

**Explanatory Statement – Variation of the Nation Building Program Roads to Recovery  
Program List**

**Instrument 2011/2**

Under s.87 of the *Nation Building Program (National Land Transport) Act 2009* (the Act), the Minister must determine a list of bodies which are to receive Roads to Recovery funds and the amount that each is to receive ie its allocation and also show any unallocated funds. The initial list was determined on 26 February 2009.

Under s.88(1), where a body on the list ceases to exist before it has received its full allocation, the Minister can redirect any part of the allocation of the precursor body not paid to it at the date of abolition to the body that has taken over its responsibilities. In practice, this is done by varying the list.

French Island is an unincorporated area in Westernport Bay, Victoria. The Victorian Department of Transport, through VicRoads, was previously responsible for roads on French Island but this responsibility has been transferred to the Department of Sustainability and Environment. The Department of Transport needs to be removed from the list and the remainder of its allocation transferred to the new Department.