



# Victoria Government Gazette

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## Administrative Arrangements Act 1983

### ADMINISTRATIVE ARRANGEMENTS ORDER (NO. 249) 2022

The Governor in Council makes the following Order:

Dated: 6 September 2022

Responsible Minister:

THE HON DANIEL ANDREWS MP

Premier

SAMUAL WALLACE  
Clerk of the Executive Council

#### 1. Title and Objectives

- (1) This Order is called the **Administrative Arrangements Order (No. 249) 2022**.
- (2) The main objectives of this Order are –
  - (a) to update Body references consistent with the Order made under section 10 of the **Public Administration Act 2004**, published in Government Gazette S 684 on 22 December 2020, which –
    - (i) established the Department of Families, Fairness and Housing; and
    - (ii) changed the name of the Department of Health and Human Services to the Department of Health; and
  - (b) to update Body references in respect of the **Crimes (Mental Impairment and Unfitness to be Tried) Act 1997**<sup>1</sup>.

#### 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 is taken to have taken effect on 1 February 2021.
- (2) This Order, as it applies to an item in Table 2 of the Schedule, is taken to have taken effect on 1 January 2019.
- (3) This Order, as it applies to an item in Table 3 of the Schedule, is taken to have taken effect on 17 March 2014.

#### 4. Definitions

In this Order –

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

‘**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

<sup>1</sup> Note: Body references in Table 2 of the Schedule are to be read together with Administrative Arrangements Order (No. 229) 2019. Body references in Table 3 of the Schedule are to be read together with Administrative Arrangements Order (No. 219) 2014.

- (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.
- (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;
- (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 in Table 1 of 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 2022 and ending on the date on which this Order is made, financial accounts are kept and reports are provided in relation to a function under an Act specified in those items that is transferred to the Secretary to a Department that is the New Body.

#### 8. Providing financial accounts and reports

For the purpose of enabling the Secretary to a Department that is an Old Body specified in an item in Table 1 of 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 (Act, provision of Act, instrument or transaction)	Column 3 (New Body)
1.	Secretary to the Department of Health <sup>2</sup>	<b>Personal Safety Intervention Orders Act 2010</b> <ul style="list-style-type: none"> <li>● Sections 71(5), 72, 130, 150(1)(b), 155(b) and 157(1)(b)</li> </ul>	Secretary, Department of Families, Fairness and Housing
2.	Secretary to the Department of Health <sup>3</sup>	<b>Sentencing Act 1991</b> <ul style="list-style-type: none"> <li>● Section 18I</li> </ul>	Secretary, Department of Families, Fairness and Housing
3.	Secretary to the Department of Health <sup>4</sup>	<b>Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 –</b> <ul style="list-style-type: none"> <li>● Section 26(3)(b)</li> <li>● Section 28A(2) and (2C)</li> <li>● Section 29(1)</li> <li>● Section 30A(1)</li> <li>● Section 34(2) and (3C)</li> <li>● Section 34A(1) and (2B)</li> <li>● Section 38B</li> <li>● Section 38C(8)</li> <li>● Section 38ZJ(2) and (5)</li> <li>● Section 38ZK(1)</li> <li>● Section 38ZM(1)</li> <li>● Section 41(4), definition of <i>appropriate person</i>, paragraph (b)</li> <li>● Section 57B(2) and (3C)</li> <li>● Section 58A(2) and (3C)</li> <li>● Section 73F(1)</li> <li>● Section 73J(1)</li> <li>● Section 73L(1)</li> </ul>	Secretary, Department of Families, Fairness and Housing, Secretary, Department of Health, jointly and severally

<sup>2</sup> Note: References to the Department of Health and Human Services were, by operation of section 38AAA of the **Interpretation of Legislation Act 1984**, updated to the Department of Health on 1 February 2021.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

4.	Secretary to the Department of Health <sup>5</sup>	<p><b>Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 –</b></p> <ul style="list-style-type: none"> <li>● Section 26(9)</li> <li>● Section 30B(1B)</li> <li>● Section 38ZT(3)</li> <li>● Section 50(2), (3), (4), (5) and (6)</li> <li>● Section 54(1) and (5)</li> <li>● Section 54A(1)(c)</li> <li>● Section 54B(1)(c)</li> <li>● Section 55(1)</li> <li>● Section 57(1)(b)</li> <li>● Section 57A(b)</li> <li>● Section 58(1)</li> <li>● Section 70(5)</li> </ul>	Secretary, Department of Families, Fairness and Housing
5.	Secretary to the Department of Health <sup>6</sup>	<p><b>Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 –</b></p> <ul style="list-style-type: none"> <li>● Section 47(1) except insofar as it relates to paragraphs (ab)(i) and (b)(iii) of that section</li> <li>● Section 47(3), (4) and (5) except insofar as it relates to a certificate issued under section 47(1)(ab)(i) or (b)(iii)</li> <li>● Section 38ZS</li> </ul>	Secretary, Department of Families, Fairness and Housing, Secretary, Department of Health, Secretary, Department of Justice and Community Safety, jointly and severally
6.	Attorney-General, Minister for Victim Support, jointly and severally	<p><b>Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 –</b></p> <ul style="list-style-type: none"> <li>● Section 38C(8)</li> </ul>	Attorney-General
7.	Attorney-General, Minister for Disability, Ageing and Carers, Minister for Mental Health, Minister for Youth Justice, jointly	<p><b>Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 –</b></p> <ul style="list-style-type: none"> <li>● Section 38ZJ(2) and (5)</li> </ul>	Attorney-General

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

8.	Attorney-General, Minister for Disability, Ageing and Carers, Minister for Mental Health, Minister for Youth Justice, jointly	<b>Crimes (Mental Impairment and Unfitness to be Tried) Act 1997</b> – <ul style="list-style-type: none"> <li>● Part 5A (except section 38ZJ(2) and (5))</li> </ul>	Attorney-General, Minister for Disability, Ageing and Carers, Minister for Mental Health, Minister for Youth Justice, jointly and severally
9.	Attorney-General, Minister for Disability, Ageing and Carers, Minister for Mental Health, jointly	<b>Crimes (Mental Impairment and Unfitness to be Tried) Act 1997</b> – <ul style="list-style-type: none"> <li>● Section 57B(3) and (3C)</li> <li>● Section 58A(3) and (3C)</li> <li>● Section 73H(1) to (1D)</li> </ul>	Attorney-General
10.	Attorney-General and Minister for Mental Health, jointly	<b>Crimes (Mental Impairment and Unfitness to be Tried) Act 1997</b> – <ul style="list-style-type: none"> <li>● Section 73R(1) to (5)</li> </ul>	Attorney-General <sup>7</sup>

<sup>7</sup> Note: This is to be read together with Administrative Arrangements Order (AAO) (No. 241) 2021 and AAO (No. 219) 2014.

Table 2

Item No.	Column 1 (Old Body)	Column 2 (Act, provision of Act, instrument or transaction)	Column 3 (New Body)
1.	Department of Health and Human Services, Department of Justice and Regulation, jointly	<b>Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 –</b> <ul style="list-style-type: none"> <li>● Part 7C</li> </ul>	Department of Health and Human Services, Department of Justice and Community Safety, jointly
2.	Secretary, Department of Health and Human Services, Secretary, Department of Justice and Regulation, jointly	<b>Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 –</b> <ul style="list-style-type: none"> <li>● Part 7C</li> </ul>	Secretary, Department of Health and Human Services, Secretary, Department of Justice and Community Safety, jointly

Table 3

Item No.	Column 1 (Old Body)	Column 2 (Act, provision of Act, instrument or transaction)	Column 3 (New Body)
1.	Minister for Mental Health	<b>Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 –</b> <ul style="list-style-type: none"> <li>● Sections 48 to 55, 57A, 58 and 60 to 63(1)</li> <li>● Division 3 of Part 7</li> <li>● Part 7A</li> </ul>	Attorney-General, Minister for Community Services and Minister for Mental Health
2.	Attorney-General	<b>Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 –</b> <ul style="list-style-type: none"> <li>● Sections 57B and 58A</li> <li>● Part 5A</li> </ul>	Attorney-General, Minister for Community Services and Minister for Mental 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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