coast and Parks Authority*  
means the Authority established under Part 5  
of the **Great Ocean Road and Environs  
Protection Act 2020**;

*Great Ocean Road coast and parks protection  
principles* has the same meaning as in the  
**Great Ocean Road and Environs  
Protection Act 2020**;

*Great Ocean Road region* has the same meaning  
as in the **Great Ocean Road and Environs  
Protection Act 2020**;

*Great Ocean Road scenic landscapes area* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;

**90 New section 18D inserted**

After section 18C of the **Forests Act 1958** insert—

**"18D Obligations of Secretary and Parks Victoria in relation to the Great Ocean Road region**

- (1) The land manager, when performing a function or duty or exercising a power under this Act or any other Act—
  - (a) must not act inconsistently with any part of an approved Great Ocean Road strategic framework plan that is expressed to be binding on the land manager in relation to the Great Ocean Road scenic landscapes area; and
  - (b) must have regard to the Great Ocean Road coast and parks protection principles in relation to the Great Ocean Road coast and parks; and
  - (c) must have regard to those parts of an approved Great Ocean Road strategic framework plan not expressed to be binding on the land manager in relation to the Great Ocean Road region.
- (2) Subsection (1) does not apply to the performance of a function or the exercise of a power by the land manager in relation to a declared project within the meaning of the **Major Transport Projects Facilitation Act 2009**."

**91 Power to declare land in reserved forests to be a forest park etc.**

After section 50(4A) of the **Forests Act 1958** insert—

- "(4B) A committee of management appointed under subsection (3) that is constituted by the Great Ocean Road Coast and Parks Authority, by instrument, may delegate to any of the following persons or bodies any function, power or duty of the committee of management under this Act, other than this power of delegation—
- (a) a member of the Great Ocean Road Coast and Parks Authority;
  - (b) the chief executive officer or an employee, or class of employee, of the Great Ocean Road Coast and Parks Authority;
  - (c) a person or a class of person employed under Part 3 of the **Public Administration Act 2004** in the administration of this Act."

**Division 6—Heritage Rivers Act 1992**

**92 Contents of management plans**

- (1) After section 9(2A) of the **Heritage Rivers Act 1992** insert—

"(2B) If the Minister requests a managing authority or a Catchment Management Authority to prepare a management plan in relation to land that forms part of the Great Ocean Road region, the managing authority or Catchment Management Authority (as the case requires) must have regard to an approved Great

Ocean Road strategic framework plan as it applies to that land."

- (2) In section 9(3) of the **Heritage Rivers Act 1992** insert the following definitions—

*"approved Great Ocean Road strategic framework plan* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;

*Great Ocean Road region* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;"

## **Division 7—Local Government Act 1989**

### **93 Definitions**

In section 3(1) of the **Local Government Act 1989** insert the following definitions—

*"approved Great Ocean Road strategic framework plan* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;

*Great Ocean Road coast and parks* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;

*Great Ocean Road coast and parks protection principles* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;

*Great Ocean Road region* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;

*Great Ocean Road scenic landscapes area* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;"

**94 New section 3I inserted**

After section 3H of the **Local Government Act 1989** insert—

**"3I Obligations of Councils in relation to the Great Ocean Road region**

- (1) A Council that is a responsible entity within the meaning of the **Great Ocean Road and Environs Protection Act 2020**, when performing a function or duty or exercising a power under this Act—
  - (a) must not act inconsistently with any part of an approved Great Ocean Road strategic framework plan that is expressed to be binding on the Council in relation to the Great Ocean Road scenic landscapes area; and
  - (b) must have regard to the Great Ocean Road coast and parks protection principles in relation to the Great Ocean Road coast and parks; and
  - (c) must have regard to those parts of an approved Great Ocean Road strategic framework plan not expressed to be binding on the Council in relation to the Great Ocean Road region.
- (2) Subsection (1) does not apply to the performance of a function or the exercise of a power by a Council in relation to a declared project within the meaning of the **Major Transport Projects Facilitation Act 2009**".

## **Division 8—Marine and Coastal Act 2018**

### **95 Definitions**

In section 3 of the **Marine and Coastal Act 2018** **insert** the following definitions—

*"approved Great Ocean Road strategic framework plan* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;

*Great Ocean Road region* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;"

### **96 Preparation of products under regional and strategic partnerships**

After section 46(3) of the **Marine and Coastal Act 2018** **insert**—

"(4) In preparing a product under a regional and strategic partnership in relation to land that forms part of the Great Ocean Road region, the parties to the partnership must have regard to an approved Great Ocean Road strategic framework plan as it applies to that land."

### **97 Preparation of environmental management plans**

After section 51(3) of the **Marine and Coastal Act 2018** **insert**—

"(4) In preparing an environmental management plan in relation to land that forms part of the Great Ocean Road region, the Minister must have regard to an approved Great Ocean Road strategic framework plan as it applies to that land."



## **98 Preparation of coastal and marine management plans**

After section 59(3) of the **Marine and Coastal Act 2018** insert—

- "(4) In preparing a coastal and marine management plan in relation to land that forms part of the Great Ocean Road region, the Crown land manager must have regard to an approved Great Ocean Road strategic framework plan as it applies to that land."

## **Division 9—National Parks Act 1975**

### **99 Definitions**

In section 3(1) of the **National Parks Act 1975** insert the following definitions—

*"approved Great Ocean Road strategic framework plan* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;

*Great Ocean Road coast and parks* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;

*Great Ocean Road coast and parks protection principles* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;

*Great Ocean Road region* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;

*Great Ocean Road scenic landscapes area* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;"

**100 New section 20C inserted**

After section 20B of the **National Parks Act 1975** insert—

**"20C Obligations of Secretary and Parks Victoria in relation to the Great Ocean Road region**

- (1) The Secretary or Parks Victoria, when performing a function or duty or exercising a power under this Act—
  - (a) must not act inconsistently with any part of an approved Great Ocean Road strategic framework plan that is expressed to be binding on the Secretary or Parks Victoria (as the case requires) in relation to the Great Ocean Road scenic landscapes area; and
  - (b) must have regard to the Great Ocean Road coast and parks protection principles in relation to the Great Ocean Road coast and parks; and
  - (c) must have regard to those parts of an approved Great Ocean Road strategic framework plan not expressed to be binding on the Secretary or Parks Victoria (as the case requires) in relation to the Great Ocean Road region.
- (2) Subsection (1) does not apply to the performance of a function or the exercise of a power by the Secretary or Parks Victoria (as the case requires) in relation to a declared project within the meaning of the **Major Transport Projects Facilitation Act 2009**".

**101 New section 27BC inserted**

After section 27BB of the **National Parks Act 1975** insert—

**"27BC Parks Victoria must have regard to an approved Great Ocean Road strategic framework plan if preparing a management plan in relation to a park**

Parks Victoria must have regard to an approved Great Ocean Road strategic framework plan if preparing a management plan in relation to a park that forms part of the Great Ocean Road region."

**Division 10—Parks Victoria Act 2018**

**102 Definitions**

In section 3 of the **Parks Victoria Act 2018** insert the following definitions—

***"approved Great Ocean Road strategic framework plan* has the same meaning as in the Great Ocean Road and Environs Protection Act 2020;**

***Great Ocean Road coast and parks* has the same meaning as in the Great Ocean Road and Environs Protection Act 2020;**

***Great Ocean Road coast and parks protection principles* has the same meaning as in the Great Ocean Road and Environs Protection Act 2020;**

***Great Ocean Road region* has the same meaning as in the Great Ocean Road and Environs Protection Act 2020;**

*Great Ocean Road scenic landscapes area* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;"

**103 New section 10A inserted**

After section 10 of the **Parks Victoria Act 2018** insert—

**"10A Obligations of Parks Victoria in relation to the Great Ocean Road region**

- (1) Parks Victoria, when performing a function or duty or exercising a power under this Act or any other Act—
  - (a) must not act inconsistently with any part of an approved Great Ocean Road strategic framework plan that is expressed to be binding on Parks Victoria in relation to the Great Ocean Road scenic landscapes area; and
  - (b) must have regard to the Great Ocean Road coast and parks protection principles in relation to the Great Ocean Road coast and parks; and
  - (c) must have regard to those parts of an approved Great Ocean Road strategic framework plan not expressed to be binding on Parks Victoria in relation to the Great Ocean Road region.
- (2) Subsection (1) does not apply to the performance of a function or the exercise of a power by Parks Victoria in relation to a declared project within the meaning of the **Major Transport Projects Facilitation Act 2009**."

#### **104 Land management plans**

After section 46(4) of the **Parks Victoria Act 2018** insert—

- "(4A) In making a plan under subsection (1) in relation to land that forms part of the Great Ocean Road region, Parks Victoria must have regard to an approved Great Ocean Road strategic framework plan as it applies to that land."

### **Division 11—Traditional Owner Settlement Act 2010**

#### **105 Definition of *land use activity***

- (1) In section 28(w) of the **Traditional Owner Settlement Act 2010**, for "1987." substitute "1987;".
- (2) After section 28(w) of the **Traditional Owner Settlement Act 2010** insert—
- "(x) the preparation of a Great Ocean Road strategic framework plan under Part 4 of the **Great Ocean Road and Environs Protection Act 2020**."

#### **106 Definition of *decision maker***

- (1) In section 29(s) of the **Traditional Owner Settlement Act 2010**, for "Statement." substitute "Statement;".
- (2) After section 29(s) of the **Traditional Owner Settlement Act 2010** insert—
- "(t) in relation to the preparation of a Great Ocean Road strategic framework plan under Part 4 of the **Great Ocean Road and Environs Protection Act 2020**, the Minister responsible for the preparation of the plan."

## **Division 12—Transport Integration Act 2010**

### **107 Definitions**

In section 3 of the **Transport Integration Act 2010**—

(a) **insert** the following definitions—

*"approved Great Ocean Road strategic framework plan* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;

*Great Ocean Road coast and parks* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;

*Great Ocean Road Coast and Parks Authority* means the Authority established under Part 5 of the **Great Ocean Road and Environs Protection Act 2020**;

*Great Ocean Road coast and parks protection principles* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;

*Great Ocean Road region* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;

*Great Ocean Road scenic landscapes area* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;"

(b) in the definition of *interface body*, after paragraph (i) **insert**—

"(ia) in respect of the **Great Ocean Road and Environs Protection Act 2020**, the Great Ocean Road Coast and Parks Authority;"

(c) in the definition of *interface legislation*, after paragraph (d) **insert**—

"(da) **Great Ocean Road and Environs Protection Act 2020**;"

**108 New section 64IA inserted**

After section 64I of the **Transport Integration Act 2010** **insert**—

**"64IA Obligations of Head, Transport for Victoria in relation to the Great Ocean Road region**

- (1) The Head, Transport for Victoria, when performing a function or duty or exercising a power under this Act or any other Act—
- (a) must not act inconsistently with any part of an approved Great Ocean Road strategic framework plan that is expressed to be binding on the Head, Transport for Victoria in relation to the Great Ocean Road scenic landscapes area; and
  - (b) must have regard to the Great Ocean Road coast and parks protection principles in relation to the Great Ocean Road coast and parks; and

- (c) must have regard to those parts of an approved Great Ocean Road strategic framework plan not expressed to be binding on the Head, Transport for Victoria in relation to the Great Ocean Road region.
- (2) Subsection (1) does not apply to the performance of a function or the exercise of a power by the Head, Transport for Victoria in relation to a declared project within the meaning of the **Major Transport Projects Facilitation Act 2009**."

**109 New section 127B inserted**

After section 127A of the **Transport Integration Act 2010** insert—

**"127B Obligations of Victorian Rail Track in relation to the Great Ocean Road region**

- (1) Victorian Rail Track, when performing a function or duty or exercising a power under this Act or any other Act—
  - (a) must not act inconsistently with any part of an approved Great Ocean Road strategic framework plan that is expressed to be binding on Victorian Rail Track in relation to the Great Ocean Road scenic landscapes area; and
  - (b) must have regard to the Great Ocean Road coast and parks protection principles in relation to the Great Ocean Road coast and parks; and
  - (c) must have regard to those parts of an approved Great Ocean Road strategic framework plan not expressed to be binding on Victorian Rail Track in



relation to the Great Ocean Road region.

- (2) Subsection (1) does not apply to the performance of a function or the exercise of a power by Victorian Rail Track in relation to a declared project within the meaning of the **Major Transport Projects Facilitation Act 2009**."

## **Division 13—Victorian Planning Authority Act 2017**

### **110 Definitions**

In section 3(1) of the **Victorian Planning Authority Act 2017** insert the following definitions—

*"approved Great Ocean Road strategic framework plan* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;

*Great Ocean Road coast and parks* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;

*Great Ocean Road coast and parks protection principles* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;

*Great Ocean Road region* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;

*Great Ocean Road scenic landscapes area* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;"

**111 New section 10C inserted**

After section 10B of the **Victorian Planning Authority Act 2017** insert—

**"10C Obligations of Authority in relation to the Great Ocean Road region**

- (1) The Authority, when performing a function or duty or exercising a power under this Act or any other Act—
  - (a) must not act inconsistently with any part of an approved Great Ocean Road strategic framework plan that is expressed to be binding on the Authority in relation to the Great Ocean Road scenic landscapes area; and
  - (b) must have regard to the Great Ocean Road coast and parks protection principles in relation to the Great Ocean Road coast and parks; and
  - (c) must have regard to those parts of an approved Great Ocean Road strategic framework plan not expressed to be binding on the Authority in relation to the Great Ocean Road region.
- (2) Subsection (1) does not apply to the performance of a function or the exercise of a power by the Authority in relation to a declared project within the meaning of the **Major Transport Projects Facilitation Act 2009**".

## **Division 14—Water Act 1989**

### **112 Definitions**

In section 3(1) of the **Water Act 1989** insert the following definitions—

*"approved Great Ocean Road strategic framework plan* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;

*Great Ocean Road coast and parks* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;

*Great Ocean Road coast and parks protection principles* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;

*Great Ocean Road region* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;

*Great Ocean Road scenic landscapes area* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;"

### **113 New section 124C inserted**

After section 124B of the **Water Act 1989** insert—

**"124C Obligations of Corangamite Catchment Management Authority and Glenelg Hopkins Catchment Management Authority in relation to the Great Ocean Road region**

- (1) The Corangamite Catchment Management Authority or Glenelg Hopkins Catchment Management Authority, when performing a function or duty or exercising a power under this Act or any other Act—

- (a) must not act inconsistently with any part of an approved Great Ocean Road strategic framework plan that is expressed to be binding on the Corangamite Catchment Management Authority or Glenelg Hopkins Catchment Management Authority (as the case requires) in relation to the Great Ocean Road scenic landscapes area; and
  - (b) must have regard to the Great Ocean Road coast and parks protection principles in relation to the Great Ocean Road coast and parks; and
  - (c) must have regard to those parts of an approved Great Ocean Road strategic framework plan not expressed to be binding on the Corangamite Catchment Management Authority or Glenelg Hopkins Catchment Management Authority (as the case requires) in relation to the Great Ocean Road region.
- (2) Subsection (1) does not apply to the performance of a function or the exercise of a power by the Corangamite Catchment Management Authority or Glenelg Hopkins Catchment Management Authority (as the case requires) in relation to a declared project within the meaning of the **Major Transport Projects Facilitation Act 2009**".

**114 New section 171K inserted**

After section 171J of the **Water Act 1989**  
**insert—**

**"171K Obligations of certain water corporations  
in relation to the Great Ocean Road  
region**

- (1) The Barwon Region Water Corporation, Gippsland and Southern Rural Water Corporation or Wannon Region Water Corporation, when performing a function or duty or exercising a power under this Act or any other Act—
  - (a) must not act inconsistently with any part of an approved Great Ocean Road strategic framework plan that is expressed to be binding on the Barwon Region Water Corporation, Gippsland and Southern Rural Water Corporation or Wannon Region Water Corporation (as the case requires) in relation to the Great Ocean Road scenic landscapes area; and
  - (b) must have regard to the Great Ocean Road coast and parks protection principles in relation to the Great Ocean Road coast and parks; and
  - (c) must have regard to those parts of an approved Great Ocean Road strategic framework plan not expressed to be binding on the Barwon Region Water Corporation, Gippsland and Southern Rural Water Corporation or Wannon Region Water Corporation (as the case requires) in relation to the Great Ocean Road region.

- (2) Subsection (1) does not apply to the performance of a function or the exercise of a power by the Barwon Region Water Corporation, Gippsland and Southern Rural Water Corporation or Wannon Region Water Corporation (as the case requires) in relation to a declared project within the meaning of the **Major Transport Projects Facilitation Act 2009**."

#### **115 Preparation of regional waterway strategies**

After section 190(3B) of the **Water Act 1989** insert—

- "(3C) In preparing a regional waterway strategy in relation to land that forms part of the Great Ocean Road region, the Barwon Region Water Corporation, Gippsland and Southern Rural Water Corporation or Wannon Region Water Corporation (as the case requires) must have regard to an approved Great Ocean Road strategic framework plan as it applies to that land."

### **Division 15—Wildlife Act 1975**

#### **116 Definitions**

In section 3(1) of the **Wildlife Act 1975** insert the following definitions—

*"approved Great Ocean Road strategic framework plan* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;

*Great Ocean Road coast and parks* has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;

***Great Ocean Road coast and parks protection principles*** has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;

***Great Ocean Road region*** has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;

***Great Ocean Road scenic landscapes area*** has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;

**117 New section 14C inserted**

After section 14B of the **Wildlife Act 1975** insert—

**"14C Obligations of Secretary and Parks Victoria in relation to the Great Ocean Road region**

- (1) The land manager, when performing a function or duty or exercising a power under this Act or any other Act—
  - (a) must not act inconsistently with any part of an approved Great Ocean Road strategic framework plan that is expressed to be binding on the land manager in relation to the Great Ocean Road scenic landscapes area; and
  - (b) must have regard to the Great Ocean Road coast and parks protection principles in relation to the Great Ocean Road coast and parks; and
  - (c) must have regard to those parts of an approved Great Ocean Road strategic framework plan not expressed to be binding on the land manager in relation to the Great Ocean Road region.

- (2) Subsection (1) does not apply to the performance of a function or the exercise of a power by the land manager in relation to a declared project within the meaning of the **Major Transport Projects Facilitation Act 2009**".

## **Division 16—Repeal of amending Parts**

### **118 Repeal of amending Parts**

Parts 9, 10 and this Part are **repealed** on 1 December 2021.

#### **Note**

The repeal of Parts 9, 10 and this Part of this Act does not affect the continuing operation of the amendments made by those Parts (see section 15(1) of the **Interpretation of Legislation Act 1984**).

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## Endnotes

### 1 General information

See [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au) for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

<sup>†</sup> *Minister's second reading speech—*

*Legislative Assembly: 27 November 2019*

*Legislative Council: 20 February 2020*

The long title for the Bill for this Act was "A Bill for an Act to recognise the importance of the landscapes and seascapes along the Great Ocean Road to the economic prosperity and liveability of Victoria and as one living and integrated natural entity for the purposes of protecting the region, to establish a Great Ocean Road Coast and Parks Authority to which various land management responsibilities are to be transferred and to make related and consequential amendments to other Acts and for other purposes."

<sup>1</sup> The Maar text does not exactly match the English words because it is a different language culture.

<sup>2</sup> The Wadawurrung text does not exactly match the English words because it is a different language culture.