



Victoria Government Gazette

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Administrative Arrangements Act 1983

ADMINISTRATIVE ARRANGEMENTS ORDER (NO. 230) 2019

The Governor in Council makes the following Order:

Dated 9 April 2019

Responsible Minister:

THE HON DANIEL ANDREWS MP
Premier

ANDREW ROBINSON
Clerk of the Executive Council

1. Title

This Order is called the **Administrative Arrangements Order (No. 230) 2019**.

2. Authorising provision

This Order is made under section 3 of the **Administrative Arrangements Act 1983**.

3. Commencement

- (1) Subject to subclauses (2) and (3), this Order takes effect on 9 April 2019.
- (2) This Order, as it applies to or in respect of an item in Table 1 of the Schedule, takes effect on 1 January 2019.
- (3) This Order, as it applies to or in respect of an item in Table 2 of the Schedule, takes effect on 7 February 2018.

4. Definitions

In this Order –

‘**Body**’ means Minister, Department or officer;

‘**instrument**’ includes contract and agreement;

‘**New Body**’ means, in respect of an Old Body, the Body specified in Column 3 of the item specifying the Old Body in a Table of the Schedule;

‘**Old Body**’ means a Body specified in Column 1 of an item in a Table of the Schedule;

‘**Schedule**’ means the 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
- (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

- (1) A reference to an Old Body in any one or more of the following is taken to be a reference to the New Body –
 - (a) an Act or a provision of an Act specified in an item in a Table of the Schedule;
 - (b) a statutory instrument or other instrument made under an Act specified in an item in a Table of the Schedule;
 - (c) any other instrument specified in an item in a Table of the Schedule.

SPECIAL

- (2) A reference to an Old Body in respect of any matter or thing done under an Act or a provision of an Act (other than the making of an instrument referred to in subclause (1)(b) or (c)) that is specified in an item in a Table of the Schedule is taken to be a reference to the New Body.
- (3) For the purposes of this clause, a reference to an Old Body acting jointly and severally in Column 1 of an item in a Table of the Schedule is to be read as a reference to that Old Body acting in one of the following ways (however described in a previous Order made under section 3 of the **Administrative Arrangements Act 1983**), as the case requires –
 - (a) on its own;
 - (b) with another Old Body specified in that item;
 - (c) with 2 or more other Old Bodies specified in that item.
- (4) For the purposes of this clause, a reference to an Old Body acting jointly in Column 1 of an item in a Table of the Schedule is to be read as a reference to that Old Body acting in one of the following ways (however described in a previous Order made under section 3 of the **Administrative Arrangements Act 1983**), as the case requires –
 - (a) with another Old Body specified in that item;
 - (b) with 2 or more other Old Bodies specified in that item.

6. **Saving of existing transactions**

If a transaction happened in relation to an Old Body before this Order takes effect in respect of the item specifying the Old Body –

- (a) the transaction continues as if this Order were not 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, or enforced or completed, by or in relation to the Old Body.

7. **Keeping financial accounts and reports**

- (1) Despite this Order taking effect in respect of the items specified in Table 1 of the Schedule, the Secretary to a Department that is an Old Body specified in those items must ensure, for the purposes of the **Financial Management Act 1994**, that, during the period starting on 1 July 2018 and ending on 31 March 2019, financial accounts are kept and reports are provided in relation to a function under an Act specified in those items that is transferred to a Secretary to a Department that is the New Body.
- (2) Despite this Order taking effect in respect of items 2 and 3 specified in Table 2 of the Schedule, the Secretary, Department of Environment, Land, Water and Planning must ensure, for the purposes of the **Financial Management Act 1994**, that, during the period starting on 1 July 2018 and ending on 31 March 2019, financial accounts are kept and reports are provided in relation to a function under an Act specified in items 2 and 3 in Table 2 of the Schedule that is transferred to the Secretary to the Department Premier and Cabinet.

8. **Providing financial accounts and reports**

For the purpose of enabling a Secretary to a Department that is an Old Body specified in an item of a Table in the Schedule to comply with clause 7, the Secretary to a Department that is the New Body to which a function referred to in that clause is transferred, must, if requested by the Old Body, provide that Old Body with any financial accounts and records or other information.

SCHEDULE

Table 1

Item No.	Column 1 (Old Body)	Column 2 (Legislation or Instrument)	Column 3 (New Body)
1.	Department of Economic Development, Jobs, Transport and Resources	Project Development and Construction Management Act 1994 – <ul style="list-style-type: none"> Section 41F(a) 	Department of Jobs, Precincts and Regions, Department of Transport, jointly and severally
2.	Department of Economic Development, Jobs, Transport and Resources	Sentencing Act 1991 – <ul style="list-style-type: none"> Section 10AA(8) (definition of ‘emergency worker’) 	Department of Jobs, Precincts and Regions
3.	Department of Economic Development, Jobs, Transport and Resources	Sentencing Act 1991 – <ul style="list-style-type: none"> Section 10AA(8) (definition of ‘emergency worker’) 	Department of Transport
4.	Department of Economic Development, Jobs, Transport and Resources	Rural Assistance Schemes Act 2016 – <ul style="list-style-type: none"> Section 11 	Department of Jobs, Precincts and Regions
5.	Secretary, Department of Economic Development, Jobs, Transport and Resources	Major Transport Projects Facilitation Act 2009 – <ul style="list-style-type: none"> A notice made under section 15 that is in force immediately before the date on which this Order takes effect in respect of this item 	Secretary, Department of Transport
6.	Secretary, Department of Economic Development, Jobs, Transport and Resources	Rural Assistance Schemes Act 2016 – <ul style="list-style-type: none"> Section 3 (definition of ‘Secretary’) 	Secretary, Department of Jobs, Precincts and Regions
7.	Secretary to the Department of Economic Development, Jobs, Transport and Resources	Access to Medicinal Cannabis Act 2016 – <ul style="list-style-type: none"> Section 3 (definition of ‘Resources Secretary’) 	Secretary to the Department of Jobs, Precincts and Regions
8.	Secretary to the Department of Economic Development, Jobs, Transport and Resources	Taxation Administration Act 1997 – <ul style="list-style-type: none"> Section 92(1)(e)(vf) 	Department of Jobs, Precincts and Regions, Department of Treasury and Finance, jointly and severally

Item No.	Column 1 (Old Body)	Column 2 (Legislation or Instrument)	Column 3 (New Body)
9.	Department of Economic Development, Jobs, Transport and Resources	Food Act 1984 – Except: <ul style="list-style-type: none"> ● Section 63 in so far as it relates to the making of regulations related to primary production and processing standards 	Department of Jobs, Precincts and Regions
10.	Secretary, Department of Economic Development, Jobs, Transport and Resources	The Acts or provisions of Acts listed in Column 2 of Item 9 to the extent specified in that item.	Secretary, Department of Jobs, Precincts and Regions
11.	Department of Economic Development, Jobs, Transport and Resources, Department of Environment, Land, Water and Planning, jointly	Conservation, Forests and Lands Act 1987 – <ul style="list-style-type: none"> ● Sections 11(1), 12, 28, 83, 88A, 91, 95A and 96 and Schedule 2 in so far as they relate to the exercise of powers for the purposes of: <ul style="list-style-type: none"> ○ the Sustainable Forests (Timber) Act 2004 <ul style="list-style-type: none"> ▪ Part 9 and sections 3, 22, 23(1) and 24 	Department of Environment, Land, Water and Planning, Department of Jobs, Precincts and Regions, jointly
12.	Secretary, Department of Economic Development, Jobs, Transport and Resources, Secretary, Department of Environment, Land, Water and Planning, jointly	The Acts or provisions of Acts listed in Column 2 of Item 11 to the extent specified in that item.	Secretary, Department of Environment, Land, Water and Planning, Secretary, Department of Jobs, Precincts and Regions, jointly
13.	Department of Environment, Land, Water and Planning, Department of Jobs, Precincts and Regions, jointly	Conservation, Forests and Lands Act 1987 – <ul style="list-style-type: none"> ● Section 99 in so far as it relates to: <ul style="list-style-type: none"> ○ Section 5, Parts 3 and 5 and Divisions 1 and 2 of Part 6 of the Flora and Fauna Guarantee Act 1988 ○ Section 3 of the Land Conservation (Vehicle Control) Act 1972 	Department of Environment, Land, Water and Planning, Department of Jobs, Precincts and Regions, jointly and severally
14.	Secretary, Department of Environment, Land, Water and Planning, Secretary, Department of Jobs, Precincts and Regions, jointly	The Acts or provisions of Acts listed in Column 2 of Item 13 to the extent specified in that item.	Secretary, Department of Environment, Land, Water and Planning, Secretary, Department of Jobs, Precincts and Regions, jointly and severally

Item No.	Column 1 (Old Body)	Column 2 (Legislation or Instrument)	Column 3 (New Body)
15.	Department of Environment, Land, Water and Planning, Department of Jobs, Precincts and Regions, jointly	<p>Conservation, Forests and Lands Act 1987 –</p> <ul style="list-style-type: none"> ● Sections 11(1), 12, 28, 83, 88A, 91, 95A and 96 and Schedule 2 in so far as they relate to the exercise of powers for the purposes of: <ul style="list-style-type: none"> ○ the Sustainable Forests (Timber) Act 2004 except: <ul style="list-style-type: none"> ▪ Part 9 and sections 3, 22, 23(1) and 24 ▪ Parts 2 and 8; Division 1 of Part 6; section 45 <p>Wildlife Act 1975 –</p> <ul style="list-style-type: none"> ● Part IIIB in so far as it relates to the hunting of game ● Sections 58C, 58D and 58E 	Department of Jobs, Precincts and Regions
16.	Secretary, Department of Environment, Land, Water and Planning, Secretary, Department of Jobs, Precincts and Regions, jointly	The Acts or provisions of Acts listed in Column 2 of Item 15 to the extent specified in that item.	Secretary, Department of Jobs, Precincts and Regions
17.	Department of Environment, Land, Water and Planning, Department of Jobs, Precincts and Regions, jointly	<p>Conservation, Forests and Lands Act 1987 –</p> <ul style="list-style-type: none"> ● Sections 11(1), 12, 28, 83, 88A, 91, 95A and 96 and Schedule 2 in so far as they relate to the exercise of powers for the purposes of: <ul style="list-style-type: none"> ○ Sections 1, 2, 3(1), 3B, 4-7(1), 7(3), 18, 19-22, 26A, 52, 53-55, 57, 75, 78-84, 94-100, 101, 102 and 103 of the Forests Act 1958 ● Section 99 in so far as it relates to: <ul style="list-style-type: none"> ○ Sections 40 and 52AA and sections 1, 2, 3(1), 3B, 4-7(1), 7(3), 18, 19-22, 26A, 52, 53-55, 57, 75, 78-84, 94-100, 101, 102 and 103 of the Forests Act 1958 ○ the Sustainable Forests (Timber) Act 2004 	Department of Environment, Land, Water and Planning, Department of Jobs, Precincts and Regions, jointly and severally

Item No.	Column 1 (Old Body)	Column 2 (Legislation or Instrument)	Column 3 (New Body)
		<ul style="list-style-type: none"> ○ Part I (except section 4B), Parts III, IIIA, VIII and IX, sections 16, 35, 41-44, 47D, 48-48C, 53-58B and 86-86C and, in so far as it relates to the effective management of hunting, including preserving good order among hunters of wildlife, section 87 of the Wildlife Act 1975 ○ Part IIIB in so far as it relates to the hunting of game, Part VIIA and sections 58C, 58D and 58E of the Wildlife Act 1975 	
18.	Secretary, Department of Environment, Land, Water and Planning, Secretary, Department of Jobs, Precincts and Regions, jointly	The Acts or provisions of Acts listed in Column 2 of Item 17 to the extent specified in that item.	Secretary, Department of Environment, Land, Water and Planning, Secretary, Department of Jobs, Precincts and Regions, jointly and severally
19.	Department of Environment, Land, Water and Planning, Department of Jobs, Precincts and Regions, jointly and severally	Development Victoria Act 2003 – <ul style="list-style-type: none"> ● Division 2 of Part 2, Part 3 (except section 51B(5)), Part 6 and Part 7 (in so far as these provisions relate to the exercise of powers in respect of land included within the municipal council areas of Cardinia, Casey, Hume, Melton, Mitchell, Mornington Peninsula, Nillumbik, Whittlesea, Wyndham and Yarra Ranges) 	Department of Jobs, Precincts and Regions
20.	Secretary, Department of Environment, Land, Water and Planning, Secretary, Department of Jobs, Precincts and Regions, jointly and severally	The Acts or provisions of Acts listed in Column 2 of Item 19 to the extent specified in that item.	Secretary, Department of Jobs, Precincts and Regions

Item No.	Column 1 (Old Body)	Column 2 (Legislation or Instrument)	Column 3 (New Body)
21.	Department of Jobs, Precincts and Regions	<p>Conservation Forests and Lands Act 1987</p> <ul style="list-style-type: none"> ● In so far that it relates to the exercise of powers for the purposes of the Fisheries Act 1995 <p>Fisheries Act 1995</p> <p>Victorian Fisheries Authority Act 2016</p>	Department of Transport
22.	Secretary, Department of Jobs, Precincts and Regions	The Acts or provisions of Acts listed in Column 2 of Item 21 to the extent specified in that item.	Secretary, Department of Transport
23.	Department of Jobs, Precincts and Regions and Department of Transport, jointly and severally	<p>Marine (Drug, Alcohol and Pollution Control) Act 1988</p> <p>Marine Safety Act 2010</p> <p>Transport (Safety Schemes Compliance and Enforcement) Act 2014</p>	Department of Transport
24.	Secretary Department of Jobs, Precincts and Regions and Secretary, Department of Transport, jointly and severally	The Acts or provisions of Acts listed in Column 2 of Item 23 to the extent specified in that item.	Secretary, Department of Transport
25.	Department of Education and Training	Melbourne Lands (Yarra River North Bank) Act 1997	Department of Jobs, Precincts and Regions
26.	Secretary, Department of Education and Training	Melbourne Lands (Yarra River North Bank) Act 1997	Secretary, Department of Jobs, Precincts and Regions
27.	Department of Health and Human Services, Department of Justice and Community Safety, jointly	<p>Sentencing Act 1991 –</p> <ul style="list-style-type: none"> ● Division 2 of Part 3BA 	Department of Health and Human Services, Department of Justice and Community Safety, jointly and severally
28.	Secretary, Department of Health and Human Services, Secretary, Department of Justice and Community Safety, jointly	The Acts or provisions of Acts listed in Column 2 of Item 28 to the extent specified in that item	Secretary, Department of Health and Human Services, Secretary, Department of Justice and Community Safety, jointly and severally

Item No.	Column 1 (Old Body)	Column 2 (Legislation or Instrument)	Column 3 (New Body)
29.	Level Crossing Removal Authority	All Acts and transactions	Major Transport Infrastructure Authority
30.	Major Roads Projects Authority	All Acts and transactions	Major Transport Infrastructure Authority
31.	Minister for Finance	<p>State Owned Enterprises Act 1992 –</p> <ul style="list-style-type: none"> Order in Council made under section 14 of the Act on 20 September 2016, published in the Government Gazette (G38) on 22 September 2016, page 2406, designating the relevant Minister for the purposes of section 14(2) (eb) of the Act 	Assistant Treasurer, Minister for Workplace Safety, jointly and severally
32.	Minister for Ports	<p>Emergency Management Act 2013 –</p> <ul style="list-style-type: none"> Order in Council made under section 74F of the Act on 19 May 2015, published in the Government Gazette (G20) on 21 May 2015, page 1137, designating the relevant Minister in respect of port and shipping transport infrastructure 	Minister for Ports and Freight
33.	Minister for Roads and Road Safety	<p>Emergency Management Act 2013 –</p> <ul style="list-style-type: none"> Order in Council made under section 74F of the Act on 19 May 2015, published in the Government Gazette (G20) on 21 May 2015, page 1137, designating the relevant Minister in respect of road infrastructure and road freight infrastructure 	Minister for Roads
34.	North East Link Authority	All Acts and transactions	Major Transport Infrastructure Authority
35.	Rail Projects Victoria	All Acts and transactions	Major Transport Infrastructure Authority
36.	West Gate Tunnel Authority	All Acts and transactions	Major Transport Infrastructure Authority

Table 2

Item No.	Column 1 (Old Body)	Column 2 (Legislation or Instrument)	Column 3 (New Body)
1.	Minister for Energy, Environment and Climate Change	Climate Change Act 2017 – <ul style="list-style-type: none"> • Sections 7, 8, 10, 14, 16, 41, 42, 50, 54 and 55 	Minister Energy, Environment and Climate Change and Premier, jointly
2.	Department of Environment, Land, Water and Planning	Climate Change Act 2017 – <ul style="list-style-type: none"> • Sections 7, 8, 10, 14, 16, 41, 42, 50, 54 and 55 	Department of Environment, Land, Water and Planning, and Department of Premier and Cabinet, jointly
3.	Secretary, Department of Environment, Land, Water and Planning	Climate Change Act 2017 – <ul style="list-style-type: none"> • Sections 7, 8, 10, 14, 16, 41, 42, 50, 54 and 55 	Secretary, Department of Environment, Land, Water and Planning, and Secretary, Department of Premier and Cabinet, jointly

Note: The Administration of Acts – General Order may be located at the Department of Premier and Cabinet’s website: www.dpc.vic.gov.au

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