



Victoria Government Gazette

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Administrative Arrangements Act 1983

ADMINISTRATIVE ARRANGEMENTS ORDER (NO. 239) 2020

The Governor-in-Council makes the following Order:

Dated 13 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. 239) 2020.

2. Authorising provision

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

3. Commencement

This Order takes effect on 12 October 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 11 October 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 Education, Minister for Health, jointly and severally	Child Wellbeing and Safety Act 2005 – <ul style="list-style-type: none"> ● Sections 43 and 45 	Minister for Early Childhood, Minister for Education, Minister for Health, jointly and severally
2.	Minister for Health, Minister for Mental Health, jointly and severally	Drugs, Poisons and Controlled Substances Act 1981 – <ul style="list-style-type: none"> ● Parts I, VII, IX, XII and Schedule Twelve 	Minister for Health
3.	Minister for Mental Health	Drugs, Poisons and Controlled Substances Act 1981 – <ul style="list-style-type: none"> ● Parts IIA, IV, V, VA, VI, Schedule Ten and Schedule Eleven 	Minister for Health
4.	Minister for Agriculture, Minister for Health, Minister for Mental Health, jointly and severally	Drugs, Poisons and Controlled Substances Act 1981 – <ul style="list-style-type: none"> ● Part XI 	Minister for Agriculture, Minister for Health, jointly and severally
5.	Minister for Local Government	Local Government Act 2020 – <ul style="list-style-type: none"> ● Section 317 	Attorney-General, Minister for Local Government, jointly and severally
6.	Secretary, Department of Jobs, Precincts and Regions	Local Government Act 2020 – <ul style="list-style-type: none"> ● Section 317 	Secretary, Department of Justice and Community Safety, 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)
7.	Department of Jobs, Precincts and Regions	Local Government Act 2020 – <ul style="list-style-type: none"> ● Section 317 	Department of Justice and Community Safety, Department of Jobs, Precincts and Regions, jointly and severally
8.	Minister for Mental Health	Severe Substance Dependence Treatment Act 2010 – Except: <ul style="list-style-type: none"> ● Sections 9–11 and 14–22 	Minister for Health

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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