



Victoria Government Gazette

No. S 277 Wednesday 12 August 2009
By Authority of Victorian Government Printer

Public Administration Act 2004

ORDER ESTABLISHING A DEPARTMENT

Order in Council

The Lieutenant-Governor, as the Governor's Deputy, with the advice of the Executive Council, under section 10(a) of the **Public Administration Act 2004**, establishes a Department of Health.

This Order takes effect as and from 12 August 2009.

Dated 11 August 2009

Responsible Minister

HON JOHN BRUMBY MP

Premier of Victoria

TOBY HALLIGAN
Clerk of the Executive Council

Administrative Arrangements Act 1983

ADMINISTRATIVE ARRANGEMENTS ORDER (NO. 202) 2009

The Lieutenant-Governor, as the Governor's Deputy, with the advice of the Executive Council, makes the following Order:

Dated 11 August 2009

Responsible Minister

HON JOHN BRUMBY MP

Premier of Victoria

TOBY HALLIGAN
Clerk of the Executive Council

1. **Title**
This Order is called the Administrative Arrangements Order (No. 202) 2009.
2. **Authorising provision**
This Order is made under section 3 of the **Administrative Arrangements Act 1983**.
3. **Commencement**
This Order takes effect on 12 August 2009.
4. **Definitions**
In this Order –
‘**Body**’ means Minister, Department or officer;
‘**instrument**’ includes contract and agreement;
‘**Old Body**’ means a Body specified in Column 1 of the Schedule;
‘**New Body**’ means a Body specified in Column 3 of the Schedule;
‘**Schedule**’ means Schedule to this Order;
‘**transaction**’ includes –
 - (a) agreement, bond, contract, deed or other consensual arrangement; and
 - (b) action, appeal, arbitration, prosecution or other legal proceeding; and
 - (c) assignment, charge, lease, mortgage, transfer or other dealing with property; and

SPECIAL

- (d) loan, guarantee, indemnity or other dealing with money; and
- (e) approval, consent, delegation, direction, licence, order, permit, requirement or other authority; and
- (f) notice; and
- (g) any other act, entitlement or liability at law.

5. Construction of references

In respect of each item in the Schedule, a reference to an Old Body –

- (a) in a provision of an Act specified in Column 2 of the Schedule; or
 - (b) in a statutory instrument or other instrument made under an Act specified in Column 2 of the Schedule; or
 - (c) in respect of any other matter or thing done under a provision of an Act specified in Column 2 of the Schedule; or
 - (d) in an instrument specified in Column 2 of the Schedule –
- is deemed to be a reference to the New Body.

6 Saving of existing transactions

If a transaction happened in relation to an Old Body before this Order takes effect –

- (a) the transaction shall continue in the same way it would have continued if this Order had not been made; and
- (b) the transaction may be given effect to, or enforced or completed, by or in relation to the New Body in the same way as it would have been given effect to, enforced or completed, by or in relation to the Old Body if this Order had not been made.

7 Keeping financial accounts and reports

The Secretary, Department of Human Services must ensure that financial accounts are kept and reports are provided for the purposes of the **Financial Management Act 1994** until 30 September 2009 in respect of functions under the Acts specified in item 1 in the Schedule that are transferred to the Secretary, Department of Health as if the functions had not been transferred.

8 Providing financial accounts and reports

The Secretary, Department of Health must, if requested by the Secretary, Department of Human Services, provide the Secretary, Department of Human Services with any financial accounts and records or other information required to enable the Secretary, Department of Human Services, to comply with clause 7.

SCHEDULE

Item No.	Column 1 (Old Body)	Column 2 (Legislation or Instrument)	Column 3 (New Body)
1.	Secretary, Department of Human Services	<ul style="list-style-type: none"> ● Abortion Law Reform Act 2008 ● Alcoholics and Drug-dependent Persons Act 1968 – Except: <ul style="list-style-type: none"> ● Sections 11, 14 and 15 ● Ambulance Services Act 1986 ● Anglican Welfare Agency Act 1997 ● Assisted Reproductive Treatment Act 2008 ● Building Act 1993 – <ul style="list-style-type: none"> ● Parts 5B and 5C ● Cancer Act 1958 ● Cemeteries and Crematoria Act 2003 ● Drugs, Poisons and Controlled Substances Act 1981 – Except: <ul style="list-style-type: none"> ● Part IVA ● Drugs, Poisons and Controlled Substances (Volatile Substances) (Repeal) Act 2008 ● Epworth Foundation Act 1980 ● Food Act 1984 ● Gene Technology Act 2001 ● Health Act 1958 – Except: <ul style="list-style-type: none"> ● Section 3 insofar as it relates to sections 6(3) or 6(4) ● Section 6 ● Section 228 and Part XX where it relates to the operation of section 228 ● Part IX ● Health (Fluoridation) Act 1973 ● Health Practitioners (Special Events Exemption) Act 1999 ● Health Professions Registration Act 2005 ● Health Records Act 2001 ● Health Services (Conciliation and Review) Act 1987 ● Health Services Act 1988 – Except: <ul style="list-style-type: none"> ● Sections 99, 100, 101 and 103 ● Sections 11, 102, 110 and 119 in so far as they relate to supported residential services ● Human Services (Complex Needs) Act 2003 ● Human Tissue Act 1982 ● Infertility Treatment Act 1995 	Secretary, Department of Health

Item No.	Column 1 (Old Body)	Column 2 (Legislation or Instrument)	Column 3 (New Body)
		<ul style="list-style-type: none"> ● Land Act 1958 – <ul style="list-style-type: none"> ● In so far as it relates to the exercise of powers relating to leases and licences under Subdivisions 1 and 2 of Division 9 of Part I in respect of: <ul style="list-style-type: none"> ● the land described as Crown Allotment 60 A1 in the Parish of Traralgon and contained in Crown Lease Volume 1212 Folio 519 ● the land described as Allotment 3A of section 16 Block E in the Parish of Mildura and contained in Crown Lease Volume 1212 Folio 567 ● land shown hatched and cross-hatched on the plan numbered LEGL./07-083 lodged in the Central Plan Office in the Department of Sustainability and Environment, being part of the construction site for the new Royal Children’s Hospital ● Lord Mayor’s Charitable Fund Act 1996 ● Medical Treatment Act 1988 ● Mental Health Act 1986 ● Non-emergency Patient Transport Act 2003 ● Prohibition of Human Cloning for Reproduction Act 2008 ● Public Health and Wellbeing Act 2008 ● Radiation Act 2005 ● Research Involving Human Embryos Act 2008 ● Royal Melbourne Hospital (Redevelopment) Act 1992 – Except: <ul style="list-style-type: none"> ● Section 7 ● Safe Drinking Water Act 2003 ● Therapeutic Goods (Victoria) Act 1994 ● Tobacco Act 1987 	
2.	Department of Human Services	All Acts specified in column 2 of item 1, to the extent specified.	Department of Health
3.	Secretary, Department of Human Services	Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 <ul style="list-style-type: none"> ● Sections 48–55, 57A, 58, 60–63(1), Division 3 of Part 7 and Part 7A 	Secretary, Department of Human Services and Secretary, Department of Health

Item No.	Column 1 (Old Body)	Column 2 (Legislation or Instrument)	Column 3 (New Body)
4.	Department of Human Services	The Act specified in column 2 of item 3, to the extent specified.	Department of Human Services and Department of Health
5.	Secretary, Department of Human Services	Health Services Act 1988 <ul style="list-style-type: none"> ● Part 5, except section 119 	Secretary, Department of Human Services or Secretary, Department of Health, or both
6.	Department of Human Services	The Act specified in column 2 of item 5 to the extent specified.	Department of Human Services or Department of Health, or both
7.	Secretary, Department of Human Services	Health Act 1958 <ul style="list-style-type: none"> ● Section 3 insofar as it relates to sections 6(3) or 6(4) 	Secretary, Department of Human Services or Secretary, Department of Health
8.	Department of Human Services	The Act specified in column 2 of item 7 to the extent specified.	Department of Human Services or Department of Health

Public Administration Act 2004

ESTABLISHMENT OF ADMINISTRATIVE OFFICE

Order in Council

The Lieutenant-Governor, as the Governor's deputy, with the advice of the Executive Council, under section 11 of the **Public Administration Act 2004**, establishes the Administrative Office listed in Column 1 in relation to the Department listed in Column 2, effective from 1 September 2009.

Column 1

Local Government Investigations and
Compliance Inspectorate

Dated 11 August 2009

Responsible Minister

HON JOHN BRUMBY MP

Premier of Victoria

Column 2

Department of Planning and Community
Development

TOBY HALLIGAN
Clerk of the Executive Council

This page was left blank intentionally

craftsmanpress

The *Victoria Government Gazette* is published by The Craftsman Press Pty Ltd with the authority of the Government Printer for the State of Victoria

© State of Victoria 2009

This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act.

Address all enquiries to the Government Printer for the State of Victoria
Level 2 1 Macarthur Street
Melbourne 3002
Victoria Australia

How To Order**Mail Order**

Victoria Government Gazette
Level 5 460 Bourke Street
Melbourne 3000
PO Box 1957 Melbourne 3001
DX 106 Melbourne

**Telephone**

(03) 8523 4601

**Fax**

(03) 9600 0478

email

gazette@craftpress.com.au

**Retail & Mail Sales**

Victoria Government Gazette
Level 5 460 Bourke Street
Melbourne 3000
PO Box 1957 Melbourne 3001

**Telephone**

(03) 8523 4601

**Fax**

(03) 9600 0478

**Retail Sales**

Information Victoria
505 Little Collins Street
Melbourne 3000

**Telephone**

1300 366 356

**Fax**

(03) 9603 9920

Price Code A