



# Victoria Government Gazette

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## ADMINISTRATIVE ARRANGEMENTS ACT 1983

### ADMINISTRATIVE ARRANGEMENTS ORDER (NO. 242) 2021

The Governor in Council makes the following Order:

Dated 20 April 2021

Responsible Minister:

THE HON JAMES MERLINO MP

Acting Premier

SAMUAL WALLACE

Acting Clerk of the Executive Council

#### 1. Title

This Order is called the Administrative Arrangements Order (No. 242) 2021.

#### 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 16 April 2021.

(2) This Order, as it applies to or in respect of item 9 in Table 1 of the Schedule, takes effect on 22 June 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;

‘**the 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 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 15 April 2021, 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 Early Childhood, Minister for Education, jointly and severally	<b>Children’s Services Act 1996</b> <b>Education and Care Services National Law Act 2010</b> Education and Care Services National Law (Victoria) <b>Pre-school Teachers and Assistants (Leave) Act 1984</b>	Minister for Early Childhood
2.	Minister for Child Protection, Minister for Early Childhood, Minister for Health, jointly and severally	<b>Child Wellbeing and Safety Act 2005</b> – Except: <ul style="list-style-type: none"> <li>● Section 5A, Parts 5A and 6</li> <li>● Parts 4, 5, 6A and 7A</li> <li>● Sections 43 and 45</li> <li>● Part 7 (except sections 43 and 45)</li> <li>● Part 8</li> </ul>	Minister for Child Protection, Minister for Health, jointly and severally
3.	Minister for Child Protection, Minister for Early Childhood, Minister for Health, jointly and severally	<b>Child Wellbeing and Safety Act 2005</b> – <ul style="list-style-type: none"> <li>● Section 5A, Parts 5A and 6</li> </ul>	Minister for Child Protection
4.	Minister for Child Protection, Minister for Early Childhood, Minister for Health, jointly and severally	<b>Child Wellbeing and Safety Act 2005</b> – <ul style="list-style-type: none"> <li>● Part 8</li> </ul>	Minister for Child Protection, Minister for Early Childhood, Minister for Education, Minister for Health, jointly and severally
5.	Secretary, Department of Education and Training, Secretary, Department of Families, Fairness and Housing, Secretary, Department of Health, jointly and severally	<b>Child Wellbeing and Safety Act 2005</b> – Except: <ul style="list-style-type: none"> <li>● Section 5A, Parts 5A and 6</li> <li>● Parts 4, 5, 6A and 7A</li> <li>● Sections 43 and 45</li> <li>● Part 7 (except sections 43 and 45)</li> <li>● Part 8</li> </ul>	Secretary, Department of Families, Fairness and Housing, Secretary, Department of Health, jointly and severally

Item No.	Column 1 (Old Body)	Column 2 (Legislation or Instrument)	Column 3 (New Body)
6.	Department of Education and Training, Department of Families, Fairness and Housing, Department of Health, jointly and severally	<b>Child Wellbeing and Safety Act 2005</b> – Except: <ul style="list-style-type: none"> <li>● Section 5A, Parts 5A and 6</li> <li>● Parts 4, 5, 6A and 7A</li> <li>● Sections 43 and 45</li> <li>● Part 7 (except sections 43 and 45)</li> <li>● Part 8</li> </ul>	Department of Families, Fairness and Housing, Department of Health, jointly and severally
7.	Secretary, Department of Education and Training, Secretary, Department of Families, Fairness and Housing, Secretary, Department of Health, jointly and severally	<b>Child Wellbeing and Safety Act 2005</b> – <ul style="list-style-type: none"> <li>● Section 5A, Parts 5A and 6</li> </ul>	Secretary, Department of Families, Fairness and Housing
8.	Department of Education and Training, Department of Families, Fairness and Housing, Department of Health, jointly and severally	<b>Child Wellbeing and Safety Act 2005</b> – <ul style="list-style-type: none"> <li>● Section 5A, Parts 5A and 6</li> </ul>	Department of Families, Fairness and Housing
9.	Minister for Roads	<b>Emergency Management Act 2013</b> – <ul style="list-style-type: none"> <li>● 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</li> </ul>	Minister for Roads and Road Safety
10.	Minister for Roads and Road Safety	<b>Heavy Vehicle National Law Application Act 2013</b> Heavy Vehicle National Law (Victoria)	Minister for Ports and Freight, Minister for Roads and Road Safety, jointly and severally
11.	Treasurer	<b>North East Link Act 2020</b> – Except: <ul style="list-style-type: none"> <li>● Section 13(4)</li> </ul>	Minister for Transport Infrastructure

Item No.	Column 1 (Old Body)	Column 2 (Legislation or Instrument)	Column 3 (New Body)
12.	Treasurer	<b>North East Link Act 2020</b> – <ul style="list-style-type: none"> <li>● Section 13(4)</li> </ul>	Minister for Transport Infrastructure and Treasurer, jointly
13.	Secretary, Department of Treasury and Finance	<b>North East Link Act 2020</b> – Except: <ul style="list-style-type: none"> <li>● Section 13(4)</li> </ul>	Secretary, Department of Transport
14.	Department of Treasury and Finance	<b>North East Link Act 2020</b> – Except: <ul style="list-style-type: none"> <li>● Section 13(4)</li> </ul>	Department of Transport
15.	Secretary, Department of Treasury and Finance	<b>North East Link Act 2020</b> – <ul style="list-style-type: none"> <li>● Section 13(4)</li> </ul>	Secretary, Department of Treasury and Finance, Secretary, Department of Transport, jointly
16.	Department of Treasury and Finance	<b>North East Link Act 2020</b> – <ul style="list-style-type: none"> <li>● Section 13(4)</li> </ul>	Department of Treasury and Finance, Department of Transport, jointly
17.	Minister for Public Transport	<b>Rail Management Act 1996</b> – <ul style="list-style-type: none"> <li>● Part 2A</li> </ul>	Minister for Ports and Freight and Minister for Public Transport, jointly and severally
18.	Minister for Public Transport, Minister for Transport Infrastructure, jointly and severally	<b>Transport Integration Act 2010</b> – <ul style="list-style-type: none"> <li>● Part 6, Division 1 in so far as it relates to the exercise of powers relating to the Victorian Rail Track (except in so far as the powers relate to rolling stock, tourist and heritage railways, state funded projects and telecommunications infrastructure)</li> </ul>	Minister for Transport Infrastructure

Item No.	Column 1 (Old Body)	Column 2 (Legislation or Instrument)	Column 3 (New Body)
19.	Minister for Public Transport, Minister for Transport Infrastructure, jointly and severally	<b>Transport Integration Act 2010</b> – <ul style="list-style-type: none"> <li>● Part 6, Division 1 in so far as it relates to the exercise of powers of the Victorian Rail Track relating to rolling stock, tourist and heritage railways, state funded projects and telecommunications infrastructure)</li> </ul>	Minister for Public Transport
20.	Minister for Public Transport	<b>Transport Integration Act 2010</b> – <ul style="list-style-type: none"> <li>● Part 6, Division 4 in so far as it relates to the exercise of powers relating to the Victorian Rail Track (except in so far as the powers relate to rolling stock, tourist and heritage railways, state funded projects and telecommunications infrastructure)</li> </ul>	Minister for Transport Infrastructure
21.	Secretary to the Department of Premier and Cabinet	<b>Audit Act 1994</b> – <ul style="list-style-type: none"> <li>● Section 58(3)</li> </ul>	Secretary to the Department of Premier and Cabinet, Secretary to the Department of Treasury and Finance, jointly and severally
22.	Department of Premier and Cabinet	<b>Audit Act 1994</b> – <ul style="list-style-type: none"> <li>● Section 58(3)</li> </ul>	Department of Premier and Cabinet, Department of Treasury and Finance, 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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