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Administrative Arrangements Act 1983

ADMINISTRATIVE ARRANGEMENTS ORDER (NO. 210) 2011

The Governor in Council makes the following Order:

Dated 21 June 2011

Responsible Minister
TED BAILLIEU MLA
Premier

MATTHEW McBEATH
Clerk of the Executive Council

1. Title

This Order is called the Administrative Arrangements Order (No. 210) 2011.

2. Authorising provision

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

3. Commencement

- (1) Subject to subclauses (2), (3) and (4), this Order takes effect on 22 February 2011.
- (2) This Order, as it applies to or in respect of an item in Table 2 of the Schedule, takes effect on 22 March 2011.
- (3) This Order, as it applies to or in respect of an item in Table 3 of the Schedule, takes effect on 8 December 2010.
- (4) This Order, as it applies to or in respect of an item in Table 4 of the Schedule, takes effect on 20 October 1999.

4. Definitions

In this Order –

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

‘**instrument**’ includes contract and agreement;

‘**Old Body**’ means a Body specified in Column 1 of an item in Table 1, Table 2 or Table 3 of the Schedule;

‘**New Body**’ means a Body specified in Column 3 of an item in Table 1, Table 2, Table 3 or Table 4 of the Schedule;

‘**Schedule**’ means 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

In respect of each item in a Table of the Schedule, a reference to an Old Body –

- (a) in a provision of an Act specified in Column 2 of an item in Table 1, 2, 3 or 4 of the Schedule; or
- (b) in a statutory instrument or other instrument made under an Act specified in Column 2 of an item in Table 1, 2, 3 or 4 of the Schedule;
- (c) in respect of any other matter or thing done under a provision of an Act specified in Column 2 of an item in Table 1, 2, 3 or 4 of the Schedule; or
- (d) in an instrument specified in Column 2 of an item in Table 1, 2, 3 or 4 of the Schedule –

is taken to be a reference to the New Body.

6. Saving of existing transactions

If a transaction happened in relation to an Old Body before this Order takes effect –

- (a) the transaction shall continue in the same way it would have continued if this Order had not been 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, enforced or completed, by or in relation to the Old Body if this Order had not been made.

7. Keeping financial accounts and reports – items in Table 1 of the Schedule

- (1) The Secretary, Department of Health must ensure that financial accounts are kept and records are provided for the purpose of the **Financial Management Act 1994** until 30 June 2011 in respect of a function under an Act specified in item 31 in Table 1 of the Schedule that is transferred to the New Body specified in that item as if the function had not been transferred.
- (2) The Secretary, Department of Human Services must ensure that financial accounts are kept and records are provided for the purposes of the **Financial Management Act 1994** until 30 June 2011 in respect of a function under an Act specified in item 38 in Table 1 of the Schedule that is transferred to the New Body specified in that item as if the function had not been transferred.
- (3) The Secretary, Department of Justice must ensure that financial accounts are kept and records are provided for the purposes of the **Financial Management Act 1994** until 30 June 2011 in respect of a function under an Act specified in item 2 in Table 1 of the Schedule that is transferred to the New Body specified in that item as if the function had not been transferred.
- (4) The Secretary, Department of Planning and Community Development must ensure that financial accounts are kept and records are provided for the purposes of the **Financial Management Act 1994** until 30 June 2011 in respect of a function under an Act specified in item 43 in Table 1 of the Schedule that is transferred to the New Body specified in that item as if the function had not been transferred.
- (5) The Secretary, Department of Premier and Cabinet must ensure that financial accounts are kept and records are provided for the purposes of the **Financial Management Act 1994** until 30 June 2011 in respect of a function under an Act specified in:
 - (a) item 50 in Table 1 of the Schedule that is transferred to the New Body specified in that item; or
 - (b) item 53 in Table 1 of the Schedule that is transferred to the New Body specified in that item,as if the function had not been transferred.

- (6) The Secretary, Department of Sustainability and Environment must ensure that financial accounts are kept and records are provided for the purposes of the **Financial Management Act 1994** until 30 June 2011 in respect of a function under an Act specified in:
- (a) item 12 in Table 1 of the Schedule that is transferred to the New Body specified in that item;
 - (b) item 16 in Table 1 of the Schedule that is transferred to the New Body specified in that item;
 - (c) item 19 in Table 1 of the Schedule that is transferred to the New Body specified in that item; or
 - (d) item 22 in Table 1 of the Schedule that is transferred to the New Body specified in that item,
- as if the function had not been transferred.
- (7) The Secretary, Department of Treasury and Finance must ensure that financial accounts are kept and records are provided for the purposes of the **Financial Management Act 1994** until 30 June 2011 in respect of a function under an Act specified in item 27 in Table 1 of the Schedule that is transferred to the New Body specified in that item as if the function had not been transferred.

8. Providing financial accounts and reports

A Secretary to a Department to which a function is transferred must, if requested by a Secretary to a Department who is an Old Body, provide that Old Body with any financial accounts and records or other information required to enable the Old Body to comply with clause 7.

SCHEDULE
Table 1

Item No.	Column 1 (Old Body)	Column 2 (Legislation or Instrument)	Column 3 (New Body)
1.	Attorney-General	Fair Work (Commonwealth Powers) Act 2009	Minister for Employment and Industrial Relations
2.	Secretary, Department of Justice	The Act listed in Column 2 of item 1	Secretary, Department of Business and Innovation
3.	Department of Justice	The Act listed in Column 2 of item 1	Department of Business and Innovation
4.	Attorney-General	Freedom of Information Act 1982 Whistleblowers Protection Act 2001	Minister responsible for the establishment of an anti-corruption commission
5.	Attorney-General	Warehousemen's Liens Act 1958	Minister for Consumer Affairs
6.	Minister for Consumer Affairs	Trustee Act 1958 Trustee Companies Act 1984	Attorney-General
7.	Minister for Children and Early Childhood Development	Education and Training Reform Act 2006 – ● Section 1.1.3(1)	Minister for Children and Early Childhood Development, Minister for Education, Minister for Higher Education and Skills, Minister responsible for the Teaching Profession, or any two or more of those Ministers

Item No.	Column 1 (Old Body)	Column 2 (Legislation or Instrument)	Column 3 (New Body)
8.	Minister for Education	Education and Training Reform Act 2006 – <ul style="list-style-type: none"> ● Section 1.1.3(1) 	Minister for Education, Minister for Children and Early Childhood Development, Minister for Higher Education and Skills, Minister responsible for the Teaching Profession, or any two or more of those Ministers
9.	Minister for Education	Education and Training Reform Act 2006 – <ul style="list-style-type: none"> ● Part 2.4 and sections 5.2.1(6) and 6.1.5 	Minister for Education or Minister responsible for the Teaching Profession or both
10.	Minister for Education	Education and Training Reform Act 2006 – <ul style="list-style-type: none"> ● Chapter 1 (except section 1.1.3(1)); Part 5.1; section 5.2.1 (except section 5.2.1(2)(d)(i) to (iv) and (6)); sections 5.2.9 and 5.2.12, section 5.7.2 and Schedules 5 and 6 	Minister for Education, Minister for Higher Education and Skills, Minister responsible for the Teaching Profession, or any two or more of those Ministers
11.	Minister for Environment and Climate Change	Conservation, Forests and Lands Act 1987 – <ul style="list-style-type: none"> ● In so far as it relates to the exercise of powers for the purposes of: <ul style="list-style-type: none"> ○ the Sustainable Forests (Timber) Act 2004 ○ the Victorian Plantations Corporation Act 1993 State Owned Enterprises Act 1992 – <ul style="list-style-type: none"> ● Division 2 of Part 2 in so far as it relates to the Victorian Plantations Corporation 	Minister for Agriculture and Food Security
12.	Secretary, Department of Sustainability and Environment	The Acts listed in Column 2 of item 11, to the extent specified in that item	Secretary, Department of Primary Industries

Item No.	Column 1 (Old Body)	Column 2 (Legislation or Instrument)	Column 3 (New Body)
13.	Department of Sustainability and Environment	The Acts listed in Column 2 of item 11, to the extent specified in that item	Department of Primary Industries
14.	Minister for Environment and Climate Change	Conservation, Forests and Lands Act 1987 – <ul style="list-style-type: none"> ● In so far as it relates to the exercise of powers for the purposes of the Catchment and Land Protection Act 1994 	Minister for Environment and Climate Change or Minister for Water or both
15.	Minister for Environment and Climate Change	Conservation, Forests and Lands Act 1987 – <ul style="list-style-type: none"> ● In so far as it relates to the exercise of powers for the purposes of: <ul style="list-style-type: none"> ○ section 5, Parts 3 and 5 and Divisions 1 and 2 of Part 6 of the Flora and Fauna Guarantee Act 1988 ○ the Forests Act 1958 ○ in so far as it relates to declaring, managing and enforcing public safety zones for the purposes of timber harvesting operations, the Safety on Public Land Act 2004 Safety on Public Land Act 2004 – <ul style="list-style-type: none"> ● In so far as it relates to declaring, managing and enforcing public safety zones for the purposes of timber harvesting operations 	Minister for Environment and Climate Change or Minister for Agriculture and Food Security or both
16.	Secretary, Department of Sustainability and Environment	The Acts listed in Column 2 of item 15, to the extent specified in that item	Secretary, Department of Sustainability and Environment or Secretary, Department of Primary Industries or both
17.	Department of Sustainability and Environment	The Acts listed in Column 2 of item 15, to the extent specified in that item	Department of Sustainability and Environment or Department of Primary Industries or both

Item No.	Column 1 (Old Body)	Column 2 (Legislation or Instrument)	Column 3 (New Body)
18.	Minister for Environment and Climate Change	<p>Conservation, Forests and Lands Act 1987 –</p> <ul style="list-style-type: none"> • In so far as it relates to the exercise of powers for the purposes of: <ul style="list-style-type: none"> o section 3 of the Land Conservation (Vehicle Control) Act 1973 o Parts I, III, IIIA, IIIB, VIII, IX, sections 16, 20, 21, 35, 41 to 44, 53 to 56, 58 to 58E and 86 to 86C and, in so far as it relates to the effective management of hunting, including preserving good order among hunters of wildlife, section 87 of the Wildlife Act 1975 	Minister for Environment and Climate Change and Minister for Agriculture and Food Security
19.	Secretary, Department of Sustainability and Environment	The Act listed in Column 2 of item 18, to the extent specified in that item	Secretary, Department of Sustainability and Environment and Secretary, Department of Primary Industries
20.	Department of Sustainability and Environment	The Act listed in Column 2 of item 18, to the extent specified in that item	Department of Sustainability and Environment and Department of Primary Industries
21.	Minister for Environment and Climate Change	South Yarra Project (Subdivision and Management) Act 1985	Minister for Planning
22.	Secretary, Department of Sustainability and Environment	The Act listed in Column 2 of item 21	Secretary, Department of Planning and Community Development
23.	Department of Sustainability and Environment	The Act listed in Column 2 of item 21	Department of Planning and Community Development

Item No.	Column 1 (Old Body)	Column 2 (Legislation or Instrument)	Column 3 (New Body)
24.	Minister for Finance	<p>Casino Control Act 1991 –</p> <ul style="list-style-type: none"> ● Section 128K(2) <p>Crown Land (Reserves) Act 1978 –</p> <ul style="list-style-type: none"> ● In so far as it relates to the land shown as: <ul style="list-style-type: none"> ○ Crown Allotments 2A, 3 and 4 of Section 5, City of Melbourne, Parish of Melbourne North (Parish Plan No. 5514C) and known as the Treasury Reserve ○ Crown Allotments 4A and 4B on Certified Plan 111284 lodged with the Central Plan Office and to be known as the Old Treasury Building Reserve <p>Financial Management Act 1994 –</p> <ul style="list-style-type: none"> ● Parts 7A and 7B <p>Housing Act 1983 –</p> <ul style="list-style-type: none"> ● Part VIII ● Sections 143(1), 143(2)(d), 143(2)(e) and 143(3) ● Schedules 7 and 8 <p>Land Act 1958 –</p> <ul style="list-style-type: none"> ● In so far as it relates to the exercise of powers relating to leases and licenses under Subdivisions 1 and 2 of Division 9 of Part I in respect of: <ul style="list-style-type: none"> ○ land in the Melbourne Casino area within the meaning of Part 9A of the Casino Control Act 1991 ○ Crown land coloured brown on Plans numbered LEGL./93-211, LEGL./93.212, LEGL//93-213, LEGL./93-214 and LEGL./93-215 lodged in the Central Plan Office ○ land shown as Crown Allotment 32E, section 7 on Certified Plan No. 108871 lodged in the Central Plan Office ○ land shown as Crown Allotment 4A, section 1A on Certified Plan No. 75050 lodged in the Central Plan Office ○ land shown as Crown Allotment 4D, section 1A on Certified Plan No. 112128 lodged in the Central Plan Office ○ The area of 3643 square metres of land in the city of Port Melbourne shown on Plan LEGL./96-216 lodged in the Central Plan Office 	Assistant Treasurer

Item No.	Column 1 (Old Body)	Column 2 (Legislation or Instrument)	Column 3 (New Body)
		<ul style="list-style-type: none"> o land shown as Crown Allotment 4, section 1A on Certified Plan No. 109991 lodged in the Central Plan Office o Division 6 of Part I, Subdivision 3 of Division 9 of Part I and section 209 o Sections 201, 201A and 399 The Constitution Act Amendment Act 1958	
25.	Minister for Finance	Transfer of Land Act 1958 Any of the following instruments entered into by the Minister for Finance on or before 22 February 2011: <ul style="list-style-type: none"> ● an instrument relating to an interest in real property; ● a loan agreement relating to the provision of financial accommodation or financial assistance in relation to real property. 	Assistant Treasurer
26.	Minister for Finance	Long Service Leave Act 1992	Minister for Employment and Industrial Relations
27.	Secretary, Department of Treasury and Finance	The Act listed in Column 2 of item 26	Secretary, Department of Business and Innovation
28.	Department of Treasury and Finance	The Act listed in Column 2 of item 26	Department of Business and Innovation
29.	Minister for Finance, WorkCover and the Transport Accident Commission	Transfer of Land Act 1958 Any of the following instruments entered into by the Minister for Finance, WorkCover and the Transport Accident Commission on or before 22 February 2011: <ul style="list-style-type: none"> ● an instrument relating to an interest in real property; ● a loan agreement relating to the provision of financial accommodation or financial assistance in relation to real property. 	Assistant Treasurer
30.	Minister for Health	Supported Residential Services (Private Proprietors) Act 2010	Minister for Ageing or Minister for Community Services or both

Item No.	Column 1 (Old Body)	Column 2 (Legislation or Instrument)	Column 3 (New Body)
31.	Secretary, Department of Health	The Act listed in Column 2 of item 30	Secretary, Department of Health or Secretary, Department of Human Services or both
32.	Department of Health	The Act listed in Column 2 of item 30	Department of Health or Department of Human Services or both
33.	Minister for Higher Education and Skills	Education and Training Reform Act 2006 – <ul style="list-style-type: none"> ● Section 1.1.3(1) 	Minister for Education, Minister for Children and Early Childhood Development, Minister for Higher Education and Skills, Minister responsible for the Teaching Profession, or any two or more of those Ministers
34.	Minister for Higher Education and Skills	Education and Training Reform Act 2006 – <ul style="list-style-type: none"> ● Chapter 1 (except section 1.1.3(1)); Part 5.1; section 5.2.1 (except section 5.2.1(2)(d)(i) to (iv) and (6)); sections 5.2.9 and 5.2.12, section 5.7.2; and Schedules 5 and 6 	Minister for Education, Minister for Higher Education and Skills, Minister responsible for the Teaching Profession, or any two or more of those Ministers
35.	Minister for Higher Education and Skills	Education and Training Reform Act 2006 – <ul style="list-style-type: none"> ● Sections 2.5.3(2)(ab), (ib), (ic), (p)(ii) & (tb) and section 2.5.3(5) 	Minister for Children and Early Childhood Development and Minister for Education

Item No.	Column 1 (Old Body)	Column 2 (Legislation or Instrument)	Column 3 (New Body)
36.	Minister for Higher Education and Skills	Education and Training Reform Act 2006 – <ul style="list-style-type: none"> • Schedule 3 	Minister for Higher Education and Skills or Minister responsible for the Teaching Profession or both
37.	Minister for Housing	Housing Act 1983 – <ul style="list-style-type: none"> • Sections 143(2)(f) and 143(2)(i) 	Minister for Housing or Assistant Treasurer or both
38.	Secretary, Department of Human Services	The Act listed in Column 2 of item 37, to the extent specified in that item	Secretary, Department of Human Services or Secretary, Department of Treasury and Finance or both
39.	Department of Human Services	The Act listed in Column 2 of item 37, to the extent specified in that item	Department of Human Services or Department of Treasury and Finance or both
40.	Minister for Innovation, Services and Small Business	Victorian Industry Participation Policy Act 2003	Minister for Manufacturing, Exports and Trade
41.	Minister for Local Government	City of Greater Geelong Act 1993 – <ul style="list-style-type: none"> • Part 5 	Minister for Planning
42.	Minister for Planning	Planning and Environment Act 1987 – <ul style="list-style-type: none"> • Part 9B 	Minister for Planning or Treasurer or both
43.	Secretary, Department of Planning and Community Development	The Act listed in Column 2 of item 42, to the extent specified in that item	Secretary, Department of Planning and Community Development or Secretary, Department of Treasury and Finance or both

Item No.	Column 1 (Old Body)	Column 2 (Legislation or Instrument)	Column 3 (New Body)
44.	Department of Planning and Community Development	The Act listed in Column 2 of item 42, to the extent specified in that item	Department of Planning and Community Development or Department of Treasury and Finance or both
45.	Minister for Ports	Transport Integration Act 2010 – <ul style="list-style-type: none"> ● Parts 1, 2, 3, 4, 7 and 8 	Minister for Ports, Minister for Public Transport, Minister for Roads, or any two or more of those Ministers
46.	Minister for Public Transport	Transport (Compliance and Miscellaneous) Act 1983 – <ul style="list-style-type: none"> ● Part VII, Division 4B 	Minister for Public Transport, and Minister for Ports or Minister for Roads or both
47.	Minister for Public Transport	Transport Integration Act 2010 – <ul style="list-style-type: none"> ● Parts 1, 2, 3, 4, 7 and 8 	Minister for Ports, Minister for Public Transport, Minister for Roads, or any two or more of those Ministers
48.	Minister for Roads	Transport Integration Act 2010 – <ul style="list-style-type: none"> ● Parts 1, 2, 3, 4, 7 and 8 	Minister for Ports, Minister for Public Transport, Minister for Roads, or any two or more of those Ministers
49.	Premier	Melbourne and Olympic Parks Act 1985 – Except: <ul style="list-style-type: none"> ● Sections 24 to 28 Melbourne Cricket Ground Act 2009	Premier or Minister for Sport and Recreation or both
50.	Secretary, Department of Premier and Cabinet	The Acts listed in Column 2 of item 49, to the extent specified in that item	Secretary, Department of Premier and Cabinet or Secretary, Department of Planning and Community Development or both

Item No.	Column 1 (Old Body)	Column 2 (Legislation or Instrument)	Column 3 (New Body)
51.	Department of Premier and Cabinet	The Acts listed in Column 2 of item 49, to the extent specified in that item	Department of Premier and Cabinet or Department of Planning and Community Development or both
52.	Premier	State Sport Centres Act 1994	Minister for Sport and Recreation
53.	Secretary, Department of Premier and Cabinet	The Act listed in Column 2 of item 52	Secretary, Department of Planning and Community Development
54.	Department of Premier and Cabinet	The Act listed in Column 2 of item 52	Department of Planning and Community Development

Table 2

Item No.	Column 1 (Old Body)	Column 2 (Legislation or Instrument)	Column 3 (New Body)
1.	Minister for Finance	Land Act 1958 – <ul style="list-style-type: none"> in so far as it relates to the sale and alienation of Crown Lands as set out in Administrative Arrangements Order (No. 58) 1988, made on 9 February 1988 and published at page 318 of General Gazette No. 6 of 1988 (17 February 1988) 	Assistant Treasurer

Table 3

Item No.	Column 1 (Old Body)	Column 2 (Legislation or Instrument)	Column 3 (New Body)
1.	Minister for Agriculture	Project Development and Construction Management Act 1994	Minister for Agriculture and Food Security
2.	Minister for Roads and Ports	The Act listed in Column 2 of item 1	Minister for Roads or Minister for Ports or both

Table 4

Item No.	Column 1 (Old Body)	Column 2 (Legislation or Instrument)	Column 3 (New Body)
1.	Minister for Planning and Local Government	Eastern Freeway Lands Act 1971 – <ul style="list-style-type: none"> Section 7 	Minister for Local Government

Note: The Administration of Acts – General Order may be located by following the ‘Guidelines and Procedures’ then ‘General Order and Supplements’ links at www.dpc.vic.gov.au

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