



New South Wales

Administrative Arrangements (Administrative Changes—Public Service Agencies) Order 2019

under the

Constitution Act 1902

DAVID HURLEY, Governor

I, General The Honourable David Hurley AC DSC (Ret'd), Governor of New South Wales, with the advice of the Executive Council, and in pursuance of Part 7 of the *Constitution Act 1902* and provisions of the *Government Sector Employment Act 2013* authorising the making of orders under that Part, make the following Order.

Dated, this 2nd day of April 2019.

By His Excellency's Command,

GLADYS BEREJIKLIAN, MP
Premier

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Administrative Arrangements (Administrative Changes—Public Service Agencies) Order 2019

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1 Name of Order

This Order is the *Administrative Arrangements (Administrative Changes—Public Service Agencies) Order 2019*.

2 Commencement

This Order commences on 1 July 2019 and is required to be published on the NSW legislation website.

3 Definitions

In this Order:

document means any Act or statutory or other instrument, or any contract or agreement.

GSE Act means the *Government Sector Employment Act 2013*.

reference to a Minister, Public Service agency or Public Service employee includes a reference that (by or under any Act) is to be construed or treated as a reference to that Minister, agency or employee.

4 Amendment of Schedule 1 to GSE Act (Public Services agencies)

Omit Parts 1 and 2. Insert instead:

Part 1 Departments

Department of Premier and Cabinet

The Treasury

Department of Customer Service

Department of Planning and Industry

Department of Transport

Ministry of Health

Department of Education

Department of Family and Community Services and Justice

Part 2 Executive agencies related to Departments

The agency heads marked with an asterisk are statutory officers and do not hold offices established by this Act in the Public Service.

Executive agency	Head of agency	Related Department
Art Gallery of New South Wales Trust Staff Agency	Director of the Art Gallery of New South Wales	Department of Premier and Cabinet. The Minister administering the <i>Art Gallery of New South Wales Act 1980</i> is to exercise the employer functions of the Government in relation to the Director.
Australian Museum Trust Staff Agency	Director of the Australian Museum	Department of Premier and Cabinet. The Minister administering the <i>Australian Museum Trust Act 1975</i> is to exercise the employer functions of the Government in relation to the Director.
Crown Solicitor's Office	Crown Solicitor	Department of Family and Community Services and Justice
Destination NSW Staff Agency	Chief Executive Officer of Destination NSW	The Treasury. The Minister administering the <i>Destination NSW Act 2011</i> is to exercise the employer functions of the Government in relation to the Chief Executive Officer.
Fire and Rescue NSW	Commissioner of Fire and Rescue NSW	Department of Family and Community Services and Justice. The Minister administering the <i>Fire and Rescue NSW Act 1989</i> is to exercise the employer functions of the Government in relation to the Commissioner.
Greater Sydney Commission Staff Agency	Chief Executive Officer of the Greater Sydney Commission	Department of Premier and Cabinet
Health Professional Councils Authority Office	Secretary of the Ministry of Health	Ministry of Health
Infrastructure NSW Staff Agency	Chief Executive Officer and Co-ordinator General, Infrastructure NSW	Department of Premier and Cabinet. The Minister administering the <i>Infrastructure NSW Act 2011</i> is to exercise the employer functions of the Government in relation to the Chief Executive Officer and Co-ordinator General.
Institute of Sport Staff Agency	Chief Executive Officer of the New South Wales Institute of Sport	Department of Family and Community Services and Justice. The Minister administering the <i>Institute of Sport Act 1995</i> is to exercise the employer functions of the Government in relation to the Chief Executive Officer.

Executive agency	Head of agency	Related Department
Library Council of New South Wales Staff Agency	State Librarian	Department of Premier and Cabinet. The Minister administering the <i>Library Act 1939</i> is to exercise the employer functions of the Government in relation to the State Librarian.
Local Land Services Staff Agency	Chief Executive Officer of Local Land Services	Department of Planning and Industry
Mental Health Commission Staff Agency	Secretary of the Ministry of Health	Ministry of Health
Multicultural NSW Staff Agency	Chief Executive Officer of Multicultural NSW	Department of Family and Community Services and Justice. The Minister administering the <i>Multicultural NSW Act 2000</i> is to exercise the employer functions of the Government in relation to the Chief Executive Officer.
Natural Resources Commission Staff Agency	*Commissioner for the Commission	Department of Planning and Industry
Office of the NSW Rural Fire Service	Commissioner of the NSW Rural Fire Service	Department of Family and Community Services and Justice. The Minister administering the <i>Rural Fires Act 1997</i> is to exercise the employer functions of the Government in relation to the Commissioner.
Office of the NSW State Emergency Service	Commissioner of the NSW State Emergency Service	Department of Family and Community Services and Justice. The Minister administering the <i>State Emergency Service Act 1989</i> is to exercise the employer functions of the Government in relation to the Commissioner.
Parliamentary Counsel's Office	Parliamentary Counsel	Department of Premier and Cabinet
SAS Trustee Corporation Staff Agency	*Chief Executive Officer of the SAS Trustee Corporation	The Treasury
Service NSW	Chief Executive Officer of Service NSW	Department of Customer Service
Office of Sport	Chief Executive of the Office	Department of Family and Community Services and Justice

Executive agency	Head of agency	Related Department
Sydney Opera House Trust Staff Agency	Chief Executive of the Sydney Opera House Trust	Department of Premier and Cabinet. The Minister administering the <i>Sydney Opera House Trust Act 1961</i> is to exercise the employer functions of the Government in relation to the Chief Executive.
Trustees of the Museum of Applied Arts and Sciences Staff Agency	Director of the Museum of Applied Arts and Sciences	Department of Premier and Cabinet. The Minister administering the <i>Museum of Applied Arts and Sciences Act 1945</i> is to exercise the employer functions of the Government in relation to the Director.
Western City and Aerotropolis Authority Staff Agency	Chief Executive Officer of the Western City and Aerotropolis Authority	The Treasury

5 Ministers to whom Public Service agencies responsible

- (1) Each of the following Departments of the Public Service is responsible to the Minister or Ministers specified in relation to that Department:

Department	Minister
Department of Premier and Cabinet	Premier Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts
The Treasury	Treasurer Deputy Premier, Minister for Regional New South Wales, Industry and Trade Minister for Jobs, Investment, Tourism and Western Sydney Minister for Finance and Small Business
Department of Customer Service	Minister for Customer Service Minister for Better Regulation and Innovation
Department of Planning and Industry	Deputy Premier, Minister for Regional New South Wales, Industry and Trade Minister for Planning and Public Spaces Minister for Water, Property and Housing Minister for Energy and Environment Minister for Agriculture and Western New South Wales Minister for Local Government
Department of Transport	Minister for Transport and Roads Minister for Regional Transport and Roads

Department	Minister
Ministry of Health	Minister for Health and Medical Research Minister for Mental Health, Regional Youth and Women
Department of Education	Minister for Education and Early Childhood Learning Minister for Skills and Tertiary Education
Department of Family and Community Services and Justice	Attorney General, and Minister for the Prevention of Domestic Violence Minister for Police and Emergency Services Minister for Counter Terrorism and Corrections Minister for Families, Communities and Disability Services Minister for Sport, Multiculturalism, Seniors and Veterans Minister for Mental Health, Regional Youth and Women

- (2) Each of the following Public Service agencies is responsible to the Minister or Ministers specified in relation to that agency:

Public Service agency	Minister
Crown Solicitor's Office	Attorney General, and Minister for the Prevention of Domestic Violence
Fire and Rescue NSW	Minister for Police and Emergency Services
Office of the NSW Rural Fire Service	Minister for Police and Emergency Services
Office of the NSW State Emergency Service	Minister for Police and Emergency Services
Parliamentary Counsel's Office	Premier
Service NSW	Minister for Customer Service
Office of Sport	Minister for Sport, Multiculturalism, Seniors and Veterans

- (3) In the case of a Public Service agency (other than an agency referred to in subclause (1) or (2)) comprising Public Service employees who are employed to enable a statutory body or statutory officer to exercise functions, the Minister to whom the agency is responsible is the Minister administering the Act under which the statutory body is constituted or the statutory officer is appointed (as the case requires).

6 Establishment of new Departments

The following Departments are established:

- (a) the Department of Customer Service,
- (b) the Department of Planning and Industry,
- (c) the Department of Family and Community Services and Justice.

7 Abolition of Department of Finance, Services and Innovation

- (1) The persons employed in the Department of Finance, Services and Innovation are, except as provided by this Order, transferred to the Department of Customer Service.
- (2) The Department of Finance, Services and Innovation is abolished.
- (3) Subject to this Order, a reference in any document to the Department of Finance, Services and Innovation is to be construed as a reference to the Department of Customer Service.

8 Abolition of Department of Planning and Environment

- (1) The persons employed in the Department of Planning and Environment are, except as provided by this Order, transferred to the Department of Planning and Industry.
- (2) The Department of Planning and Environment is abolished.
- (3) Subject to this Order, a reference in any document to the Department of Planning and Environment is to be construed as a reference to the Department of Planning and Industry.

9 Abolition of Department of Industry

- (1) The persons employed in the Department of Industry are, except as provided by this Order, transferred to the Department of Planning and Industry.
- (2) The Department of Industry is abolished.
- (3) Subject to this Order, a reference in any document to the Department of Industry is to be construed as a reference to the Department of Planning and Industry.

10 Abolition of Department of Justice

- (1) The persons employed in the Department of Justice are, except as provided by this Order, transferred to the Department of Family and Community Services and Justice.
- (2) The Department of Justice is abolished.
- (3) Subject to this Order, a reference in any document to the Department of Justice is to be construed as a reference to the Department of Family and Community Services and Justice.

11 Abolition of Department of Family and Community Services

- (1) The persons employed in the Department of Family and Community Services are, except as provided by this Order, transferred to the Department of Family and Community Services and Justice.
- (2) The Department of Family and Community Services is abolished.
- (3) The person holding the office of Secretary of the Department of Family and Community Services when that office is abolished by the operation of section 23 (3) of the GSE Act is taken to have been appointed as the Secretary of the Department of Family and Community Services and Justice and to hold office subject to the GSE Act. Accordingly, a reference in any document to the Secretary of the Department of Family and Community Services is, without limiting subclause (4), to be construed as a reference to the Secretary of the Department of Family and Community Services and Justice.
- (4) Subject to this Order, a reference in any document to the Department of Family and Community Services is to be construed as a reference to the Department of Family and Community Services and Justice.

12 Abolition of Office of Environment and Heritage

- (1) The persons employed in the Office of Environment and Heritage are, except as provided by this Order, transferred to the Department of Planning and Industry.
- (2) The Office of Environment and Heritage is abolished.
- (3) In any document:
 - (a) a reference to the Office of Environment and Heritage is, subject to this Order, to be construed as a reference to the Department of Planning and Industry, and
 - (b) a reference to the Chief Executive of the Office of Environment and Heritage is, subject to this Order, to be construed as a reference to the Secretary of the Department of Planning and Industry.

13 Abolition of Office of Local Government

- (1) The persons employed in the Office of Local Government are transferred to the Department of Planning and Industry.
- (2) The Office of Local Government is abolished.
- (3) In any document:
 - (a) a reference to the Office of Local Government is to be construed as a reference to the Department of Planning and Industry, and
 - (b) a reference to the Chief Executive of the Office of Local Government is, subject to this Order, to be construed as a reference to the Secretary of the Department of Planning and Industry.

14 Abolition of Barangaroo Delivery Authority Staff Agency

- (1) The persons employed in the Barangaroo Delivery Authority Staff Agency are transferred to the Infrastructure NSW Staff Agency.
- (2) The Barangaroo Delivery Authority Staff Agency is abolished.
- (3) In any document:
 - (a) a reference to the Barangaroo Delivery Authority Staff Agency is to be construed as a reference to the Infrastructure NSW Staff Agency, and
 - (b) a reference to the Chief Executive of the Barangaroo Delivery Authority is to be construed as a reference to the Chief Executive Officer and Co-ordinator General, Infrastructure NSW.

15 Abolition of UrbanGrowth NSW Development Corporation Staff Agency

- (1) The persons employed in the UrbanGrowth NSW Development Corporation Staff Agency are transferred to the Infrastructure NSW Staff Agency.
- (2) The UrbanGrowth NSW Development Corporation Staff Agency is abolished.
- (3) In any document:
 - (a) a reference to the UrbanGrowth NSW Development Corporation Staff Agency is to be construed as a reference to the Infrastructure NSW Staff Agency, and
 - (b) a reference to the Chief Executive of the UrbanGrowth NSW Development Corporation is to be construed as a reference to the Chief Executive Officer and Co-ordinator General, Infrastructure NSW.

16 Transfer of Aboriginal Affairs NSW to DPC

- (1) Aboriginal Affairs NSW is transferred from the Department of Education to the Department of Premier and Cabinet.

- (2) In any document, a reference to Aboriginal Affairs NSW in the Department of Education is to be construed as a reference to Aboriginal Affairs in the Department of Premier and Cabinet.

17 Transfer of Heritage staff to DPC

- (1) The persons employed in the Office of Environment and Heritage who are principally involved in the administration of legislation allocated to the Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts are transferred to the Department of Premier and Cabinet.
- (2) In any document, a reference to the Office of Environment and Heritage is, if used in relation to the part of that Office referred to in subclause (1), to be construed as a reference to the Department of Premier and Cabinet.

18 Transfer of Data Analytics Centre to Department of Customer Service

- (1) The Data Analytics Centre is transferred from the Treasury to the Department of Customer Service.
- (2) In any document, a reference to the Data Analytics Centre in the Treasury is to be construed as a reference to the Data Analytics Centre in the Department of Customer Service.

19 Transfer of IR staff to DPC

- (1) The persons employed in the Treasury who are principally involved in the administration of legislation allocated to the Special Minister of State, Minister for the Public Service, Employee Relations, Aboriginal Affairs, and the Arts (including the provision of support for the portfolio responsibilities of that Minister) are transferred to the Department of Premier and Cabinet.
- (2) In any document, a reference to the Treasury is, if used in relation to the part of that Department referred to in subclause (1), to be construed as a reference to the Department of Premier and Cabinet.

20 Transfer of Arts staff to DPC

- (1) The persons employed in the Department of Planning and Environment who are principally involved in the administration of legislation allocated to the Special Minister of State, Minister for the Public Service, Employee Relations, Aboriginal Affairs, and the Arts (including the provision of support for the portfolio responsibilities of that Minister) are transferred to the Department of Premier and Cabinet.
- (2) In any document, a reference to the Department of Planning and Environment is, if used in relation to the part of that Department referred to in subclause (1), to be construed as a reference to the Department of Premier and Cabinet.

21 Transfer of Regional NSW staff to Department of Planning and Industry

- (1) The persons employed in the Department of Premier and Cabinet who are principally involved in the administration of legislation allocated to the Deputy Premier, Minister for Regional New South Wales, Industry and Trade (including the provision of support for the portfolio responsibilities of that Minister) are transferred to the Department of Planning and Industry.
- (2) In any document, a reference to the Department of Premier and Cabinet is, if used in relation to the part of that Department referred to in subclause (1), to be construed as a reference to the Department of Planning and Industry.

22 Transfer of parts of DPC to Department of Customer Service

- (1) The following parts of the Department of Premier and Cabinet are transferred to the Department of Customer Service:
 - (a) Office of the Customer Service Commissioner,
 - (b) Behavioural Insights Unit.
- (2) In any document, a reference to the Department of Premier and Cabinet is, if used in relation to a part of that Department referred to in subclause (1), to be construed as a reference to the Department of Customer Service.

23 Transfer of parts of DFSI to Treasury

- (1) The following parts of the Department of Finance, Services and Innovation are transferred to the Treasury:
 - (a) Revenue NSW (excluding that part of Revenue NSW comprising call centre staff),
 - (b) those persons providing support for the Procurement Board,
 - (c) those persons who are principally involved in the administration of legislation allocated to the Minister for Finance and Small Business (including the provision of support for the portfolio responsibilities of that Minister).
- (2) In any document, a reference to the Department of Finance, Services and Innovation is, if used in relation to a part of that Department referred to in subclause (1), to be construed as a reference to the Treasury.

24 Transfer of TELCO staff from DFSI to Department of Family and Community Services and Justice

- (1) The persons employed to enable the New South Wales Government Telecommunications Authority to exercise its functions are transferred from the Department of Finance, Services and Innovation to the Department of Family and Community Services and Justice.
- (2) In any document, a reference to the Department of Finance, Services and Innovation is, if used in relation to a part of that Department referred to in subclause (1), to be construed as a reference to the Department of Family and Community Services and Justice.

25 Transfer of part of DFSI to Department of Customer Service

- (1) That part of Revenue NSW comprising call centre staff is transferred from the Department of Finance, Services and Innovation to the Department of Customer Service.
- (2) In any document, a reference to the Department of Finance, Services and Innovation is, if used in relation to a part of that Department referred to in subclause (1), to be construed as a reference to the Department of Customer Service.

26 Transfer of part of DFSI to Department of Planning and Industry

- (1) The persons employed in the Department of Finance, Services and Innovation who are principally involved in the administration of legislation allocated to the Minister for Water, Property and Housing (including the provision of support for the portfolio responsibilities of that Minister) are transferred to the Department of Planning and Industry.
- (2) In any document, a reference to the Department of Finance, Services and Innovation is, if used in relation to a part of that Department referred to in subclause (1), to be construed as a reference to the Department of Planning and Industry.

27 Transfer of part of FACS to Department of Planning and Industry

- (1) The persons employed in the Department of Family and Community Services who are principally involved in the administration of legislation allocated to the Minister for Water, Property and Housing (including the provision of support for the portfolio responsibilities of that Minister) are transferred to the Department of Planning and Industry.
- (2) In any document, a reference to the Department of Family and Community Services is, if used in relation to a part of that Department referred to in subclause (1), to be construed as a reference to the Department of Planning and Industry.

28 Transfer of parts of Department of Industry to Treasury

- (1) The following parts of the Department of Industry are transferred to the Treasury:
 - (a) those persons who are principally involved in the administration of legislation allocated to the Minister for Jobs, Investment, Tourism and Western Sydney (including the provision of support for the portfolio responsibilities of that Minister),
 - (b) the Office of the Small Business Commissioner,
 - (c) NSW Trade and Investment.
- (2) In any document, a reference to the Department of Industry is, if used in relation to a part of that Department referred to in subclause (1), to be construed as a reference to the Treasury.

29 Transfer of part of Department of Industry to Department of Education

- (1) The persons employed in the Department of Industry who are principally involved in the administration of legislation allocated to the Minister for Skills and Tertiary Education (including the provision of support for the portfolio responsibilities of that Minister) are transferred to the Department of Education.
- (2) In any document, a reference to the Department of Industry is, if used in relation to a part of that Department referred to in subclause (1), to be construed as a reference to the Department of Education.

30 Transfer of NSW Registry of Births, Deaths and Marriages to Department of Customer Service

- (1) The NSW Registry of Births, Deaths and Marriages is transferred from the Department of Justice to the Department of Customer Service.
- (2) In any document, a reference to NSW Registry of Births, Deaths and Marriages in the Department of Justice is to be construed as a reference to the NSW Registry of Births, Deaths and Marriages in the Department of Customer Service.

31 Transfer of Liquor & Gaming NSW to Department of Customer Service

- (1) Liquor & Gaming NSW is transferred from the Department of Industry to the Department of Customer Service.
- (2) In any document, a reference to Liquor & Gaming NSW in the Department of Industry is to be construed as a reference to Liquor & Gaming NSW in the Department of Customer Service.

32 Construction of certain references

- (1) In this clause:

former agency head means:

 - (a) the Secretary of the Department of Planning and Environment, or

- (b) the Secretary of the Department of Industry, or
- (c) the Chief Executive of the Office of Environment and Heritage, or
- (d) the Chief Executive of the Office of Local Government.

relevant provision means a provision of any document requiring consultation with, or the concurrence of, or notification to, a former agency head.

- (2) A reference in a relevant provision:
 - (a) to any former agency head who is required to consult with, or obtain the concurrence of, or to notify, another former agency head is to be construed as a reference to the Secretary of the Department of Planning and Industry, and
 - (b) to the former agency head who is required by the provision to be consulted, or to give concurrence, or to be notified, is to be construed:
 - (i) in the case of the former Secretary of the Department of Industry, as a reference to a Public Service employee designated by the Deputy Premier, Minister for Regional New South Wales, Industry and Trade, or
 - (ii) in the case of the former Chief Executive of the Office of Environment and Heritage, as a reference to a Public Service employee designated by the Minister for Energy and Environment, or
 - (iii) in the case of the former Chief Executive of the Office of Local Government, as a reference to a Public Service employee designated by the Minister for Local Government, or
 - (iv) in the case of the former Secretary of the Department of Planning and Industry, as a reference to a Public Service employee designated by the Minister for Planning and Public Spaces.