



New South Wales

Public Sector Employment and Management (General) Order 2003

under the

Public Sector Employment and Management Act 2002

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of Chapter 4 of the *Public Sector Employment and Management Act 2002*, make the following Order.

Dated, this second day of April 2003.

By Her Excellency's Command,

BOB CARR, M.P.,

Premier

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**Public Sector Employment and Management
(General) Order 2003**

Part 1 Preliminary

1 Name of Order

This Order is the *Public Sector Employment and Management (General) Order 2003*.

2 Commencement

This Order commences on 2 April 2003.

3 Definition

In this Order:

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

Part 2 Ministers

4 Construction of references to Minister for Planning

In any document, a reference to the Minister for Planning is to be construed:

- (a) as a reference to the Minister for Infrastructure and Planning, except as provided by paragraph (b), or
- (b) if used in or in relation to legislation administered jointly by the Minister for Infrastructure and Planning and the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), as a reference to either of those Ministers.

5 Construction of references to Minister administering the Environmental Planning and Assessment Act 1979

- (1) In any document, a reference to the Minister administering the *Environmental Planning and Assessment Act 1979* is, for so long as that Act is jointly administered by the Minister for Infrastructure and Planning, the Minister for Natural Resources and the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), to be construed as a reference to any of those Ministers.
- (2) Subclause (1) does not apply in relation to section 8 of the *Environmental Planning and Assessment Act 1979*.

6 Construction of references to certain Ministers in Forestry and National Park Estate Act 1998

The references to Ministers (other than to the Minister administering the *Fisheries Management Act 1994*) in sections 14 and 27 of the *Forestry and National Park Estate Act 1998* (and in any forestry agreement or integrated forestry operations approval made or granted under that Act before the commencement of this Order) are to be construed as references only to the Minister for Natural Resources, the Minister Assisting the Minister for Natural Resources (Forests) and the Minister for the Environment.

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7 Construction of references to Minister for Land and Water Conservation

In any document, a reference to the Minister for Land and Water Conservation is to be construed:

- (a) as a reference to the Minister for Natural Resources, except as provided by paragraph (b), or
- (b) if used in or in relation to legislation administered jointly by the Minister for Natural Resources and the Minister Assisting the Minister for Natural Resources (Lands), as a reference to either of those Ministers.

8 Construction of references to Minister for Agriculture

In any document, a reference to the Minister for Agriculture is to be construed as a reference to the Minister for Agriculture and Fisheries.

9 Construction of references to Minister for Fisheries

In any document, a reference to the Minister for Fisheries is to be construed as a reference to the Minister for Agriculture and Fisheries.

10 Construction of references to Minister for Forestry

In any document, a reference to the Minister for Forestry is to be construed as a reference to the Minister for Natural Resources or to the Minister Assisting the Minister for Natural Resources (Forests).

11 Construction of references to Minister for Information Technology

In any document, a reference to the Minister for Information Technology is to be construed:

- (a) as a reference to the Minister for Natural Resources or to the Minister Assisting the Minister for Natural Resources (Lands) if the reference is used in or in relation to legislation administered jointly by the Minister for Natural Resources and the Minister Assisting the Minister for Natural Resources (Lands), or
- (b) in any other case, as a reference to the Minister for Commerce.

12 Construction of references to Minister for Transport

In any document, a reference to the Minister for Transport is to be construed as a reference to the Minister for Transport Services.

13 Construction of references to Minister for Energy

In any document, a reference to the Minister for Energy is to be construed as a reference to the Minister for Energy and Utilities.

14 Construction of references to Minister for Tourism

In any document, a reference to the Minister for Tourism is to be construed as a reference to the Minister for Tourism and Sport and Recreation.

15 Construction of references to Minister for Sport and Recreation

In any document, a reference to the Minister for Sport and Recreation is to be construed as a reference to the Minister for Tourism and Sport and Recreation.

16 Construction of certain references to Minister for Fair Trading

In any document, a reference to the Minister for Fair Trading is to be construed:

- (a) if used in or in relation to legislation administered jointly by the Minister for Commerce and the Minister for Fair Trading, as a reference to either of those Ministers, or
- (b) if used in or in relation to the *Home Building Act 1989*, as a reference to the Minister for Commerce.

17 Construction of certain references to Special Minister of State

In any document, a reference to the Special Minister of State is to be construed, if used in or in relation to legislation administered by the Minister for Commerce, as a reference to the Minister for Commerce.

18 Construction of references to Minister for Public Works and Services

In any document, a reference to the Minister for Public Works and Services is to be construed as a reference to the Minister for Commerce.

19 Construction of references to Minister for Corrective Services

In any document, a reference to the Minister for Corrective Services is to be construed as a reference to the Minister for Justice.

Part 3 Departments

20 Establishment of Department of Urban and Transport Planning

The Department of Urban and Transport Planning is established as a Department of the Public Service responsible to the Minister for Infrastructure and Planning and to the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration).

21 Abolition of Department of Planning and transfer of branches

- (1) All branches (other than staff referred to in subclause (2)) are removed from the Department of Planning and added to the Department of Urban and Transport Planning.
- (2) The following are removed from the Department of Planning and added to the Department of Sustainable Natural Resources:
 - (a) the Resource and Conservation Division,
 - (b) the group of staff who work principally for the Coastal Council,
 - (c) any other group of staff who, in the opinion of the Director-General of the Premier's Department, are principally involved with the administrative responsibilities of the Minister for Natural Resources.
- (3) The Department of Planning is abolished as a Department of the Public Service.
- (4) In any document, a reference to the Department of Planning is to be construed as a reference to the Department of Urban and Transport Planning.

22 Transfer of branch

The Infrastructure Co-ordination Unit is removed from the Premier's Department and added to the Department of Urban and Transport Planning.

23 Establishment of Department of Sustainable Natural Resources

The Department of Sustainable Natural Resources is established as a Department of the Public Service responsible to the Minister for Natural Resources.

24 Establishment of Department of Lands

The Department of Lands is established as a Department of the Public Service responsible to the Minister for Natural Resources and the Minister Assisting the Minister for Natural Resources (Lands).

25 Abolition of Department of Land and Water Conservation and transfer of branches

- (1) The groups of staff who, in the opinion of the Director-General of the Premier's Department:
 - (a) are principally involved in the administration of the *Crown Lands Act 1989* and other Acts administered by the Minister Assisting the Minister for Natural Resources (Lands), or
 - (b) are part of the minor ports unit in the Department of Land and Water Conservation, or
 - (c) are principally involved in the administration of the *Roads Act 1993* in relation to Crown roads,are removed from the Department of Land and Water Conservation and added to the Department of Lands.
- (2) The State Water business unit, the Town Water and Recycling Services branch and the group of staff principally involved in the administration of the Fish River Water Supply Scheme are removed from the Department of Land and Water Conservation and added to the Ministry of Energy and Utilities.
- (3) The Soil Services Unit is removed from the Department of Land and Water Conservation and added to the Department of Lands.
- (4) All other branches are removed from the Department of Land and Water Conservation and added to the Department of Sustainable Natural Resources.
- (5) The Department of Land and Water Conservation is abolished as a Department of the Public Service.
- (6) In any document, a reference to the Department of Land and Water Conservation is to be construed:
 - (a) if used in or in relation to the *Crown Lands Act 1989* or any other Act administered by the Minister Assisting the Minister for Natural Resources (Lands), as a reference to the Department of Lands, or

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- (b) if used in relation to that part of the Department referred to in subclause (2), as a reference to the Ministry of Energy and Utilities, or
- (c) if used in relation to the Soil Services Unit, as a reference to the Department of Lands, or
- (d) in any other case, as a reference to the Department of Sustainable Natural Resources.

26 Transfer of Healthy Rivers Commission staff to Department of Sustainable Natural Resources

The group of staff who, in the opinion of the Director-General of the Premier's Department, work principally for the Healthy Rivers Commission are removed from the Environment Protection Authority and added to the Department of Sustainable Natural Resources.

27 Establishment of Transport Co-ordination Authority

The Transport Co-ordination Authority is established as a Department of the Public Service responsible to the Minister for Transport Services.

28 Abolition of Department of Transport and transfer of branches

- (1) All branches (other than staff referred to in subclause (2)) are removed from the Department of Transport and added to the Transport Co-ordination Authority.
- (2) The group of staff in the Department of Transport who, in the opinion of the Director-General of the Premier's Department, are principally involved in transport planning are removed from the Department of Transport and added to the Department of Urban and Transport Planning.
- (3) The Department of Transport is abolished as a Department of the Public Service.
- (4) In any document, a reference to the Department of Transport is to be construed as a reference to the Transport Co-ordination Authority.

29 Transfer of staff attached to Centennial Park and Moore Park Trust to Department of Sport and Recreation

The group of staff attached to the Centennial Park and Moore Park Trust are removed from the Premier's Department and added to the Department of Sport and Recreation.

30 Transfer of staff attached to Parramatta Park Trust and to regional parks to Department of Sport and Recreation

The groups of staff who, in the opinion of the Director-General of the Premier's Department:

- (a) are attached to the Parramatta Park Trust, or
- (b) are principally responsible for the administration of regional parks under the *National Parks and Wildlife Act 1974*,

are removed from the National Parks and Wildlife Service and added to the Department of Sport and Recreation.

31 Establishment of Department of Commerce

The Department of Commerce is established as a Department of the Public Service responsible to the Minister for Commerce, the Minister for Industrial Relations and, in respect of legislation administered by the Minister for Fair Trading, to the Minister for Fair Trading.

32 Abolition of Department of Fair Trading and transfer of branches

- (1) All branches are removed from the Department of Fair Trading and added to the Department of Commerce.
- (2) The Department of Fair Trading is abolished as a Department of the Public Service.
- (3) In any document, a reference to the Department of Fair Trading is to be construed as a reference to the Department of Commerce, except as provided by subclause (4).
- (4) A reference to the Director-General of the Department of Fair Trading (including a reference that is required by previous Orders to be construed as a reference to the Director-General of the Department of Fair Trading), being a reference in or in relation to legislation administered by the Minister for Fair Trading or the *Home Building Act 1989*, is to be construed:
 - (a) as a reference to the Commissioner for Fair Trading, Department of Commerce, or
 - (b) if there is no such position in that Department, as a reference to the Director-General of that Department.

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33 Abolition of Department of Industrial Relations and transfer of branches

- (1) All branches are removed from the Department of Industrial Relations and added to the Department of Commerce.
- (2) The Department of Industrial Relations is abolished as a Department of the Public Service.
- (3) In any document, a reference to the Department of Industrial Relations is to be construed as a reference to the Department of Commerce.

34 Abolition of Department of Public Works and Services and transfer of branches

- (1) The group of staff in the Department of Public Works and Services who, in the opinion of the Director-General of the Premier's Department, are principally responsible for asset and procurement policy are removed from that Department and added to the Treasury.
- (2) All other branches are removed from the Department of Public Works and Services and added to the Department of Commerce.
- (3) The Department of Public Works and Services is abolished as a Department of the Public Service.
- (4) In any document, a reference to the Department of Public Works and Services is to be construed:
 - (a) if used in relation to that part of the Department referred to in subclause (1), as a reference to the Treasury, or
 - (b) in any other case, as a reference to the Department of Commerce.

35 Abolition of Department of Information Technology and Management and transfer of branches

- (1) The Office of Information Technology is removed from the Department of Information Technology and Management and added to the Department of Commerce.
- (2) The Forestry Industry Structural Adjustment Unit is removed from the Department of Information Technology and Management and added to the Department of Sustainable Natural Resources.
- (3) The group of staff comprising the Office of Western Sydney in the Department of Information Technology and Management are removed from that Department and added to the Department of State and Regional Development.

- (4) All other branches are removed from the Department of Information Technology and Management and added to the Department of Lands.
- (5) The Department of Information Technology and Management is abolished as a Department of the Public Service.
- (6) In any document, a reference to the Department of Information Technology and Management is to be construed:
 - (a) if used in relation to the Office of Information Technology, as a reference to the Department of Commerce, or
 - (b) if used in relation to the Forestry Industry Structural Adjustment Unit, as a reference to the Department of Sustainable Natural Resources, or
 - (c) if used in relation to the Office of Western Sydney, as a reference to the Office of Western Sydney, Department of State and Regional Development, or
 - (d) in any other case, as a reference to the Department of Lands.

36 Establishment of Office of Western Sydney

The Office of Western Sydney is established as a branch of the Department of State and Regional Development.

37 Transfer of certain staff from National Parks and Wildlife Service

- (1) The Threatened Species Support Unit and any other group of staff in the National Parks and Wildlife Service who, in the opinion of the Director-General of the Premier's Department, are principally involved in the administration of the provisions of the *National Parks and Wildlife Act 1974* administered by the Minister for Natural Resources, or in the administration of the *Threatened Species Conservation Act 1995*, are removed from the National Parks and Wildlife Service and added to the Department of Sustainable Natural Resources.
- (2) The group of staff in the National Parks and Wildlife Service who, in the opinion of the Director-General of the Premier's Department, are principally involved in the administration of the provisions of the *National Parks and Wildlife Act 1974* relating to regional parks are removed from the National Parks and Wildlife Service and added to the Department of Sport and Recreation.

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38 Transfer of certain staff from NSW Fisheries

The group of staff in NSW Fisheries who, in the opinion of the Director-General of the Premier's Department, are principally involved in the administration of the provisions of Part 7A of the *Fisheries Management Act 1994* are removed from NSW Fisheries and added to the Department of Sustainable Natural Resources.

39 Change of name of National Parks and Wildlife Service

- (1) The name of the Department of the Public Service called the "National Parks and Wildlife Service" is changed to the "National Parks Service".
- (2) In any document, a reference to the National Parks and Wildlife Service or to the Director-General of National Parks and Wildlife is to be construed:
 - (a) if used in or in relation to the provisions of the *National Parks and Wildlife Act 1974* administered by the Minister for Natural Resources, or the *Threatened Species Conservation Act 1995*, as a reference to the Department of Sustainable Natural Resources or to the Director-General of that Department, respectively, or
 - (b) in any other case, as a reference to the National Parks Service or to the Director-General of that Service, respectively.

40 Ministerial responsibility for certain Departments

The following Departments of the Public Service are to be responsible to the Ministers specified in respect of those Departments:

- (a) the Forestry Commission (including State Forests) is to be responsible to the Minister for Natural Resources and to the Minister Assisting the Minister for Natural Resources (Forests),
- (b) the National Parks Service is to be responsible to the Minister for the Environment,
- (c) the Motor Accidents Authority and the WorkCover Authority are to be responsible to the Minister for Commerce,
- (d) the Heritage Office is to be responsible to the Minister for Infrastructure and Planning and to the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration),

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- (e) the Department of State and Regional Development is to be responsible to the Treasurer, to the Minister for Regional Development and to the Minister for Small Business,
 - (f) the Sydney Olympic Park Authority is to be responsible to the Minister for Tourism and Sport and Recreation,
 - (g) the Department of Corrective Services is to be responsible to the Minister for Justice,
 - (h) the Commission for Children and Young People is to be responsible to the Minister for Youth.

41 Amendment of Schedule 1 to Public Sector Employment and Management Act 2002

Schedule 1 (Departments) to the *Public Sector Employment and Management Act 2002* is amended as set out in Schedule 1.

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Schedule 1 Amendments

Schedule 1 Amendments

(Clause 41)

[1] Schedule 1 Departments

Omit the matter relating to the following:

- Department of Fair Trading
- Department of Industrial Relations
- Department of Information Technology and Management
- Department of Land and Water Conservation
- National Parks and Wildlife Service
- Department of Planning
- Department of Public Works and Services
- Department of Transport

[2] Schedule 1

Insert in alphabetical order of Departments:

Department of Commerce	Director-General of the Department
Department of Lands	Director-General of the Department
National Parks Service	Director-General of the Service
Department of Sustainable Natural Resources	Director-General of the Department
Transport Co-ordination Authority	Director-General of the Authority
Department of Urban and Transport Planning	Director-General of the Department

BY AUTHORITY