



Victoria Government Gazette

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Administrative Arrangements Act 1983

ADMINISTRATIVE ARRANGEMENTS ORDER (NO. 237) 2020

The Governor-in-Council makes the following Order:

Dated 12 August 2020

Responsible Minister:

THE HON DANIEL ANDREWS MP

Premier

CLAIRE CHISHOLM
Clerk of the Executive Council

1. Title

This Order is called the Administrative Arrangements Order (No. 237) 2020.

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 11 August 2020.
- (2) This Order, as it applies to or in respect of items 1 to 12 in Table 2 of the Schedule, takes effect on 1 July 2020.
- (3) This Order, as it applies to or in respect of items 4 to 6 in Table 1 of the Schedule and item 13 in Table 2 of the Schedule, takes effect on 8 July 2020.

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

Despite this Order taking effect in respect of the items 1 to 3 specified in Table 1 in 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 2020 and ending on 10 August 2020, 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.

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.	Minister for Health	<p>Public Health and Wellbeing Act 2008 –</p> <ul style="list-style-type: none"> Sections 3 to 11, 15, 17 to 19, 20(2), 20(3), 20(6), 21 to 23, 28, 30, 31, Division 4 of Part 5, Divisions 1 and 2 of Part 8, Parts 9 and 10 (except section 198), section 208, Divisions 2 to 6 of Part 11 (except sections 233, 235, 236 and 237) in so far as those provisions relate to people in Victoria who, for the purpose of eliminating or reducing the serious risk to public health posed by the COVID-19 pandemic, are detained in or directed to remain in, or are staying in, quarantine, isolation or emergency accommodation at a place (being a hotel or other facility or class of facility), designated by the Attorney-General and published in the Government Gazette 	Attorney-General
2.	Secretary, Department of Health and Human Services	The Act or provisions of the Act listed in Column 2 of Item 1, to the extent specified in that item	Secretary, Department of Health and Human Services, Secretary, Department of Justice and Community Safety, jointly and severally
3.	Department of Health and Human Services	The Act or provisions of the Act listed in Column 2 of Item 1, to the extent specified in that item.	Department of Health and Human Services, Department of Justice and Community Safety, jointly and severally
4.	Attorney-General	<p>Public Health and Wellbeing Act 2008 –</p> <ul style="list-style-type: none"> Section 198 in so far as this section relates to the exercise of functions and powers relating to the detention of people arriving in Victoria from overseas in quarantine in a hotel or similar accommodation for the purpose of eliminating or reducing the serious risk to public health posed by the COVID-19 pandemic 	Minister for Health

Item No.	Column 1 (Old Body)	Column 2 (Legislation or Instrument)	Column 3 (New Body)
5.	Secretary, Department of Health and Human Services, Secretary, Department of Justice and Community Safety, jointly and severally	The Act or provision of the Act listed in Column 2 of Item 4, to the extent specified in that item	Secretary, Department of Health and Human Services
6.	Department of Health and Human Services, Department of Justice and Community Safety, jointly and severally	The Act or provision of the Act listed in Column 2 of Item 4, to the extent specified in that item	Department of Health and Human Services

Table 2

Item No.	Column 1 (Old Body)	Column 2 (Legislation or Instrument)	Column 3 (New Body)
1.	Secretary, Department of Jobs, Precincts and Resources	Owner Drivers and Forestry Contractors Act 2005 – ● Section 59(1)(b)	Secretary, Department of Transport
2.	Secretary, Department of Transport	Owner Drivers and Forestry Contractors Act 2005 – ● Section 59(1)(b)	Secretary, Department of Jobs, Precincts and Regions
3.	Secretary, Department of Jobs, Precincts and Resources	<p>City of Melbourne Act 2001</p> <p>Libraries Act 1988 –</p> <ul style="list-style-type: none"> ● Part 4 ● Section 53 in so far as it relates to Part 4 <p>Local Government Act 1989 – Except:</p> <ul style="list-style-type: none"> ● Sections 44–46, 48 and 49 ● Schedule 4 ● Part 8B ● Sections 223A, 223B and 223C ● Sections 223BA – 223BM ● Section 243 ● Clauses 4 and 9(3) of Schedule 11 and section 123 in so far as those provisions relates to the revocation of local laws made pursuant to the powers conferred by those provisions by reason of section 207 of the Act <p>Local Government Act 2020</p> <p>Local Government (Casey City Council) Act 2020</p> <p>Local Government (Central Goldfields Shire Council) Act 2017</p> <p>Local Government (South Gippsland Shire Council) Act 2019</p> <p>Local Government (Whittlesea City Council) Act 2020</p> <p>Municipal Association Act 1907</p> <p>Municipalities Assistance Act 1973</p> <p>Prahran Mechanics’ Institute Act 1899</p> <p>Victorian Local Government Grants Commission Act 1976</p>	Secretary, Department of Environment, Land, Water and Planning

Item No.	Column 1 (Old Body)	Column 2 (Legislation or Instrument)	Column 3 (New Body)
4.	Secretary, Department of Environment, Land, Water and Planning	<p>City of Melbourne Act 2001</p> <p>Libraries Act 1988 –</p> <ul style="list-style-type: none"> ● Part 4 ● Section 53 in so far as it relates to Part 4 <p>Local Government Act 1989 – Except:</p> <ul style="list-style-type: none"> ● Sections 44–46, 48 and 49 ● Schedule 4 ● Part 8B ● Sections 223A, 223B and 223C ● Sections 223BA – 223BM ● Section 243 ● Clauses 4 and 9(3) of Schedule 11 and section 123 in so far as those provisions relates to the revocation of local laws made pursuant to the powers conferred by those provisions by reason of section 207 of the Act <p>Local Government Act 2020</p> <p>Local Government (Casey City Council) Act 2020</p> <p>Local Government (Central Goldfields Shire Council) Act 2017</p> <p>Local Government (South Gippsland Shire Council) Act 2019</p> <p>Local Government (Whittlesea City Council) Act 2020</p> <p>Municipal Association Act 1907</p> <p>Municipalities Assistance Act 1973</p> <p>Prahran Mechanics' Institute Act 1899</p> <p>Victorian Local Government Grants Commission Act 1976</p>	Secretary, Department of Jobs, Precincts and Regions

Item No.	Column 1 (Old Body)	Column 2 (Legislation or Instrument)	Column 3 (New Body)
5.	Department of Jobs, Precincts and Resources	<p>City of Melbourne Act 2001</p> <p>Libraries Act 1988 –</p> <ul style="list-style-type: none"> ● Part 4 ● Section 53 in so far as it relates to Part 4 <p>Local Government Act 1989 – Except:</p> <ul style="list-style-type: none"> ● Sections 44–46, 48 and 49 ● Schedule 4 ● Part 8B ● Sections 223A, 223B and 223C ● Sections 223BA – 223BM ● Section 243 ● Clauses 4 and 9(3) of Schedule 11 and section 123 in so far as those provisions relates to the revocation of local laws made pursuant to the powers conferred by those provisions by reason of section 207 of the Act <p>Local Government Act 2020</p> <p>Local Government (Casey City Council) Act 2020</p> <p>Local Government (Central Goldfields Shire Council) Act 2017</p> <p>Local Government (South Gippsland Shire Council) Act 2019</p> <p>Local Government (Whittlesea City Council) Act 2020</p> <p>Municipal Association Act 1907</p> <p>Municipalities Assistance Act 1973</p> <p>Prahran Mechanics’ Institute Act 1899</p> <p>Victorian Local Government Grants Commission Act 1976</p>	Department of Environment, Land, Water and Planning

Item No.	Column 1 (Old Body)	Column 2 (Legislation or Instrument)	Column 3 (New Body)
6.	Department of Environment, Land, Water and Planning	<p>City of Melbourne Act 2001</p> <p>Libraries Act 1988 –</p> <ul style="list-style-type: none"> ● Part 4 ● Section 53 in so far as it relates to Part 4 <p>Local Government Act 1989 – Except:</p> <ul style="list-style-type: none"> ● Sections 44–46, 48 and 49 ● Schedule 4 ● Part 8B ● Sections 223A, 223B and 223C ● Sections 223BA – 223BM ● Section 243 ● Clauses 4 and 9(3) of Schedule 11 and section 123 in so far as those provisions relates to the revocation of local laws made pursuant to the powers conferred by those provisions by reason of section 207 of the Act <p>Local Government Act 2020</p> <p>Local Government (Casey City Council) Act 2020</p> <p>Local Government (Central Goldfields Shire Council) Act 2017</p> <p>Local Government (South Gippsland Shire Council) Act 2019</p> <p>Local Government (Whittlesea City Council) Act 2020</p> <p>Municipal Association Act 1907</p> <p>Municipalities Assistance Act 1973</p> <p>Prahran Mechanics' Institute Act 1899</p> <p>Victorian Local Government Grants Commission Act 1976</p>	Department of Jobs, Precincts and Regions
7.	Secretary, Department of Premier and Cabinet, Secretary, Department of Jobs, Precincts and Resources, jointly and severally	Child Employment Act 2003	Secretary, Department of Premier and Cabinet

Item No.	Column 1 (Old Body)	Column 2 (Legislation or Instrument)	Column 3 (New Body)
8.	Secretary, Department of Premier and Cabinet	Child Employment Act 2003	Secretary, Department of Premier and Cabinet, Secretary, Department of Jobs, Precincts and Regions, jointly and severally
9.	Department of Premier and Cabinet, Department of Jobs, Precincts and Resources, jointly and severally	Child Employment Act 2003	Department of Premier and Cabinet
10.	Department of Premier and Cabinet	Child Employment Act 2003	Department of Premier and Cabinet, Department of Jobs, Precincts and Regions, jointly and severally
11.	Secretary, Department of Treasury and Finance	Audit Act 1994 – ● Section 58(2)(a)(iii)	Secretary, Department of Premier and Cabinet
12.	Minister for Government Services	Public Administration Act 2004 ● Sections 12(2), 17, 19, 24(a), 25A, 29, 30, 32, 34 and 35	Premier
13.	Minister for Government Services	Public Administration Act 2004 ● Divisions 2 and 3 of Part 6	Minister for Government Services, Premier, jointly and severally

Note: The Administration of Acts – General Order may be located at the Department of Premier and Cabinet's website: <https://www.vic.gov.au/general-orders>

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