



Victoria Government Gazette

No. S 506 Tuesday 6 October 2020
By Authority of Victorian Government Printer

Administrative Arrangements Act 1983

ADMINISTRATIVE ARRANGEMENTS ORDER (NO. 238) 2020

The Governor-in-Council makes the following Order:

Dated 6 October 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. 238) 2020.

2. Authorising provision

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

3. Commencement

This Order takes effect on 29 September 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.

(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.

SPECIAL

- (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 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 28 September 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 Innovation, Medical Research and the Digital Economy, Minister for Trade, jointly and severally	Agent-General and Commissioners for Victoria Act 2007 – Except: <ul style="list-style-type: none"> ● Sections 11(3) and 13 	Minister for Trade
2.	Minister for Economic Development, Minister for Innovation, Medical Research and the Digital Economy, jointly and severally	Agent-General and Commissioners for Victoria Act 2007 – <ul style="list-style-type: none"> ● Sections 11(3) and 13 	Minister for Economic Development, Minister for Trade, jointly and severally
3.	Minister for Employment, Minister for Industrial Relations, jointly and severally	Child Employment Act 2003	Minister for Industrial Relations
4.	Secretary, Department of Jobs, Precincts and Regions, Secretary, Department of Premier and Cabinet, jointly and severally	Child Employment Act 2003	Secretary, Department of Premier and Cabinet
5.	Department of Jobs, Precincts and Regions, Department of Premier and Cabinet, jointly and severally	Child Employment Act 2003	Department of Premier and Cabinet
6.	Minister for Child Protection, Minister for Health, jointly and severally	Child Wellbeing and Safety Act 2005 – Except: <ul style="list-style-type: none"> ● Parts 4, 5, 6A and 7A ● Sections 43 and 45 ● Part 7 	Minister for Child Protection, Minister for Early Childhood, Minister for Health, jointly and severally

Item No.	Column 1 (Old Body)	Column 2 (Legislation or Instrument)	Column 3 (New Body)
7.	Minister for Child Protection, Minister for Education, Minister for Health, jointly and severally	Child Wellbeing and Safety Act 2005: <ul style="list-style-type: none"> ● Parts 4, 5, 6A and 7A 	Minister for Child Protection, Minister for Early Childhood, Minister for Education, Minister for Health, jointly and severally
8.	Minister for Education	Children’s Services Act 1996 Education and Care Services National Law Act 2010 Education and Care Services National Law (Victoria) Pre-school Teachers and Assistants (Leave) Act 1984	Minister for Early Childhood, Minister for Education, jointly and severally
9.	Minister for Jobs, Innovation and Trade	COVID-19 Omnibus (Emergency Measures) Act 2020 – <ul style="list-style-type: none"> ● Section 16 	Minister for Industry Support and Recovery
10.	Minister for Education, Minister for Higher Education, Minister for Trade, Minister for Training and Skills, jointly and severally	Education and Training Reform Act 2006 – <ul style="list-style-type: none"> ● Section 1.1.3(1) 	Minister for Early Childhood, Minister for Education, Minister for Higher Education, Minister for Trade, Minister for Training and Skills, jointly and severally
11.	Minister for Education	Education and Training Reform Act 2006 – <ul style="list-style-type: none"> ● Section 2.5.3(2)(ab), (ib), (ic), (p)(ii) and (tb); section 2.5.3(5); section 2.6.3(1)(ca) (d)(ii), (ea), (fa), (g), (i), (j), (m) and (2); section 2.6.13A; section 2.6.17; section 2.6.20; section 2.6.23; section 2.6.56A; section 2.6.56B; section 2.6.58(1B), (1BA) (c) and (1C); Part 2.6, Division 3A; Part 2.6, Division 7A; Part 2.6, Division 8; Part 2.6, Division 8A; Part 2.6, Division 9; Part 2.6, Division 9A; Part 2.6, Division 13A; Part 2.6, Division 13B; Part 2.6, Division 15A; Part 5.10; section 6.1.35; section 6.1.36; section 6.1.37; section 6.1.38 and Schedule 5, clause 5 	Minister for Early Childhood, Minister for Education, jointly and severally

Item No.	Column 1 (Old Body)	Column 2 (Legislation or Instrument)	Column 3 (New Body)
12.	Minister for Local Government	Local Government Act 2020 – <ul style="list-style-type: none"> • Division 4 of Part 7 • Division 11 of Part 8 	Attorney-General
13.	Secretary, Department of Jobs, Precincts and Regions	Local Government Act 2020 – <ul style="list-style-type: none"> • Division 4 of Part 7 • Division 11 of Part 8 	Secretary, Department of Justice and Community Safety
14.	Department of Jobs, Precincts and Regions	Local Government Act 2020 – <ul style="list-style-type: none"> • Division 4 of Part 7 • Division 11 of Part 8 	Department of Justice and Community Safety
15.	Minister for Local Government	Local Government Act 2020 – <ul style="list-style-type: none"> • Sections 314 to 316, 325 and 327 in so far as these sections relate to the Chief Municipal Inspector • Sections 325, 326 and 327 in so far as these sections relate to VCAT’s jurisdiction under Division 11 of Part 8 	Attorney-General, Minister for Local Government, jointly and severally
16.	Secretary, Department of Jobs, Precincts and Regions	Local Government Act 2020 – <ul style="list-style-type: none"> • Sections 314 to 316, 325 and 327 in so far as these sections relate to the Chief Municipal Inspector • Sections 325, 326 and 327 in so far as these sections relate to VCAT’s jurisdiction under Division 11 of Part 8 	Secretary, Department of Justice and Community Safety, Secretary, Department of Jobs, Precincts and Regions, jointly and severally
17.	Department of Jobs, Precincts and Regions	Local Government Act 2020 – <ul style="list-style-type: none"> • Sections 314 to 316, 325 and 327 in so far as these sections relate to the Chief Municipal Inspector • Sections 325, 326 and 327 in so far as these sections relate to VCAT’s jurisdiction under Division 11 of Part 8 	Department of Justice and Community Safety, Department of Jobs, Precincts and Regions, jointly and severally
18.	Attorney-General, Minister for Industrial Relations, jointly and severally	Wage Theft Act 2020	Minister for Industrial Relations

Item No.	Column 1 (Old Body)	Column 2 (Legislation or Instrument)	Column 3 (New Body)
19.	Secretary, Department of Justice and Community Safety, Secretary, Department of Premier and Cabinet, jointly and severally	Wage Theft Act 2020	Secretary, Department of Premier and Cabinet
20.	Department of Justice and Community Safety, Department of Premier and Cabinet, jointly and severally	Wage Theft Act 2020	Department of Premier and Cabinet
21.	Minister for Government Services	Public Administration Act 2004 <ul style="list-style-type: none"> ● Part 3 (except sections 12(2), 17, 19, 24(a), 25A, 29, 30, 32, 34 and 35) ● Part 7A (except sections 105A, 105C(1) and (5) and 105D(1)) 	Premier

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>.

This page was left blank intentionally

ive

The *Victoria Government Gazette* is published by IVE Group Limited with the authority of the Government Printer for the State of Victoria

© State of Victoria 2020

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



Retail & Mail Sales

Victoria Government Gazette

Ground Floor, Building 8,
658 Church Street,
Richmond 3121

DX 106 Melbourne



Telephone

(03) 8523 4601



Fax

(03) 9600 0478

email

gazette@ivegroup.com.au

Price Code A