

New South Wales



ANNO VICESIMO QUINTO

**ELIZABETHÆ II REGINÆ**

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**Act No. 61, 1976.**

**An Act relating to administrative changes in connection with the Ministry, Departments and officers of Departments; and for this purpose to enable orders to be made affecting the construction of certain references in Acts, instruments, contracts and agreements and containing other provisions incidental to or consequential on any such administrative changes. [Assented to, 2nd November, 1976.]**

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*Administrative Changes.*

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**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.      **1.** This Act may be cited as the "Administrative Changes Act, 1976".

Interpre-      **2.** (1) In this Act, except in so far as the context or  
tation.      subject-matter otherwise indicates or requires—

"administrative change" means—

- (a) a requirement of the kind referred to in section 3 (1) (a);
- (b) the fact of there ceasing to be a Minister, Department or officer of a particular description;
- (c) the transfer of the administration of an Act, or a part of an Act, from a Minister to another Minister; or
- (d) the transfer of a function from a Minister, Department or officer to another Minister, Department or officer, respectively;

"Department" means a Department of the Government, and includes—

- (a) any part of such a Department; and
- (b) any part of the Public Service consisting of persons appointed or employed under and subject to the Public Service Act, 1902,

but does not include the Police Force or any part of the Police Force;

"description"

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“description” includes a title;

“Minister” means a Minister of the Crown;

“officer” means an officer, employee or member of a Department;

“order” means an order under this Act;

“reference”, in relation to a Minister, Department or officer, includes a reference that (whether by or under this or any other Act) is to be read or construed as, or taken to be, or deemed to be, or otherwise treated as, a reference to that Minister, Department or officer;

“statutory instrument” means an instrument made under an Act or under an instrument made under an Act, and includes a regulation, rule, by-law or ordinance made under an Act.

(2) A reference in this Act to a superseded authority is, in relation to an administrative change referred to in—

- (a) paragraph (a) of the definition of “administrative change” in subsection (1)—a reference to a Minister, Department or officer, a reference to whom or which by a particular description is to be construed in accordance with provisions referred to in section 3 (1) (a);
- (b) paragraph (b) of that definition—a reference to a Minister, Department or officer of a description referred to in that paragraph; or
- (c) paragraph (c) or (d) of that definition—a reference to a Minister, Department or officer from whom or which a transfer referred to in that paragraph was affected.

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Power  
to make  
orders.

**3. (1) The Governor may make orders containing—**

- (a) provisions requiring a reference in any Act or statutory instrument, or in any other instrument, or in any contract or agreement, to a Minister, Department or officer by a description specified therein to be construed as a reference to a Minister, Department or officer, respectively, by another description specified therein; or
- (b) such other provisions as in the opinion of the Governor are necessary or convenient to be made for the purpose of dealing with matters that are incidental to or consequential on an administrative change or on the making of an order,

or both.

(2) The provisions referred to in subsection (1) (b) that may be made in relation to an administrative change may include—

- (a) provisions of a transitional or savings nature, including—
  - (i) provisions for the carrying on or completion of anything commenced by, or under the authority of, or in relation to, the superseded authority;
  - (ii) provisions for the continuity of any body constituted by, or having amongst its members, the superseded authority; and
  - (iii) provisions for the substitution, in any legal proceedings, of a Minister or officer for the superseded authority; and
- (b) provisions for the transfer of any property, rights and liabilities held, enjoyed or incurred by the superseded authority.

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**4. (1) An order shall—**

Provisions  
ancillary  
to orders.

- (a) be published in the Gazette; and
- (b) take effect from the date of its publication in the Gazette, or from—
  - (i) an earlier date (whether before, on or after the date of commencement of this Act); or
  - (ii) a later date,  
specified in the order.

(2) An order may be made so as to differ in its application according to specified factors.

(3) An order may be made so as to apply to or in respect of—

- (a) any subject-matter, or all subject-matter, or any class of subject-matter, specified in the order; or
- (b) any subject-matter, or all subject-matter, or any class of subject-matter, so specified, other than any subject-matter or class of subject-matter so specified.

**5. (1) An order does not invalidate anything done or omitted to be done before the date of its publication in the Gazette.**

Limitations  
on opera-  
tion of  
orders.

(2) To the extent to which an order takes effect from a date that is earlier than the date of its publication in the Gazette, the order does not operate so as—

- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication therein; or

(b)

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(b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication therein.

(3) A provision of the kind referred to in section 3 (1) (a) does not apply to or in respect of any Act or statutory instrument, or any other instrument, or any contract or agreement, enacted, made or entered into after the date of publication in the Gazette of the order in which the provision is contained, or the date on which the provision takes effect, whichever is the later.

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