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Rail Corporations Act 1996

FREIGHT NETWORK DECLARATION ORDER

Order in Council

The Governor in Council under section 38I(1) of the **Rail Corporations Act 1996** on the recommendation of the Minister, hereby makes the following Order.

1. Citation

This Order may be cited as the Freight Network Declaration Order 2005.

2. Interpretation

In this Order:

Where a term used in this Order is defined in the **Rail Corporations Act 1996**, it has the meaning given to it in the **Rail Corporations Act 1996**.

Dynon Intermodal Terminal Lease means the agreement entitled the "Dynon Intermodal Terminal Lease" entered into by Victorian Rail Track and Freight Victoria Limited (ACN 075 295 644) on or about 29 April 1999, and including amendments made as at the date of this Order.

Excluded Infrastructure means:

- (a) fuel points; and
- (b) all rail infrastructure:
 - (i) located at roads number 4 and 5 at Brooklyn, represented by the hatched area on the plan in Schedule I;
 - (ii) located at sidings C and D at Dimboola, represented by the hatched area on the plan in Schedule J;
 - (iii) located at:
 - A. roads number 4 to 8 (but not on the ladder track); and
 - B. dead end leads number 8A and 9A at roads number 8 and 9, at Maryborough, represented by the hatched area on the plan in Schedule K;
 - (iv) located at road number 4 and train examiners' siding at Murtoa, represented by the hatched area on the plan in Schedule L;
 - (v) located at:
 - A. the C sidings (3 roads on the west of the yard);
 - B. roads number 6, 7, 8, 9, 10, 11, 13 and 13A;
 - C. the train examiners' siding;
 - D. roads number 14A, 15, 16, 18, 20, and 22A; and
 - E. the wool siding and eastern W grain siding in East yard, at North Geelong, represented by the hatched area on the plan in Schedule M;
 - (vi) located at roads number 4 and 6 at Ouyen, represented by the hatched area on the plan in Schedule N;
 - (vii) located at:
 - A. maintenance sidings at the operations depot; and
 - B. roads number 2 and 3 at the Portland freightyard, at Portland, represented by the hatched area on the plan in Schedule O;

SPECIAL

- (viii) located at roads number 2 to 11 (1st classification) at Tottenham, represented by the hatched area on the plan in Schedule P;
- (ix) located at road number 8 at Warragul and stabling roads 1 and 2, represented by the hatched area on the plan in Schedule Q;
- (x) located at the main dock line from Sims Street junction to Footscray Road.

Infrastructure Lease – Train means the agreement entitled the “Infrastructure Lease – Train”, entered into between the Director of Public Transport, Melbourne Transport Enterprises Pty Ltd (ACN 087 516 210) and Victorian Rail Track on or about 19 February 2004, and including amendments made as at the date of this Order.

Primary Infrastructure Lease means the agreement entitled the “Primary Infrastructure Lease”, entered into between the Director of Public Transport and Freight Victoria Limited (ACN 075 295 644) on or about 30 April 1999, as restated on or about 31 August 2004, and including amendments made as at the date of this Order.

South Dynon Lease means the agreement entitled the “South Dynon Lease” entered into by Victorian Rail Track and National Rail Corporation Limited (ACN 052 134 362) on or about 15 February 1999, and including amendments made as at the date of this Order.

Victorian Rail Track means the body corporate of that name established by Division 2 of Part 2 of the **Rail Corporations Act 1996**.

Relevant Rail Infrastructure means all rail infrastructure, including rail infrastructure located within a terminal:

- (a) located on:
 - (i) the Railway Corridors as defined in clause 1.1 of the Primary Infrastructure Lease;
 - (ii) the Station Grounds as defined in clause 1.1 of the Primary Infrastructure Lease;
 - (iii) the Intrastate Corridors as defined in clause 1.1 of the Primary Infrastructure Lease,
 except for land the subject of the Excluded Leases as defined in clause 1.1 of the Primary Infrastructure Lease;
- (b) located on the land delineated and coloured blue and pink (but not cross hatched) on the plans listed in Schedule 1 to the Infrastructure Lease – Train, but excluding those parts of the Loop, as defined in the **Transport Act 1983**, that are underground;
- (c) located at the parts of the Dynon precinct listed below, represented by the hatched area on the plan in Schedule A:
 - (i) the land set out in the Schedule to the Dynon Intermodal Terminal Lease;
 - (ii) the land delineated and coloured blue and red on the plan contained in Schedule 1 to the South Dynon Lease;
 - (iii) the Victrack common user area, comprising:
 - A. Dynon lot 75;
 - B. South Dynon lot 86;
 - C. the North Melbourne Creek sidings at lots 2 and 9;
 - D. the North Dynon agents’ sidings at lots 83, 87 and 78;
 - E. the South Dynon W track;
- (d) located on the Somerton to Upfield corridor, represented by hatched area on the plan in Schedule B;
- (e) located at the Somerton sidings, represented by hatched area on the plan in Schedule C;

- (f) located on the North Geelong grain loop and at the sidings, represented by hatched area on the plan in Schedule D;
- (g) comprising the rear access track located at the Wodonga coal sidings, represented by hatched area on the plan in Schedule E;
- (h) located at the Long Island Cresco siding, represented by hatched area on the plan in Schedule F;
- (i) located at the Maribyrnong River siding between Dynon Road and Youell Street, represented by the hatched area on the plan in Schedule G;
- (j) comprising the track in Portland joining the southern boundary of the Primary Infrastructure Lease and extending into Bentinck Street, represented by the hatched area on the plan in Schedule H,

but excludes Excluded Infrastructure. (See Note 1.)

3. Order

Each rail transport service that is a freight service provided by means of the Relevant Rail Infrastructure is declared to be a declared rail transport service in respect of freight services for the purposes of Part 2A of the **Rail Corporations Act 1996**.

4. Commencement

This Order comes into effect on the day section 5 of the **Transport Legislation (Further Amendment) Act 2005** comes into operation.

Note

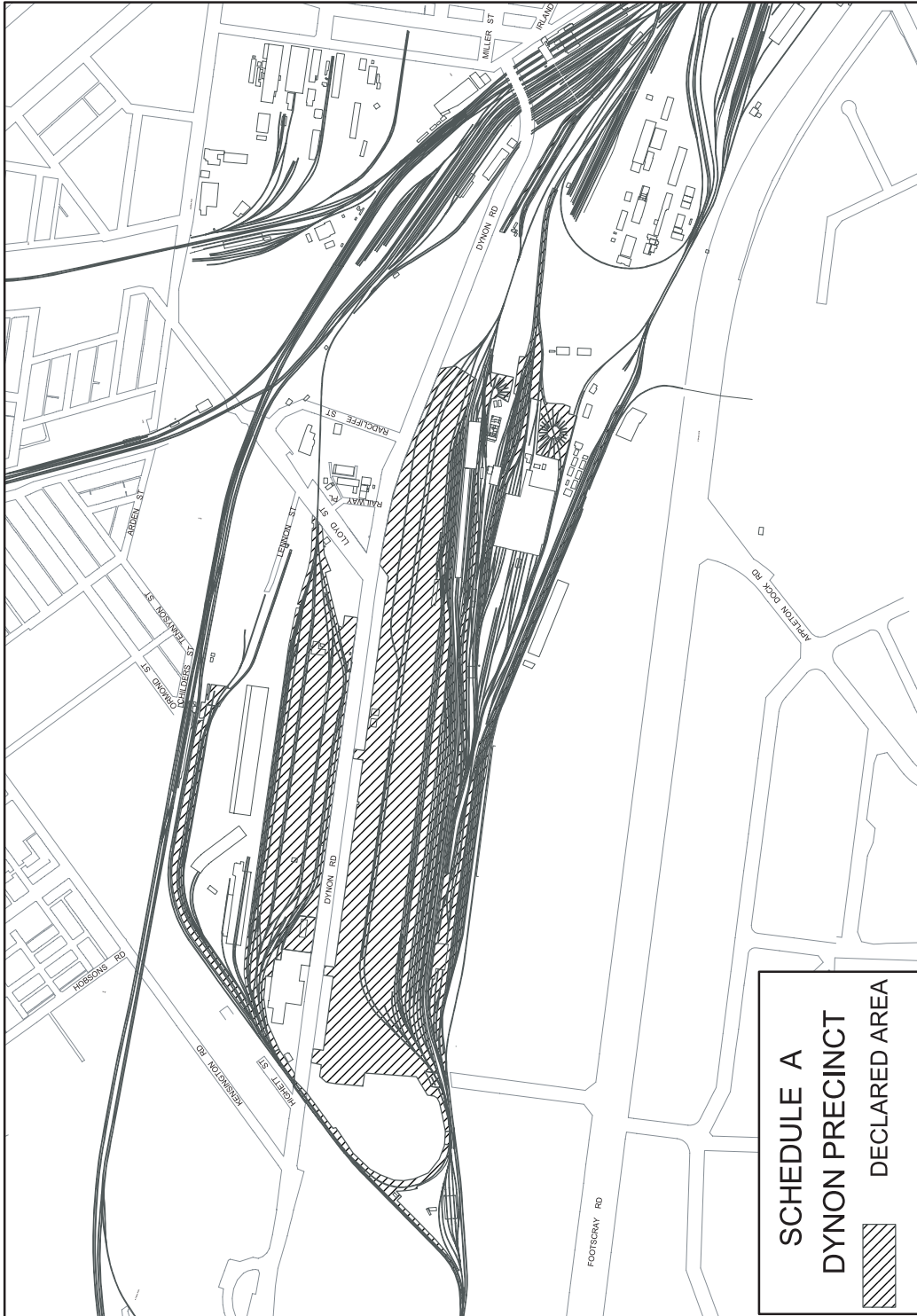
1. Track and sidings within terminals are rail infrastructure under the definition contained in section 3(1) of the **Rail Corporations Act 1996** and services provided by means of track and sidings within terminals can therefore be declared pursuant to this Order. Certain other terminal infrastructure is declared by the Dynon Terminal Order 2005 to be rail infrastructure for the purposes of Part 2A of the **Rail Corporations Act 1996** and services provided by means of that infrastructure can therefore be declared pursuant to this Order.

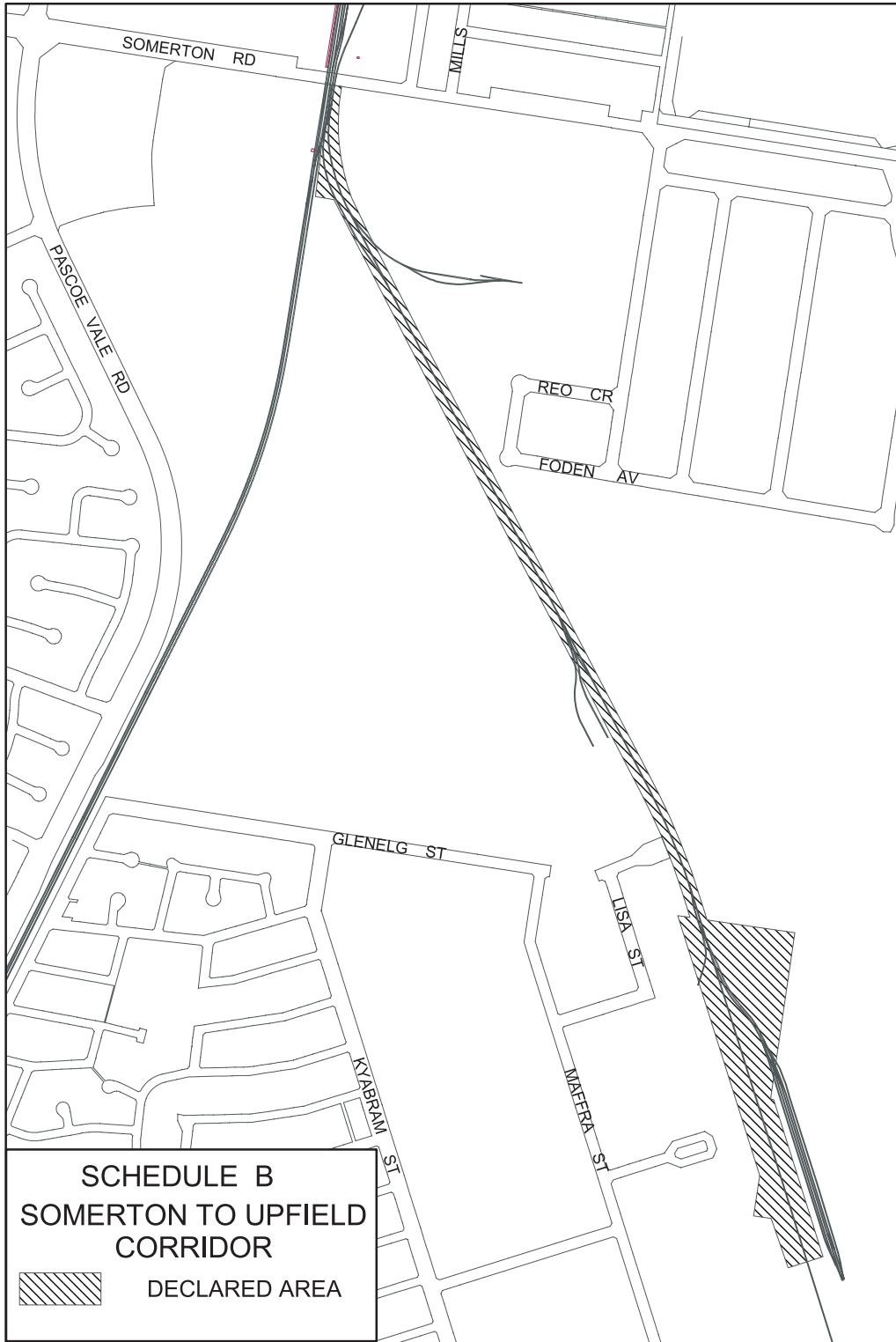
NB: The note referred to above does not form part of the Order.

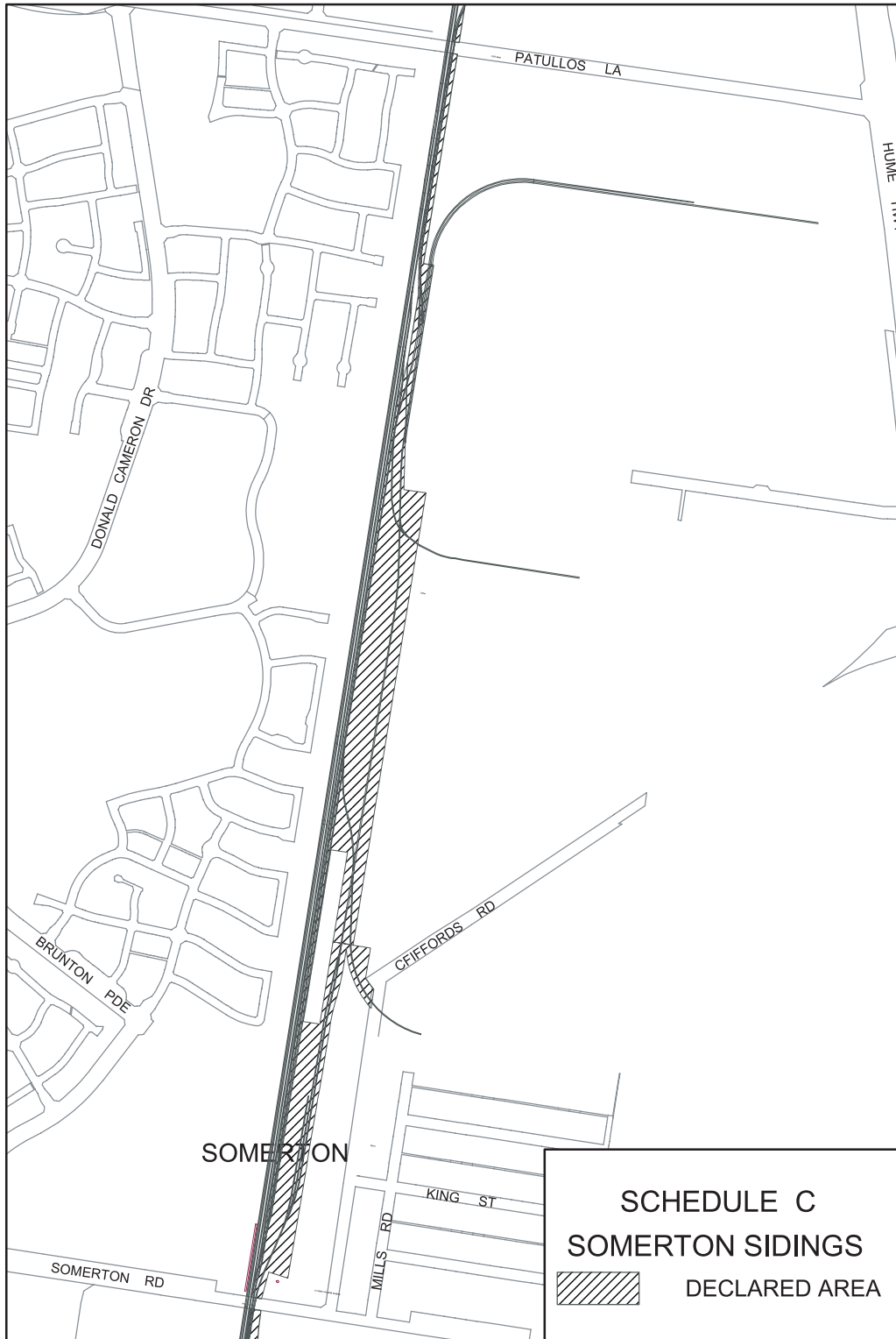
Dated 13 December 2005

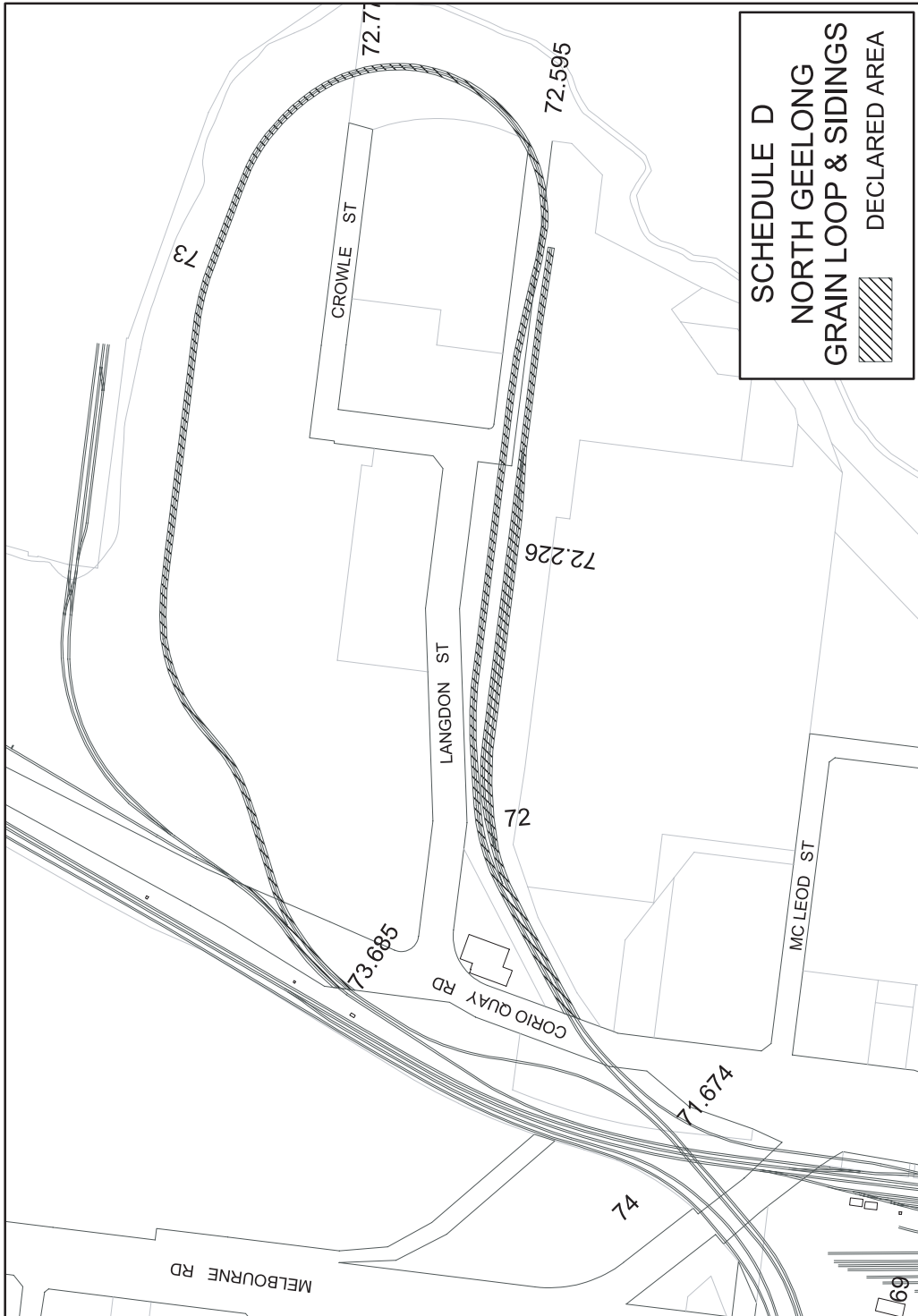
Responsible Minister:
PETER BATCHELOR
Minister for Transport

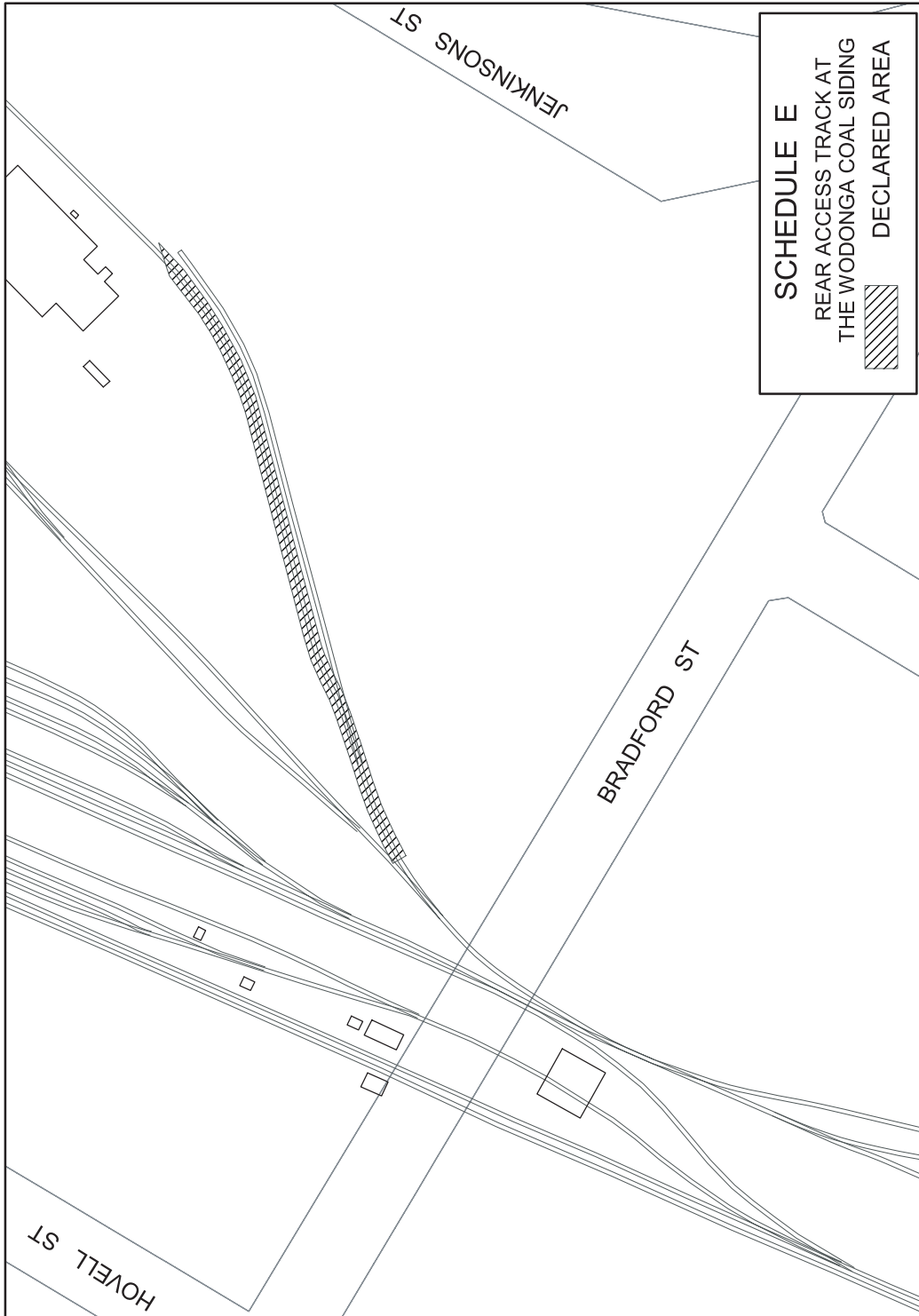
RUTH LEACH
Clerk of the Executive Council

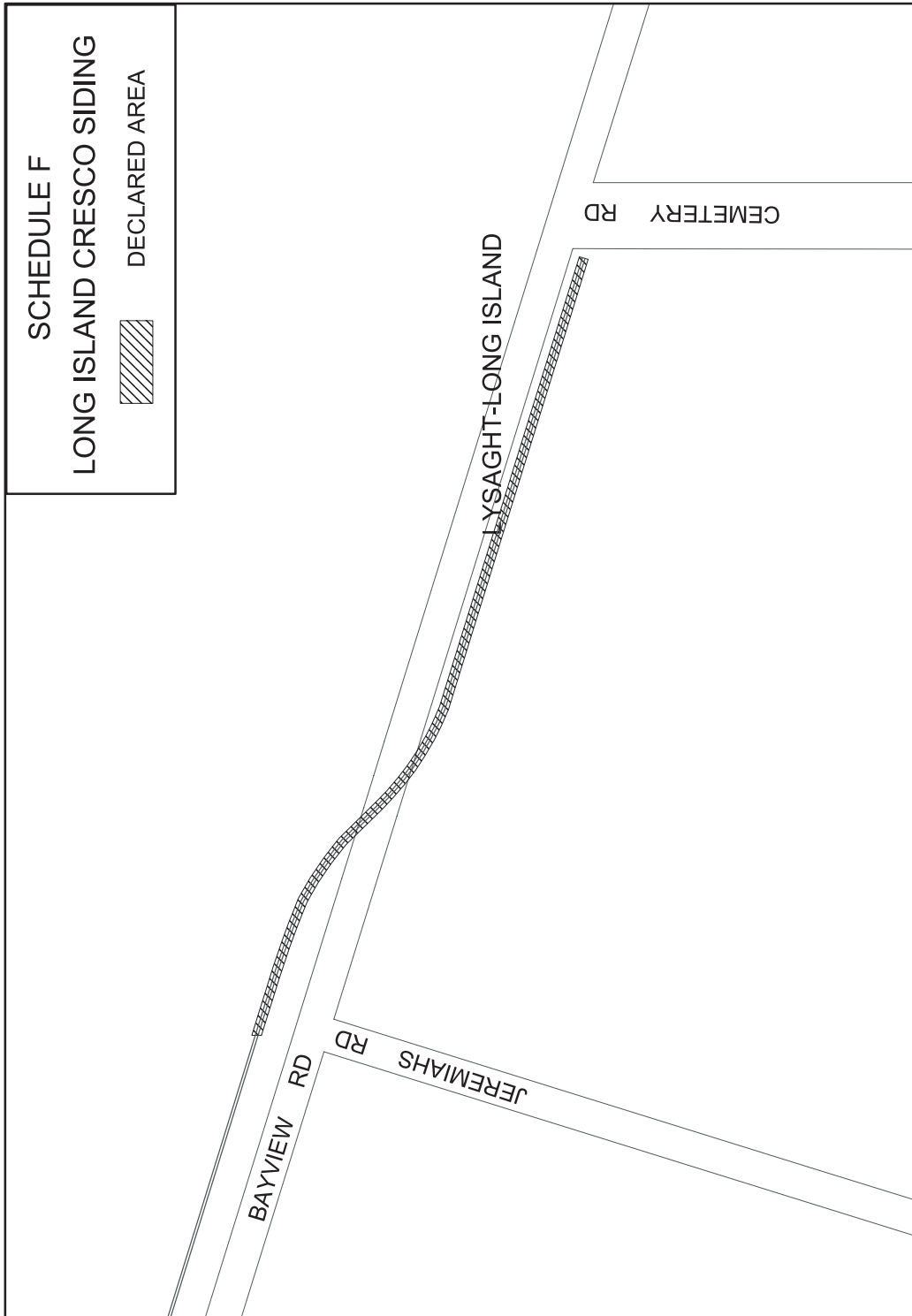


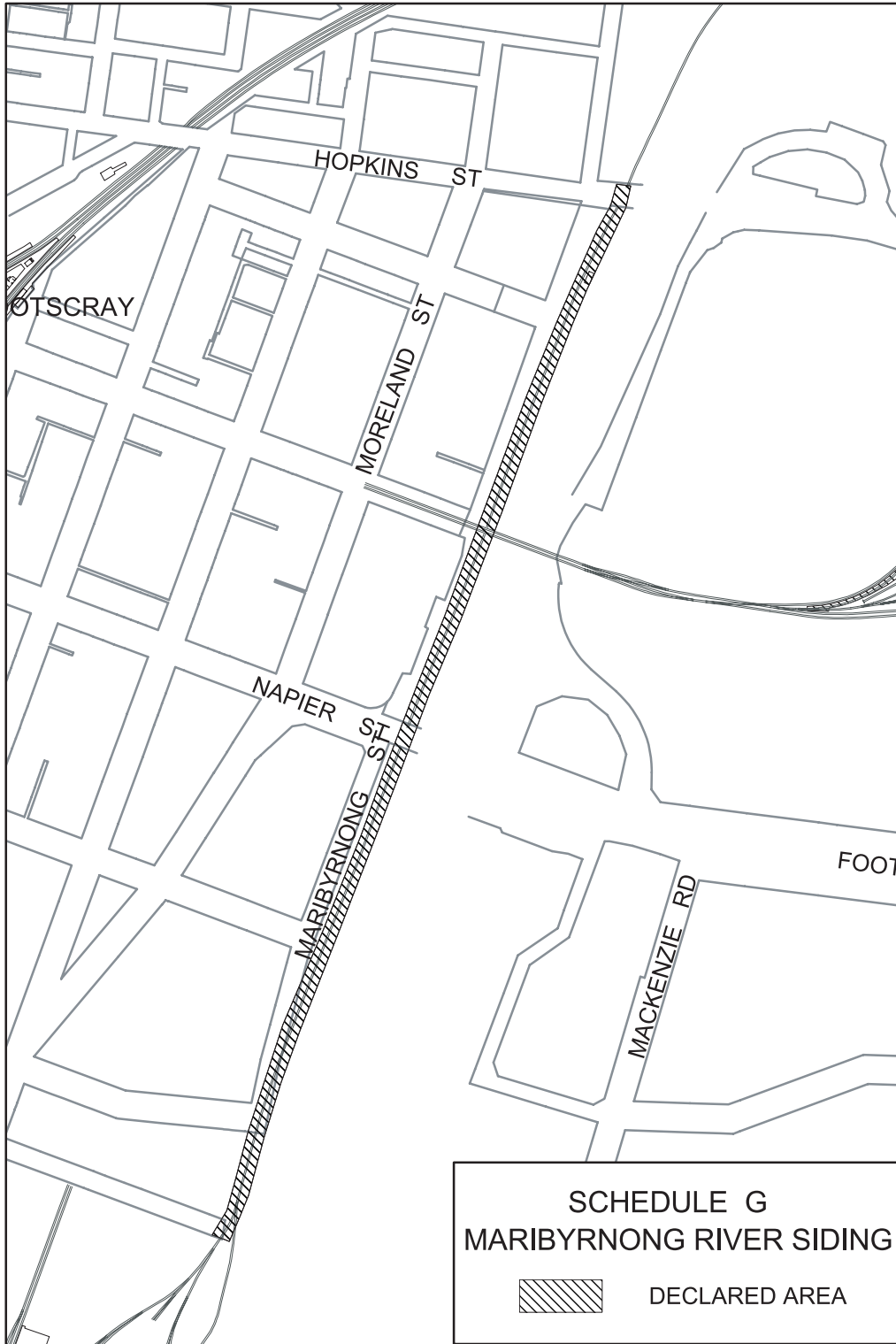


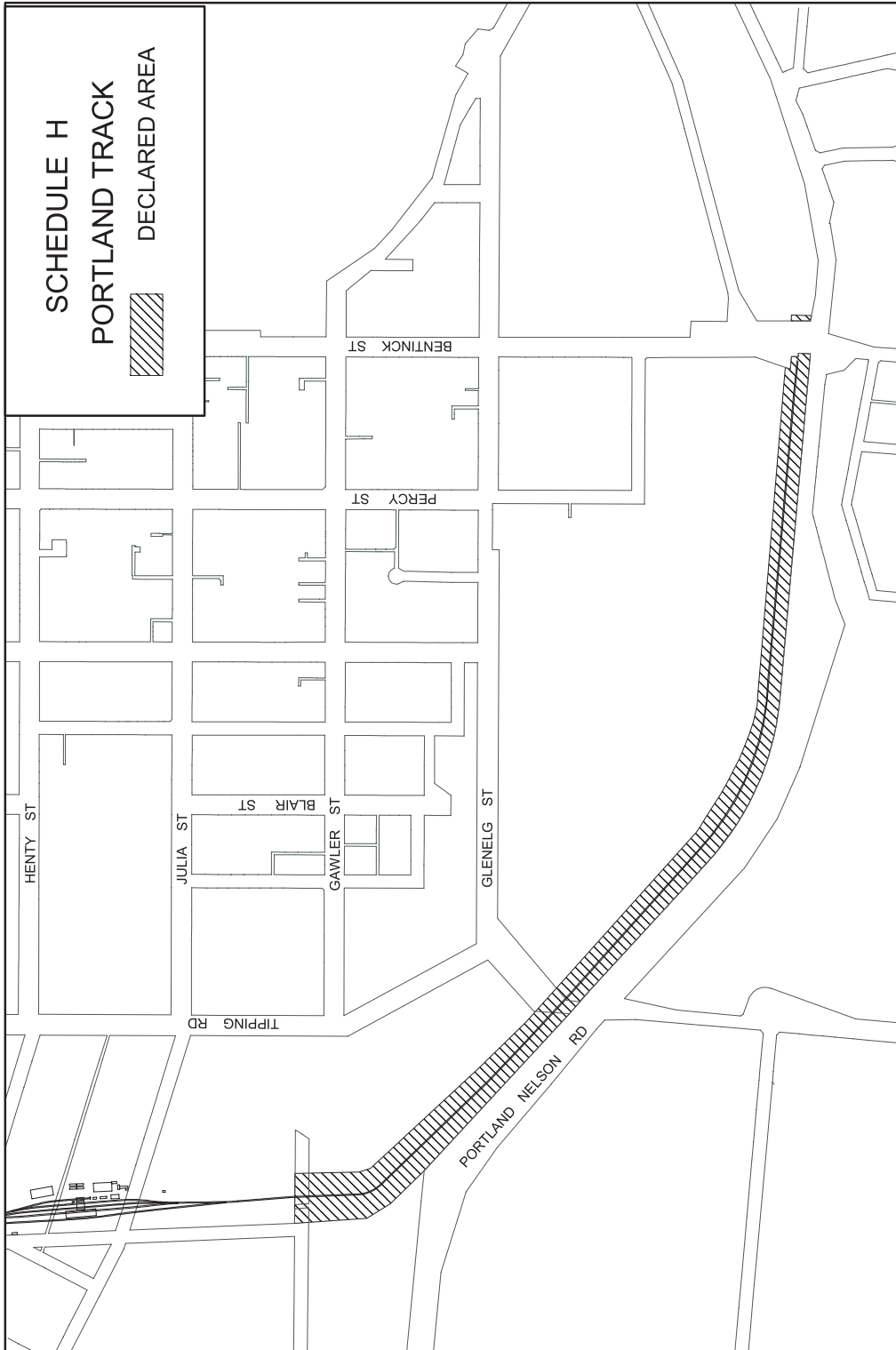


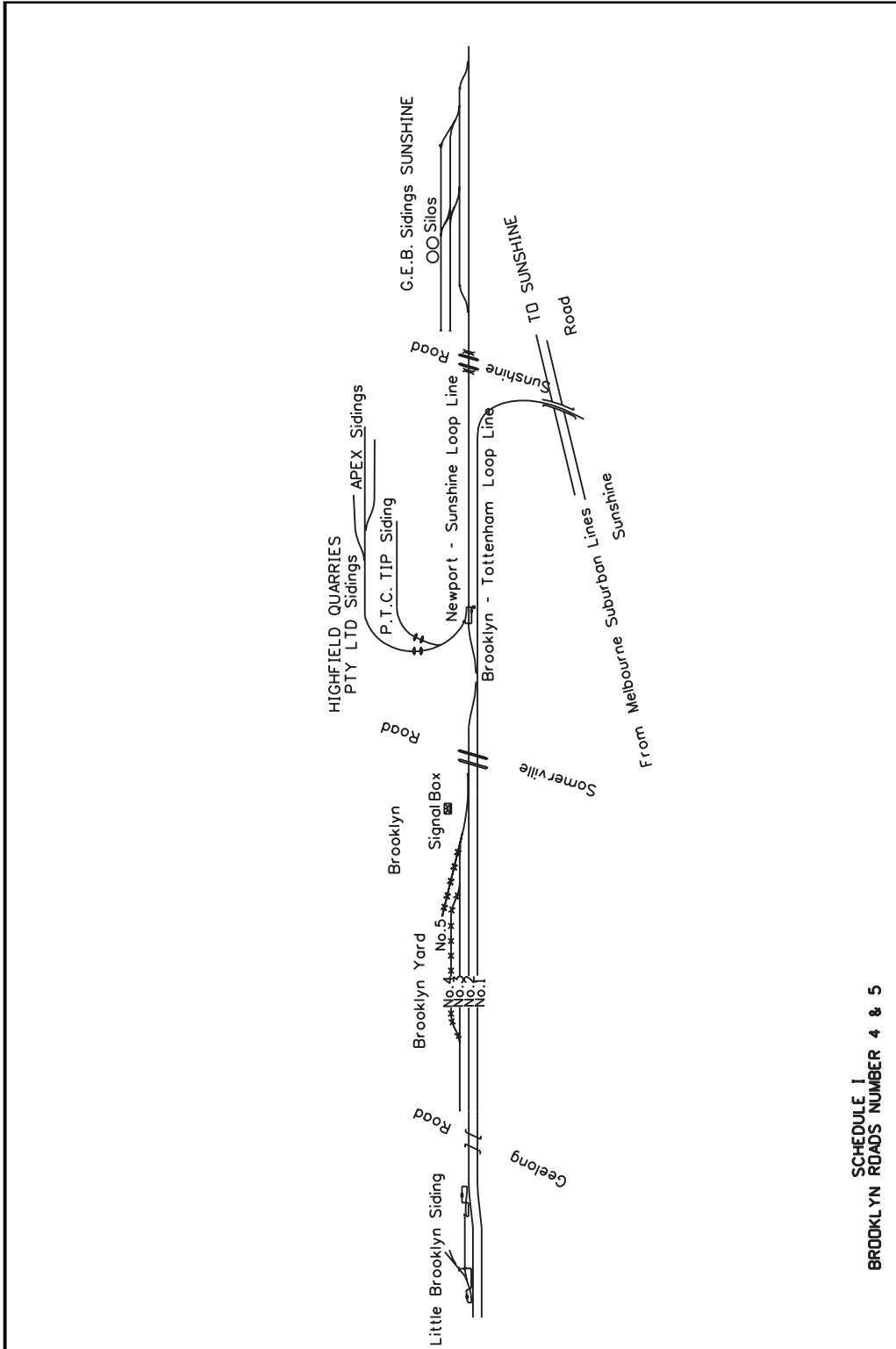


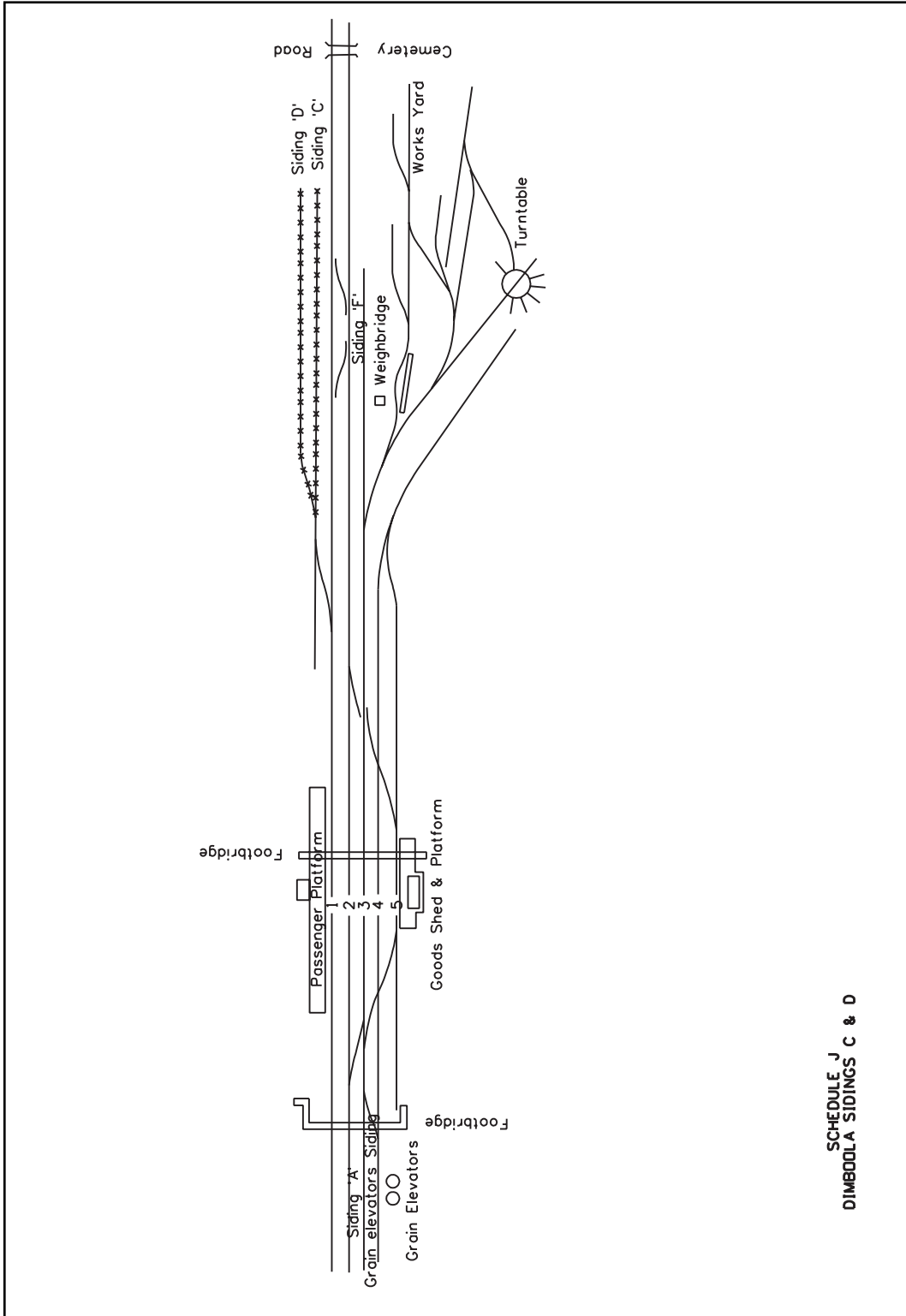




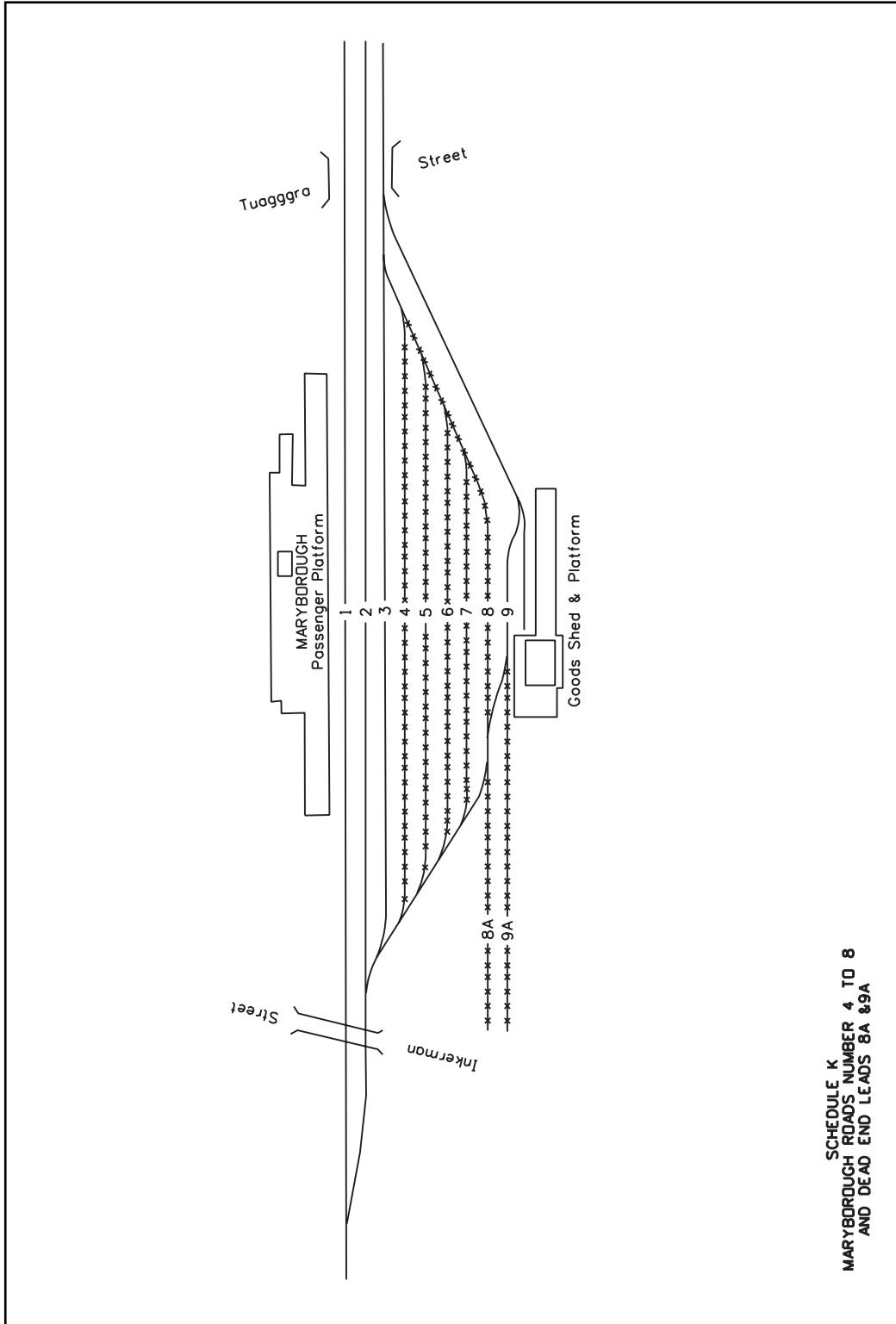


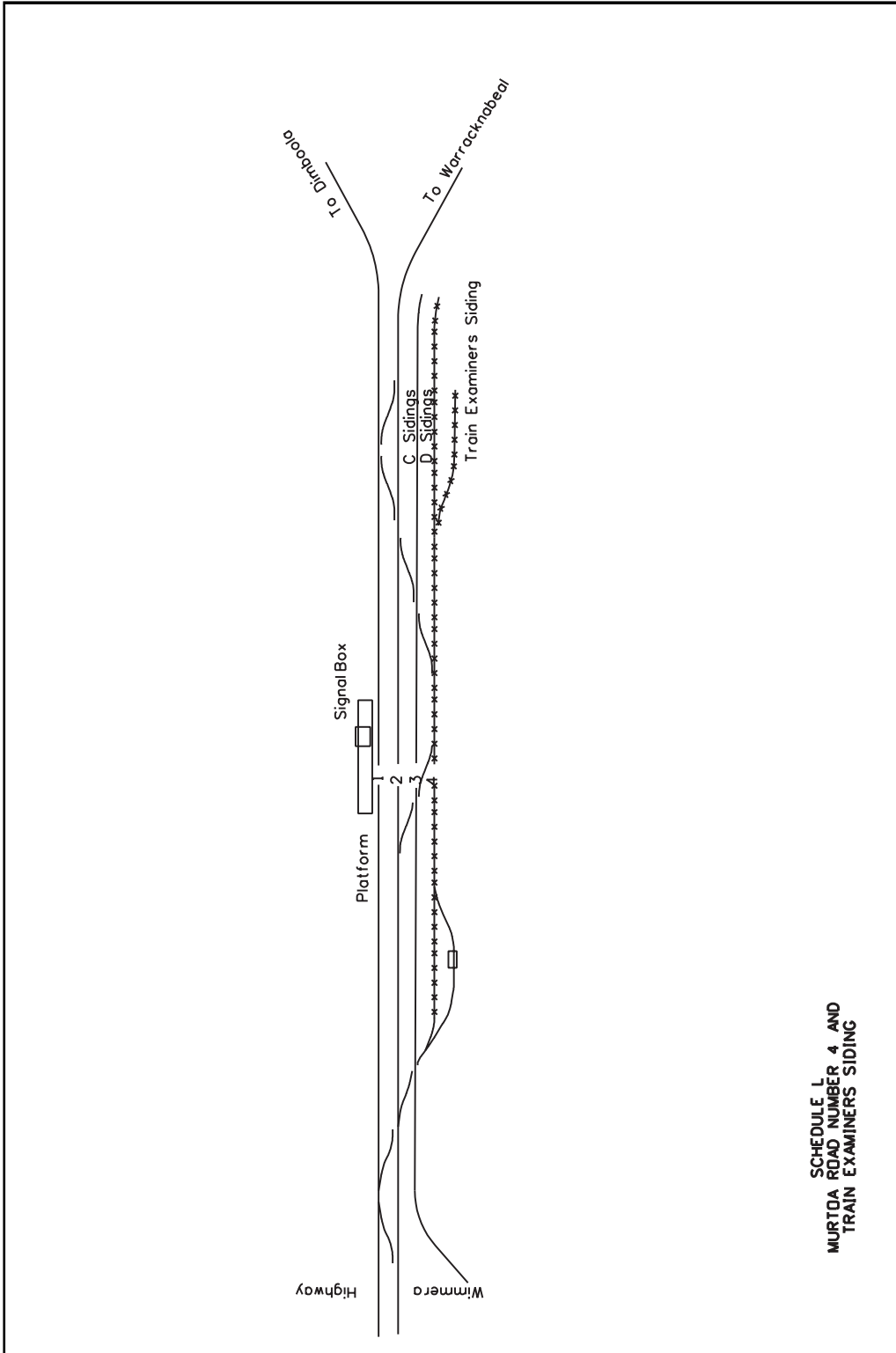


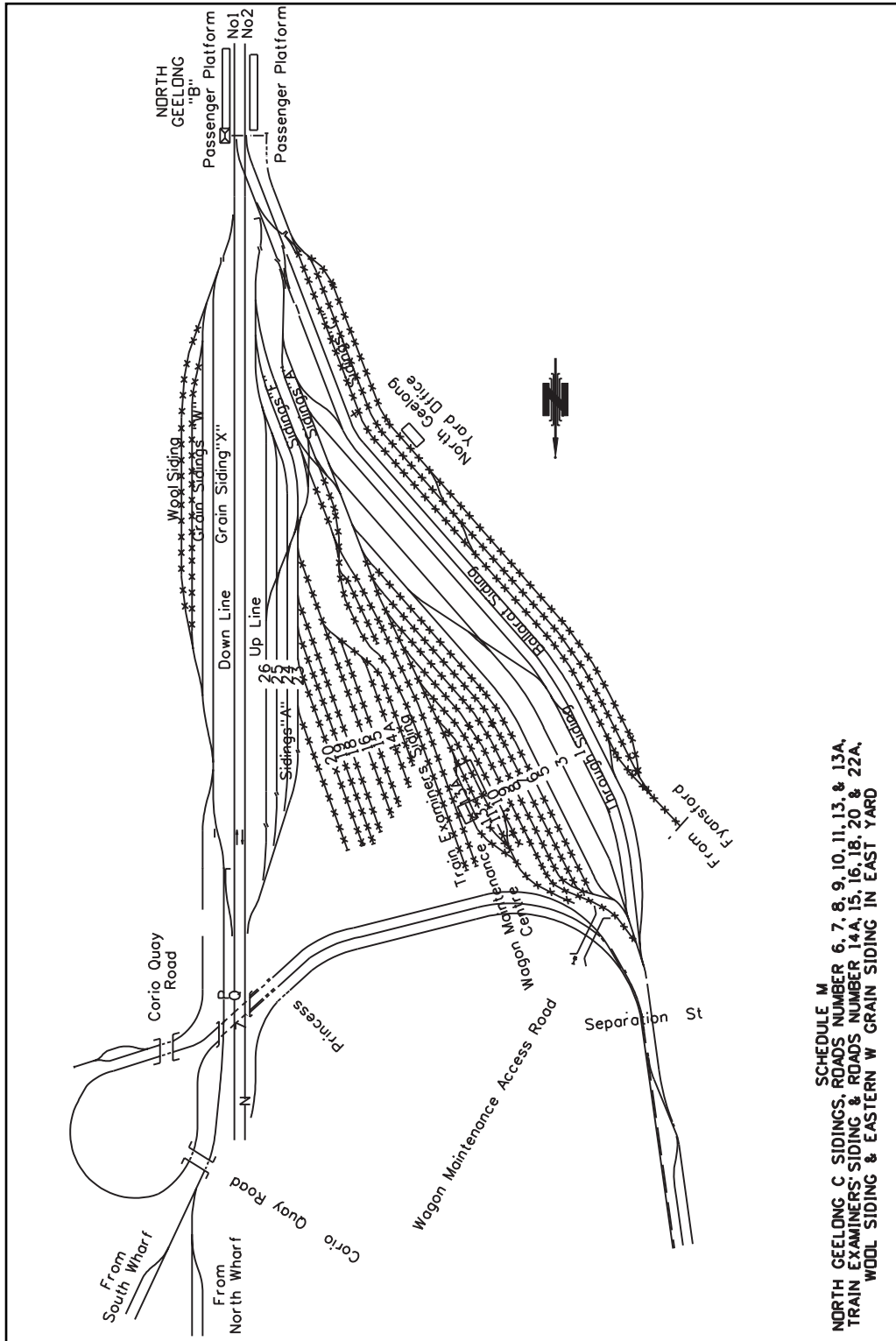


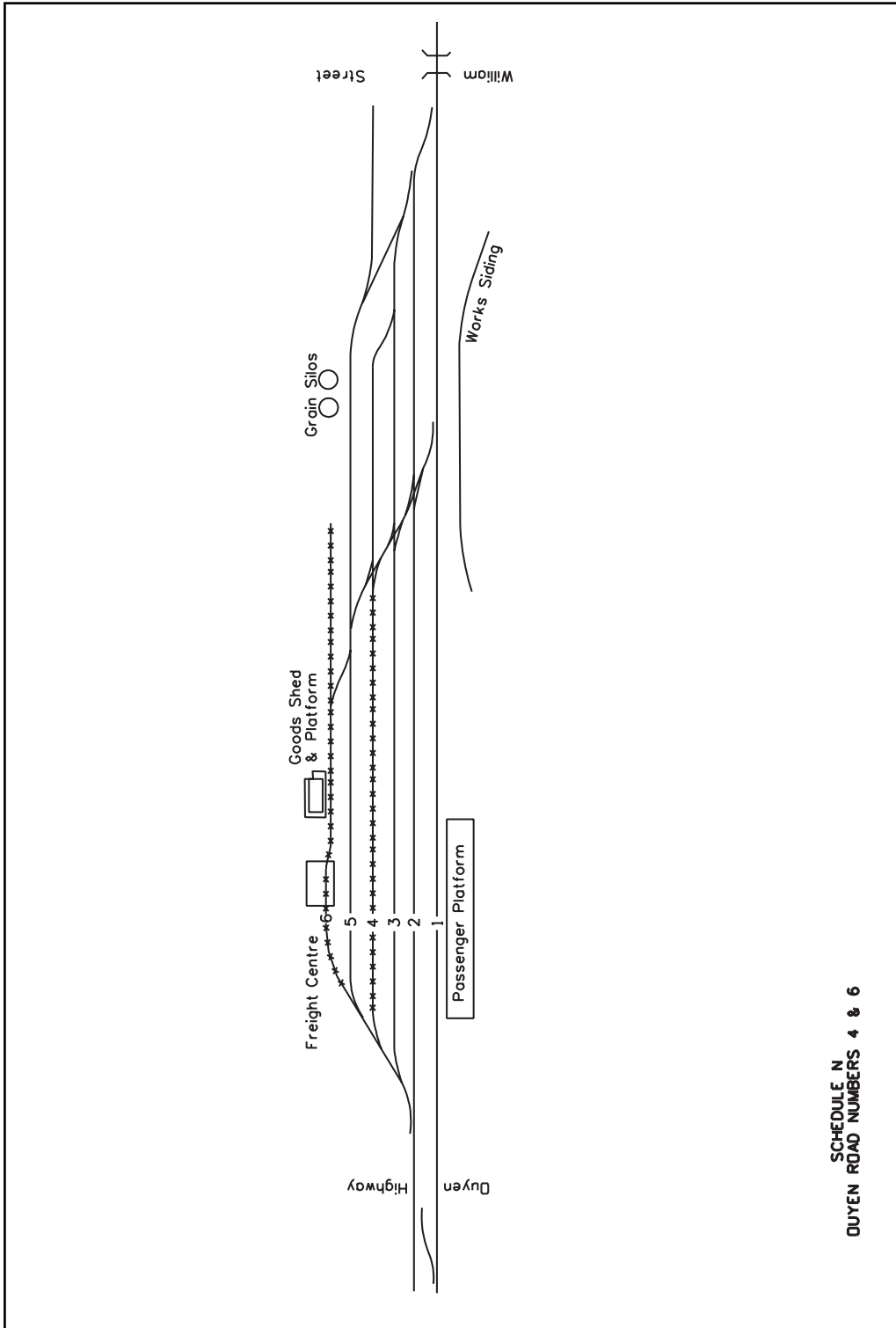


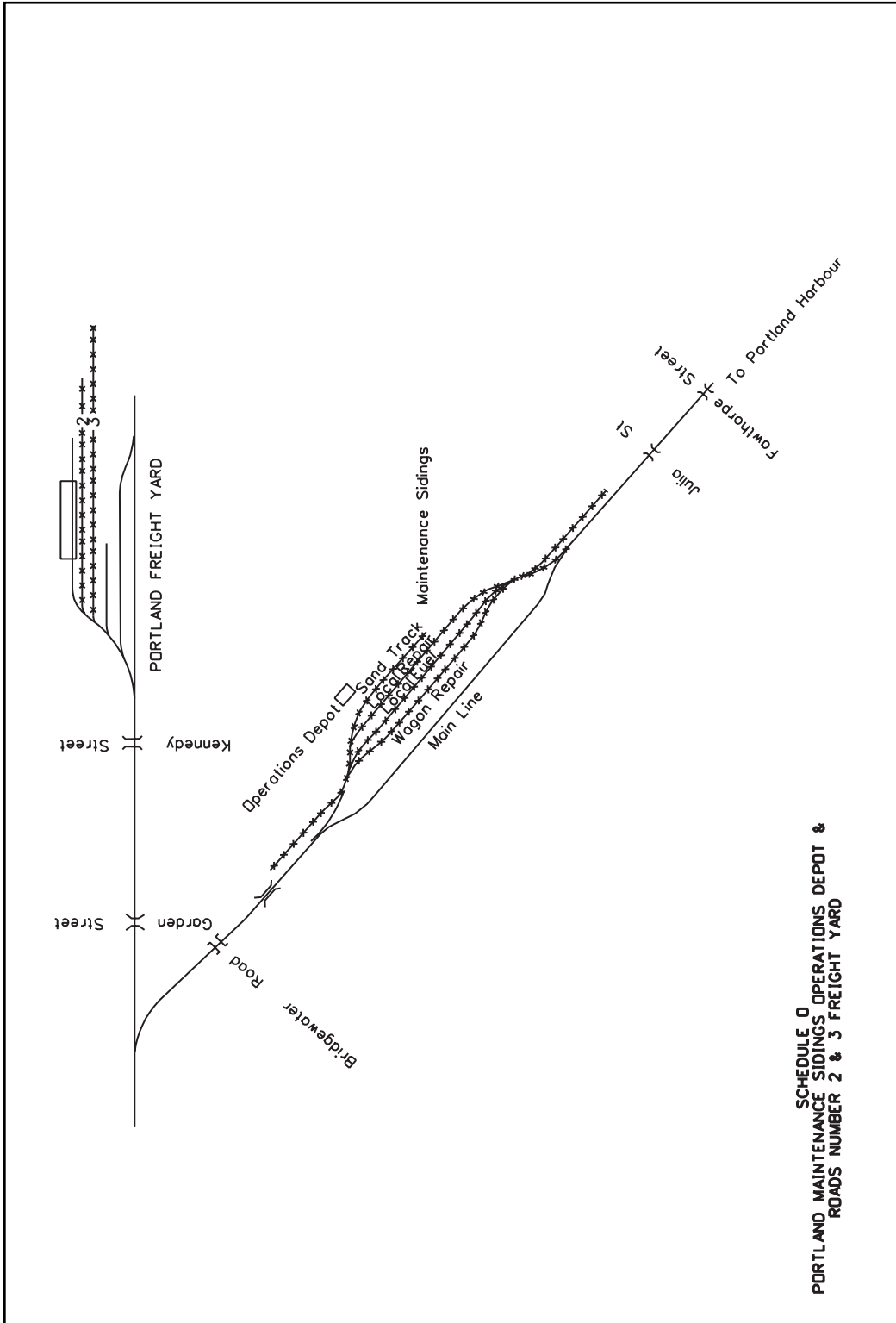
SCHEDULE J
DIMBODLA SIDINGS C & D

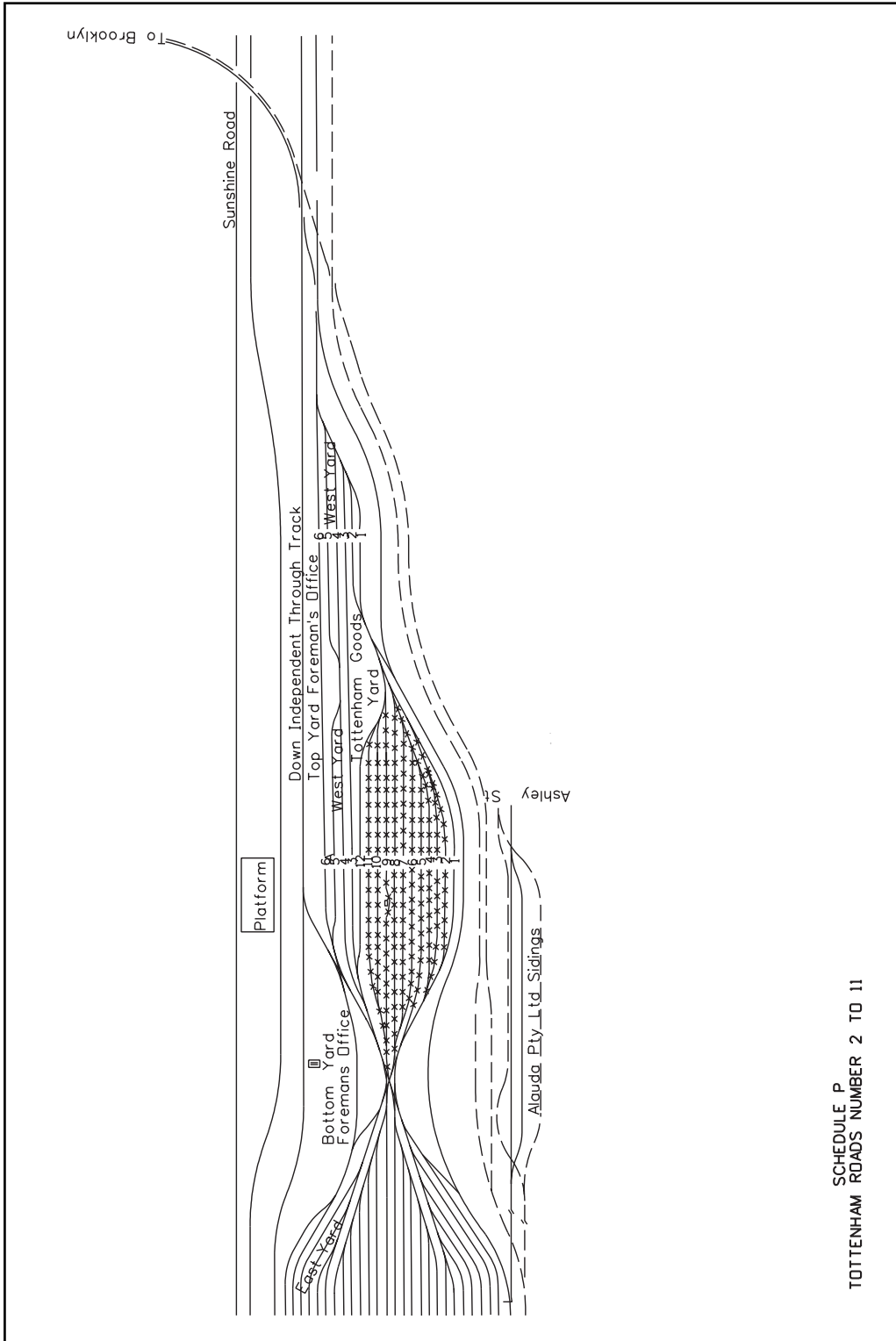




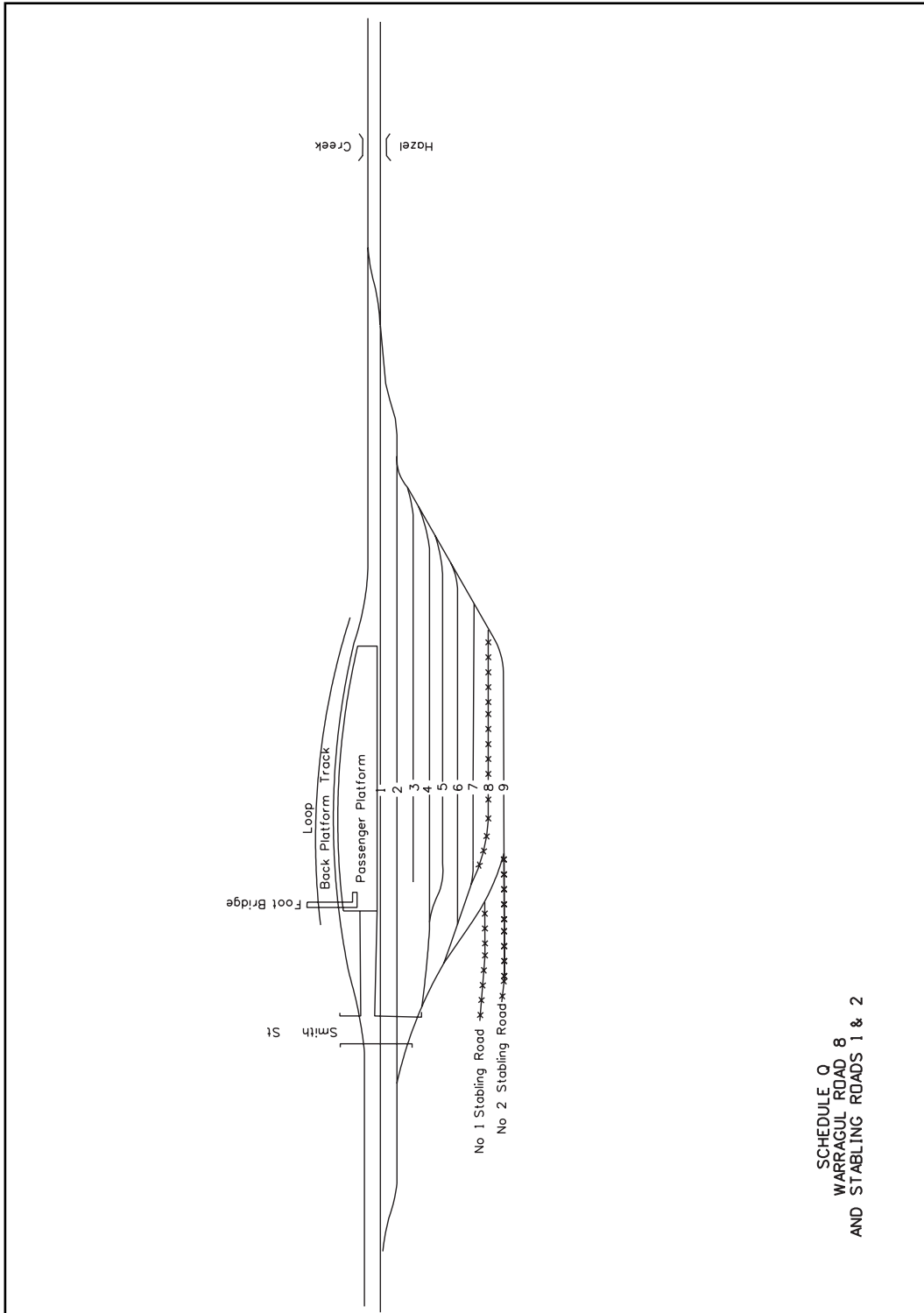








SCHEDULE P
TOTTENHAM ROADS NUMBER 2 TO 11



Rail Corporations Act 1996
PASSENGER NETWORK DECLARATION ORDER
Order in Council

The Governor in Council under section 38I(1) of the **Rail Corporations Act 1996** on the recommendation of the Minister, hereby makes the following Order.

1. Citation

This Order may be cited as the Passenger Network Declaration Order 2005.

2. Interpretation

In this Order:

Where a term used in this Order is defined in the **Rail Corporations Act 1996**, it has the meaning given to it in the **Rail Corporations Act 1996**.

Excluded Infrastructure means:

- (a) fuel points; and
- (b) all rail infrastructure:
 - (i) located at roads number 4 and 5 at Brooklyn, represented by the hatched area on the plan in Schedule A;
 - (ii) located at sidings C and D at Dimboola, represented by the hatched area on the plan in Schedule B;
 - (iii) located at:
 - A. roads number 4 to 8 (but not on the ladder track); and
 - B. dead end leads number 8A and 9A at roads number 8 and 9, at Maryborough, represented by the hatched area on the plan in Schedule C;
 - (iv) located at road number 4 and train examiners' siding at Murtoa, represented by the hatched area on the plan in Schedule D;
 - (v) located at:
 - A. the C sidings (3 roads on the west of the yard);
 - B. roads number 6, 7, 8, 9, 10, 11, 13 and 13A;
 - C. the train examiners' siding;
 - D. roads number 14A, 15, 16, 18, 20 and 22A; and
 - E. the wool siding and eastern W grain siding in East yard, at North Geelong, represented by the hatched area on the plan in Schedule E;
 - (vi) located at roads number 4 and 6 at Ouyen, represented by the hatched area on the plan in Schedule F;
 - (vii) located at:
 - A. maintenance sidings at the operations depot; and
 - B. roads number 2 and 3 at the Portland freightyard, at Portland, represented by the hatched area on the plan in Schedule G;
 - (viii) located at roads number 2 to 11 (1st classification) at Tottenham, represented by the hatched area on the plan in Schedule H;
 - (ix) located at road number 8 at Warragul and stabling roads 1 and 2, represented by the hatched area on the plan in Schedule I;
 - (x) located at the main dock line from Sims Street junction to Footscray Road.

Infrastructure Lease – Train means the agreement entitled the “Infrastructure Lease – Train”, entered into between the Director of Public Transport, Melbourne Transport Enterprises Pty Ltd (ACN 087 516 210) and Victorian Rail Track on or about 19 February 2004, and including amendments made as at the date of this Order.

Primary Infrastructure Lease means the agreement entitled the “Primary Infrastructure Lease”, entered into between the Director of Public Transport and Freight Victoria Limited (ACN 075 295 644) on or about 30 April 1999, as restated on or about 31 August 2004, and including amendments made as at the date of this Order.

Relevant Rail Infrastructure means all rail infrastructure, including rail infrastructure located within a terminal:

- (c) located on:
- (i) the Railway Corridors as defined in clause 1.1 of the Primary Infrastructure Lease;
 - (ii) the Station Grounds as defined in clause 1.1 of the Primary Infrastructure Lease;
 - (iii) the Intrastate Corridors as defined in clause 1.1 of the Primary Infrastructure Lease,
- except for land the subject of the Excluded Leases as defined in clause 1.1 of the Primary Infrastructure Lease;
- (d) located on the land delineated and coloured blue and pink (but not cross hatched) on the plans listed in Schedule 1 to the Infrastructure Lease – Train,

but excludes Excluded Infrastructure. (See note 1.)

V/Line Passenger means V/Line Passenger Corporation established by Division 2A of Part 2 of the **Rail Corporations Act 1996**.

3. Order

Each rail transport service that is a passenger service provided by means of the Relevant Rail Infrastructure is declared to be a declared rail transport service in respect of passenger services for the purposes of Part 2A of the **Rail Corporations Act 1996**.

4. Application

The rail transport services declared to be declared rail transport services by this Order are declared rail transport services in respect of V/Line Passenger only.

5. Commencement

This Order comes into effect on the day section 5 of the **Transport Legislation (Further Amendment) Act 2005** comes into operation.

Note

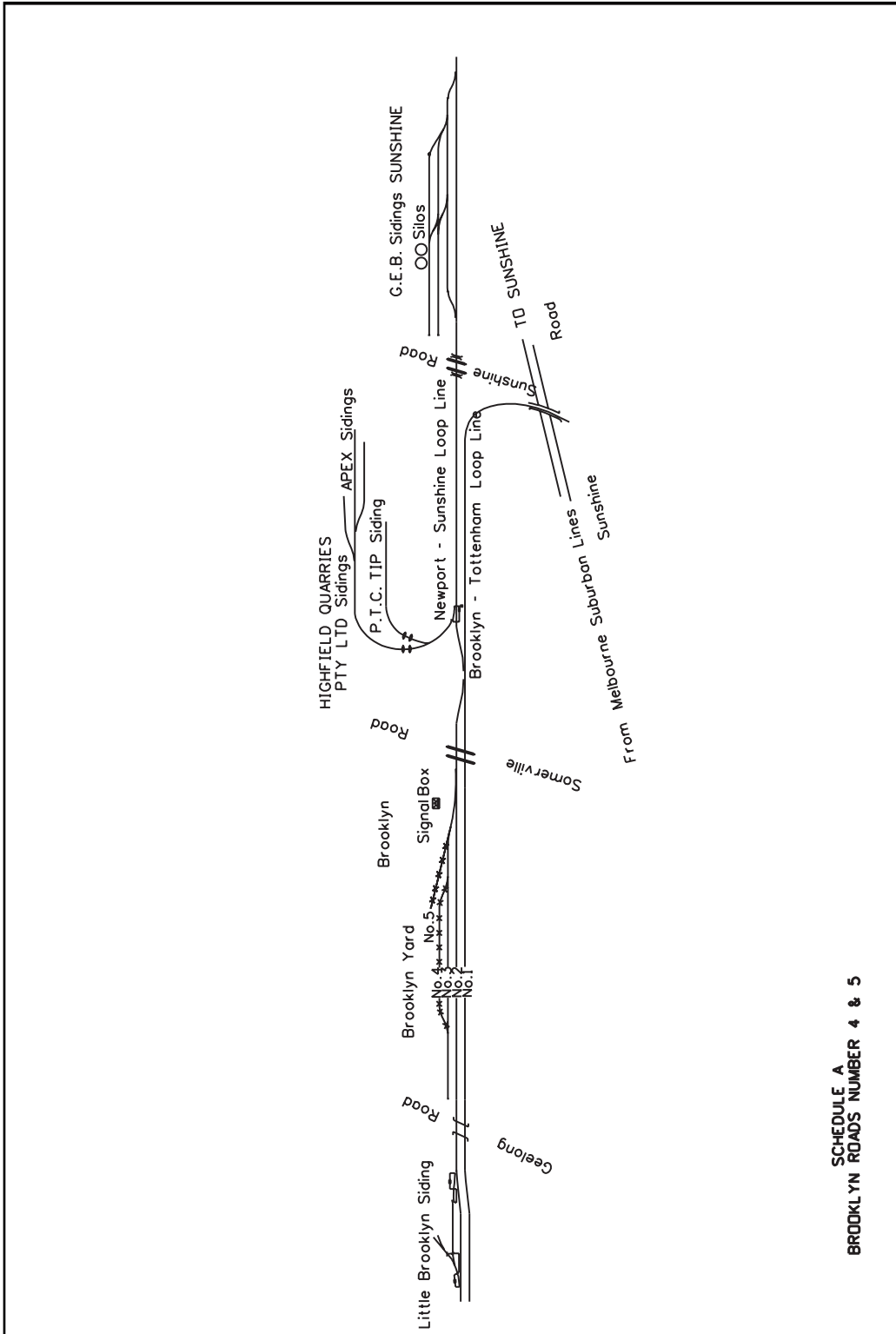
1. Track and sidings within terminals are rail infrastructure under the definition contained in section 3(1) of the **Rail Corporations Act 1996** and services provided by means of track and sidings within terminals can therefore be declared pursuant to this Order. Certain other terminal infrastructure is declared by the Dynon Terminal Order 2005 to be rail infrastructure for the purposes of Part 2A of the **Rail Corporations Act 1996** and services provided by means of that infrastructure can therefore be declared pursuant to this Order

NB: The note referred to above does not form part of the Order.

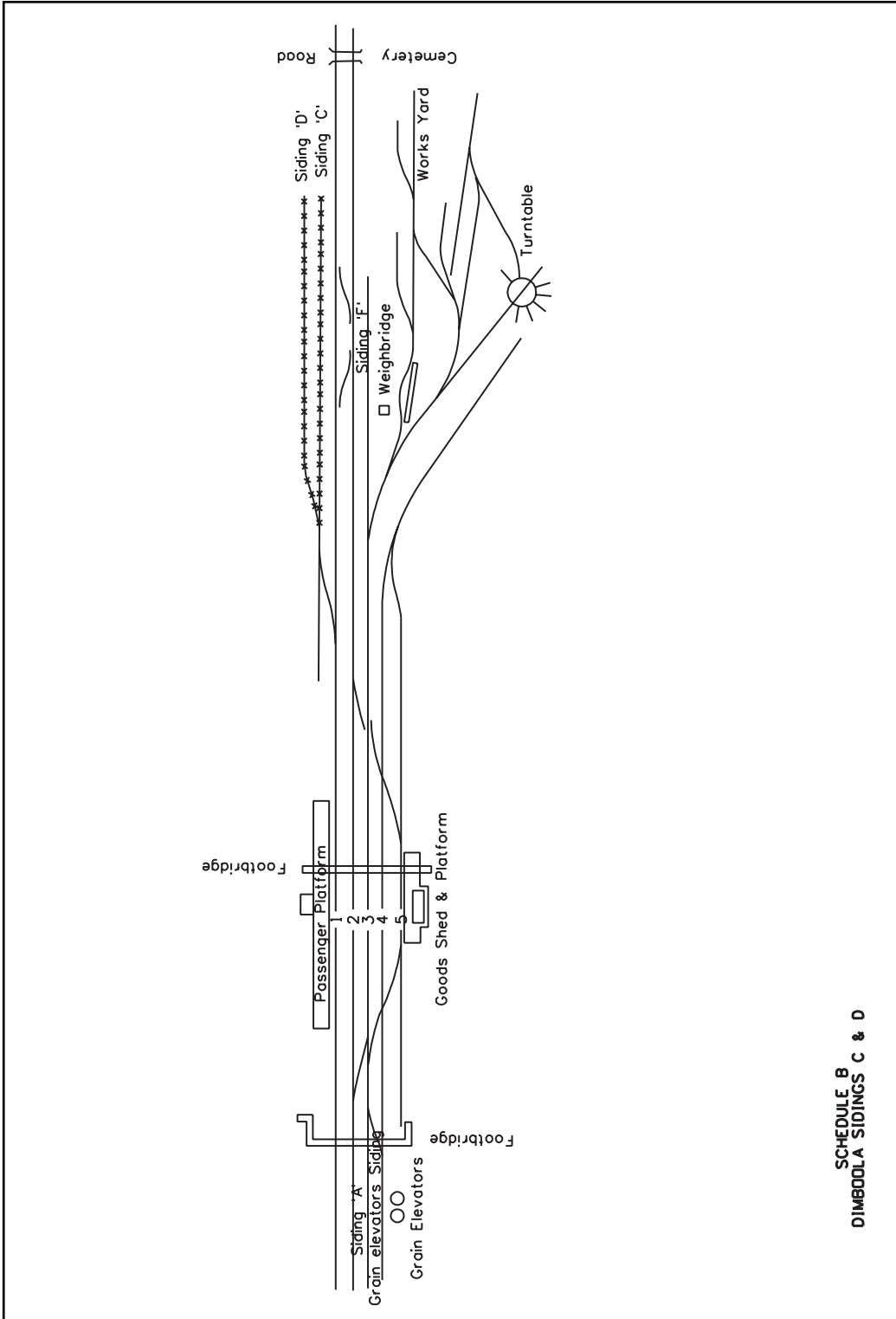
Dated 13 December 2005

Responsible Minister:
PETER BATCHELOR
Minister for Transport

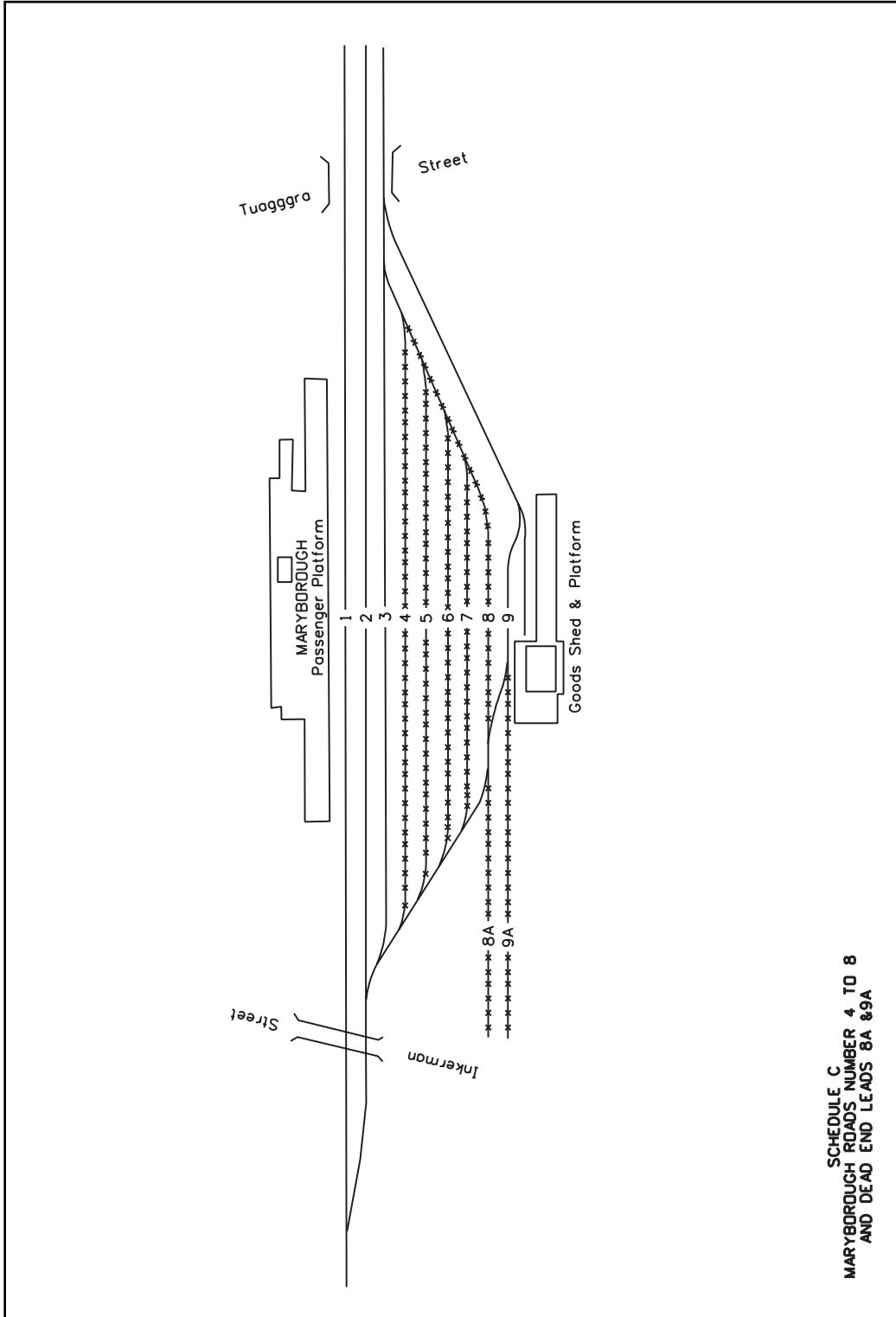
RUTH LEACH
Clerk of the Executive Council

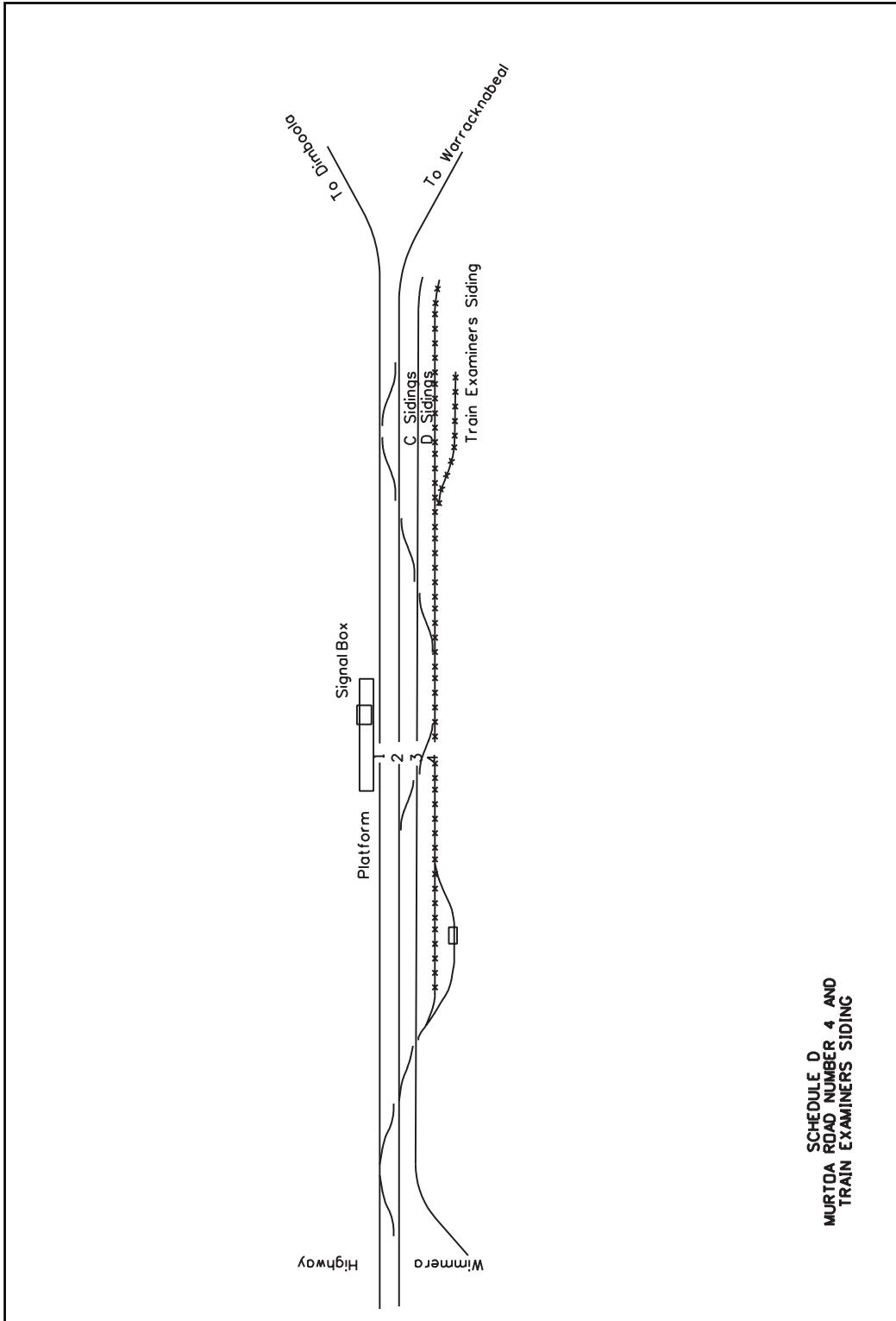


SCHEDULE A
BROOKLYN ROADS NUMBER 4 & 5

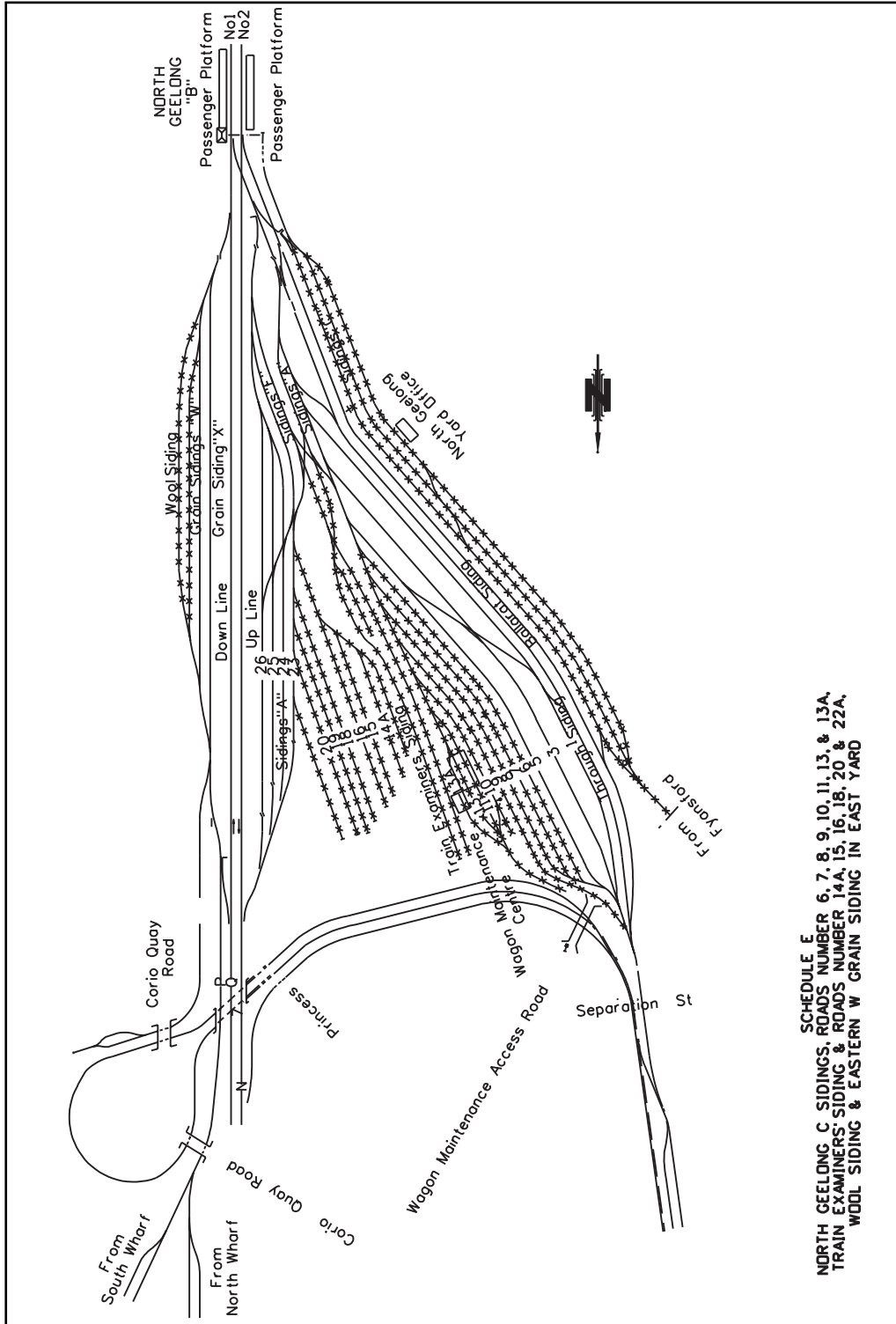


SCHEDULE B
DIMBODLA SIDINGS C & D

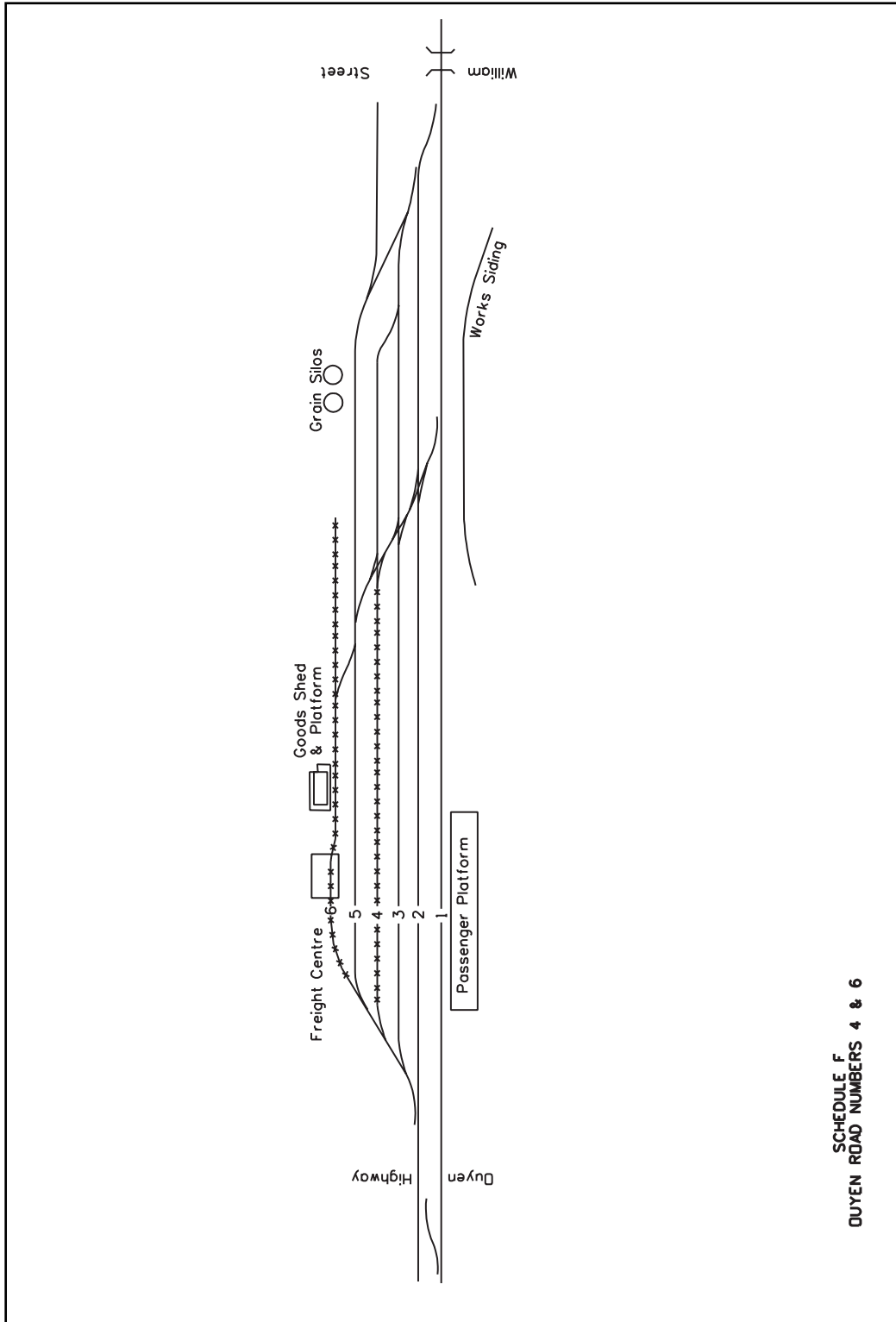




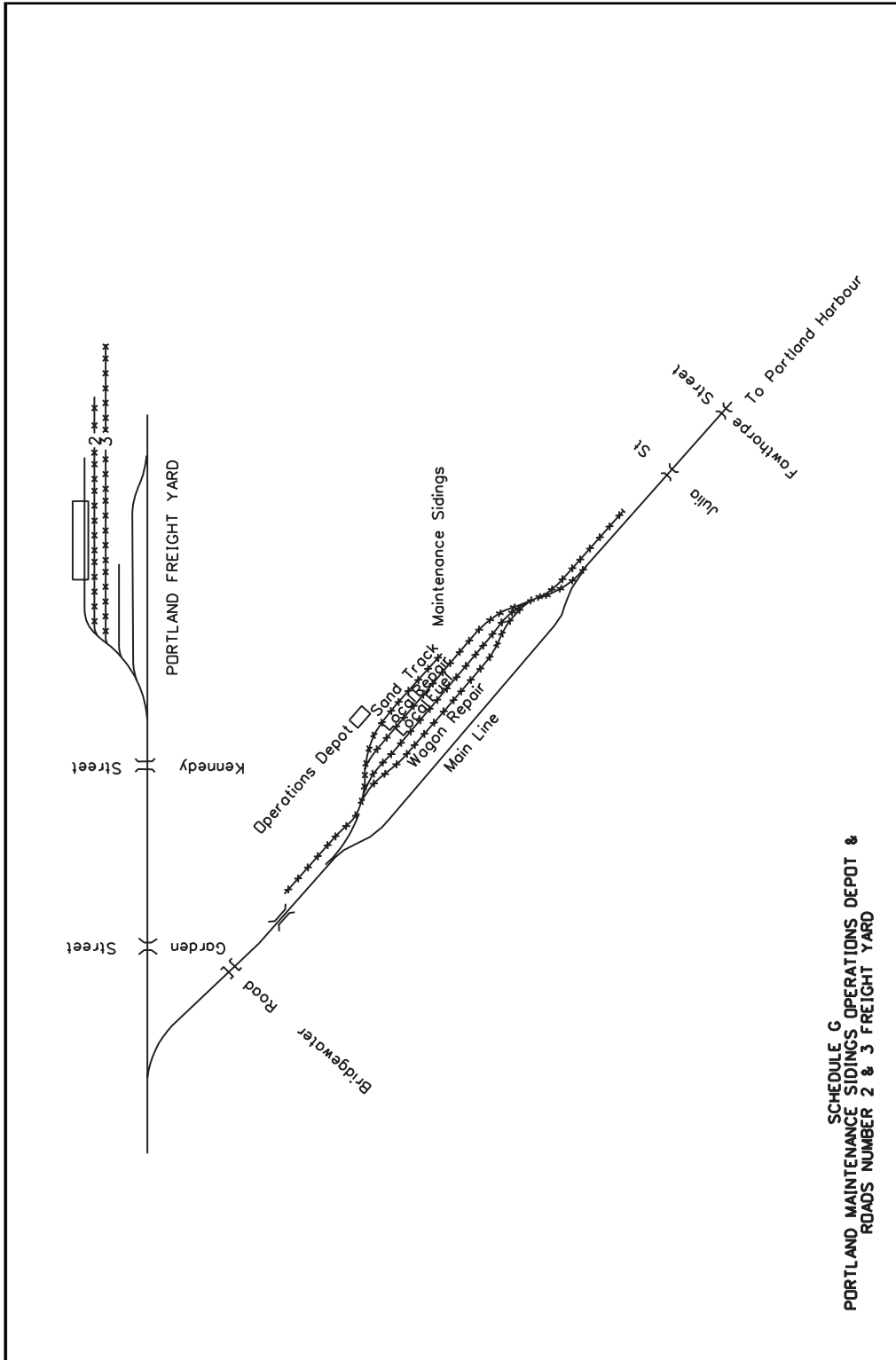
SCHEDULE D
MURTOA ROAD NUMBER 4 AND
TRAIN EXAMINERS SIDING

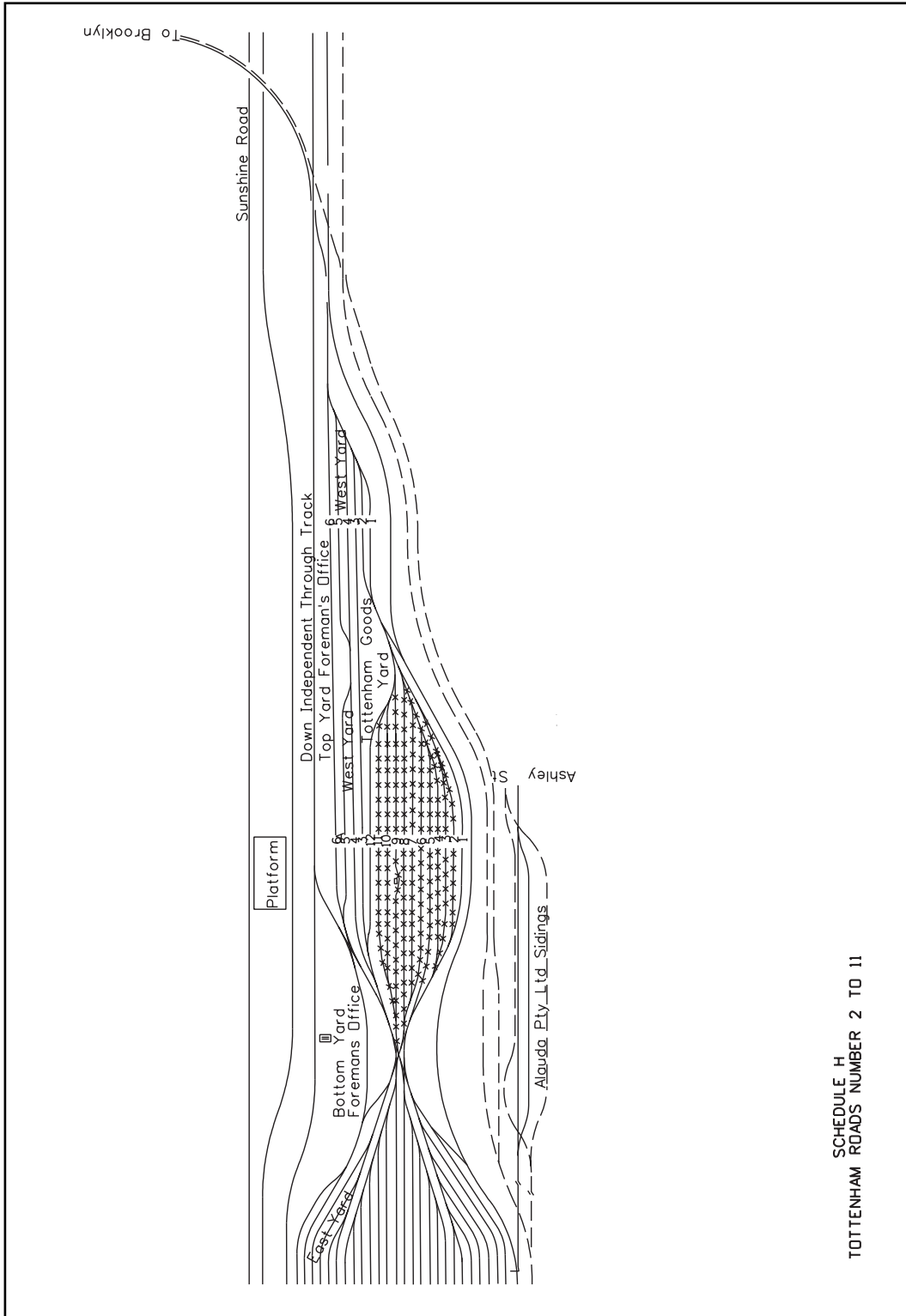


SCHEDULE E
NORTH GEELONG C SIDINGS, ROADS NUMBER 6, 7, 8, 9, 10, 11, 13, & 13A,
TRAIN EXAMINERS' SIDING & ROADS NUMBER 14A, 15, 16, 18, 20 & 22A,
WOOL SIDING & EASTERN W GRAIN SIDING IN EAST YARD

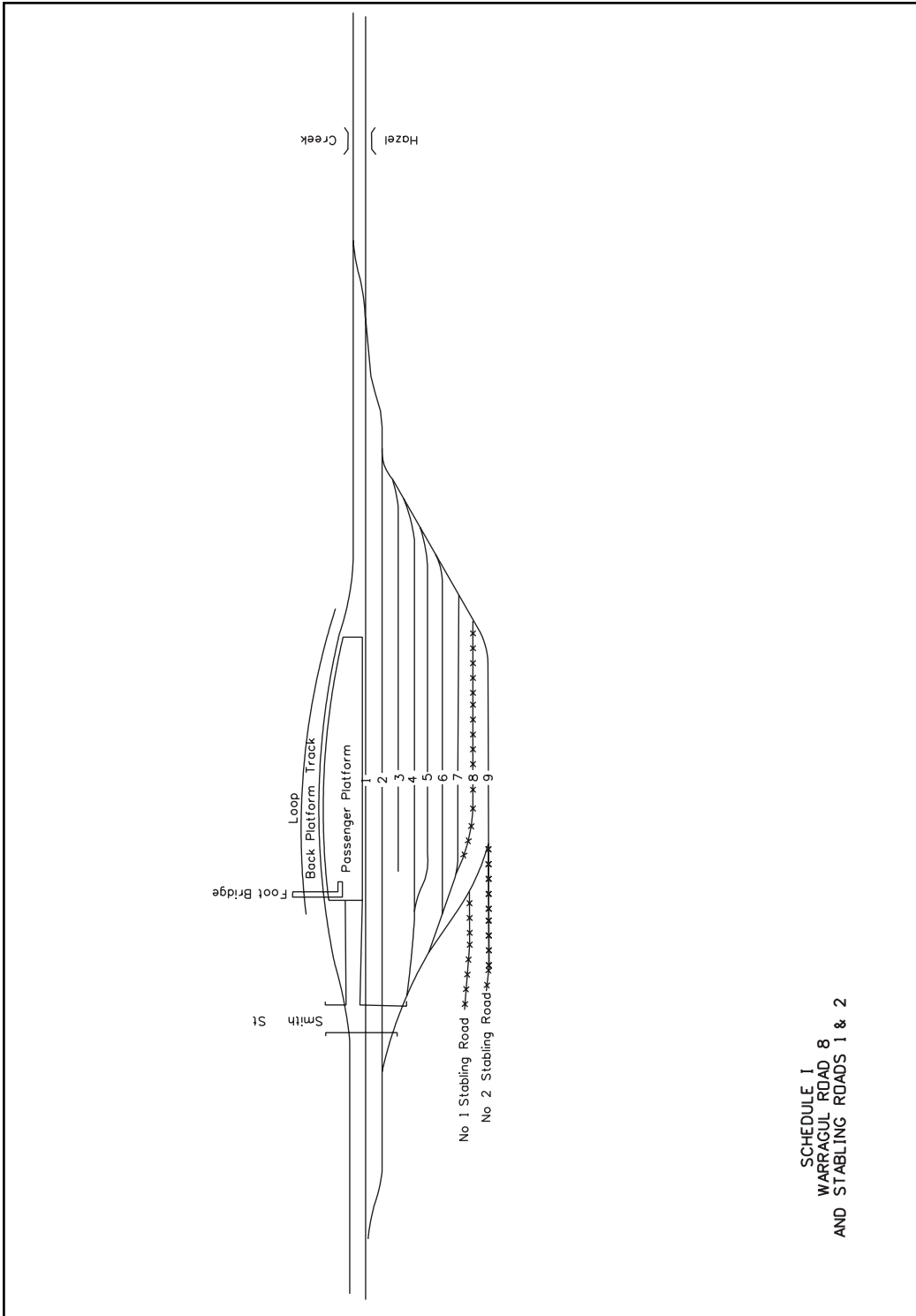


SCHEDULE F
DUYEN ROAD NUMBERS 4 & 6





SCHEDULE H
TOTTENHAM ROADS NUMBER 2 TO 11



Rail Corporations Act 1996
DYNON TERMINAL ORDER

Order in Council

The Governor in Council under section 38B of the **Rail Corporations Act 1996** on the recommendation of the Minister hereby makes the following Order.

1. Citation

This Order may be cited as the Dynon Terminal Order 2005.

2. Interpretation

In this Order:

Where a term used in this Order is defined in the **Rail Corporations Act 1996**, it has the meaning given to it in the **Rail Corporations Act 1996**.

Dynon Intermodal Terminal Lease means the agreement entitled the "Dynon Intermodal Terminal Lease" entered into by Victorian Rail Track and Freight Victoria Limited (ACN 075 295 644) on or about 29 April 1999, and including amendments made as at the date of this Order.

Dynon Terminals means:

All terminals or part thereof located at those parts of the Dynon precinct listed below, as represented by the hatched area on the plans in Schedule A:

- (i) the land set out in the Schedule to the Dynon Intermodal Terminal Lease;
- (ii) the land delineated and coloured blue and red on the plan contained in Schedule 1 to the South Dynon Lease;
- (iii) the Victrack common user area, comprising:
 - A. Dynon lot 75;
 - B. South Dynon lot 86;
 - C. the North Melbourne Creek sidings at lots 2 and 9;
 - D. the North Dynon agents' sidings at lots 83, 87 and 78;
 - E. the South Dynon W track.

(See Note 1.)

South Dynon Lease means the agreement entitled the "South Dynon Lease" entered into by Victorian Rail Track and National Rail Corporation Limited (ACN 052 134 362) on or about 15 February 1999, and including amendments made as at the date of this Order.

3. Order

The Dynon Terminals are declared to be rail infrastructure for the purposes of Part 2A of the **Rail Corporations Act 1996**.

4. Commencement

This Order comes into effect on the day section 5 of the **Transport Legislation (Further Amendment) Act 2005** comes into operation.

Note

- 1. Track and sidings within those terminals are rail infrastructure under the definition contained in section 3(1) of the **Rail Corporations Act 1996** and are therefore not the subject of this Order.

NB: The note above does not form part of the Order.

Dated 13 December 2005

Responsible Minister:
PETER BATCHELOR
Minister for Transport

RUTH LEACH
Clerk of the Executive Council



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