



Victoria Government Gazette

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Administrative Arrangements Act 1983

ADMINISTRATIVE ARRANGEMENTS ORDER (NO. 240) 2020

The Governor-in-Council makes the following Order:

Dated 1 December 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. 240) 2020**.

2. Authorising provision

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

3. Commencement

- (1) Subject to subclause (2), this Order takes effect on 1 December 2020.
- (2) This Order, as it applies to or in respect of items 1 to 7 in Table 1 of the Schedule, takes effect on 27 November 2020.

4. Definitions

In this Order –

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

‘**Commissioner, COVID-19 Quarantine Victoria**’ means the Administrative Office Head (within the meaning of the **Public Administration Act 2004**) of COVID-19 Quarantine Victoria;

‘**COVID-19 Quarantine Victoria**’ means the body called the ‘COVID-19 Quarantine Victoria’, established as an Administrative Office in relation to the Department of Justice and Community Safety under an Order made under section 11 of the **Public Administration Act 2004** on 1 December 2020 and published in the Government Gazette on that date;

‘**instrument**’ includes contract or 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.

SPECIAL

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.
- (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 items 1 to 7 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 27 November 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.
- (2) Despite this Order taking effect in respect of items 8 to 13 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 1 December 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	Health Services Act 1988 – <ul style="list-style-type: none"> • Sections 42, 58(1)(a) to (e), 59, 66, 66A, 141(3)(h), 143, 144, 145, 146 and 157 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 Minister for Police and Emergency Services and published in the Government Gazette 	Minister for Police and Emergency Services
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 Justice and Community Safety
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 Justice and Community Safety
4.	Minister for Health	Health Services Act 1988 – <ul style="list-style-type: none"> • Sections 11A, Division 8A of Part 3, sections 65XB(1)(h), 69E, 134X and 134Y 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 Minister for Police and Emergency Services and published in the Government Gazette 	Minister for Health, Minister for Police and Emergency Services, jointly and severally

Item No.	Column 1 (Old Body)	Column 2 (Legislation or Instrument)	Column 3 (New Body)
5.	Secretary, Department of Health and Human Services	The Act or provisions of the Act listed in Column 2 of Item 4, to the extent specified in that item.	Secretary, Department of Health and Human Services, Secretary, Department of Justice and Community Safety, jointly and severally
6.	Department of Health and Human Services	The Act or provisions of the Act listed in Column 2 of Item 4, to the extent specified in that item.	Department of Health and Human Services, Department of Justice and Community Safety, jointly and severally
7.	Attorney-General	<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 and 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 Minister for Police and Emergency Services and published in the Government Gazette 	Minister for Police and Emergency Services
8.	Secretary, Department of Justice and Community Safety	The Act or provisions of the Act listed in Column 2 of Item 1, to the extent specified in that item.	Commissioner, COVID-19 Quarantine Victoria
9.	Department of Justice and Community Safety	The Act or provisions of the Act listed in Column 2 of Item 1, to the extent specified in that item.	COVID-19 Quarantine Victoria

Item No.	Column 1 (Old Body)	Column 2 (Legislation or Instrument)	Column 3 (New Body)
10.	Secretary, Department of Health and Human Services, Secretary, Department of Justice and Community Safety, jointly and severally	The Act or provisions of the Act listed in Column 2 of Item 4, to the extent specified in that item.	Commissioner, COVID-19 Quarantine Victoria, Secretary, Department of Health and Human Services, jointly and severally
11.	Department of Health and Human Services, Department of Justice and Community Safety, jointly and severally	The Act or provisions of the Act listed in Column 2 of Item 4, to the extent specified in that item.	COVID-19 Quarantine Victoria, Department of Health and Human Services, jointly and severally
12.	Secretary, Department of Health and Human Services, Secretary, Department of Justice and Community Safety, jointly and severally	The Act or provisions of the Act listed in Column 2 of Item 7, to the extent specified in that item.	Commissioner, COVID-19 Quarantine Victoria, Secretary, Department of Health and Human Services, jointly and severally
13.	Department of Health and Human Services, Department of Justice and Community Safety, jointly and severally	The Act or provisions of the Act listed in Column 2 of Item 7, to the extent specified in that item.	COVID-19 Quarantine Victoria, Department of Health and Human Services, 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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