



New South Wales

# Public Sector Employment and Management (General) Order 2007

under the

Public Sector Employment and Management Act 2002

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, CVO, 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 2nd day of April, 2007.

By Her Excellency's Command,

MORRIS IEMMA, M.P.,  
Premier

## **2007 No 161**

Clause 1            Public Sector Employment and Management (General) Order 2007

Part 1             Preliminary

---

## **Public Sector Employment and Management (General) Order 2007**

under the

Public Sector Employment and Management Act 2002

### **Part 1 Preliminary**

#### **1 Name of Order**

This Order is the *Public Sector Employment and Management (General) Order 2007*.

#### **2 Commencement**

- (1) This Order commences on 23 April 2007, except as provided by subclause (2).
- (2) Parts 1 and 2 commence on 2 April 2007.

#### **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 the Environment

#### (1) References generally

In any document, a reference to the Minister for the Environment is to be construed as a reference to the Minister for Climate Change, Environment and Water or to the Minister Assisting the Minister for Climate Change, Environment and Water (Environment), except as provided by subclause (2).

#### (2) References in relation to water sharing plans etc

A reference in section 7 (2), 13 (1) (g), 41 (2), 43 (3), 45 (3), 50 (3) or 75 (2) of the *Water Management Act 2000* to the Minister for the Environment is to be construed as a reference to the Minister for Primary Industries.

### 5 Construction of references to Minister for Natural Resources

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

- (a) except as otherwise provided below, as a reference to the Minister for Climate Change, Environment and Water, or
- (b) if used in or in relation to legislation administered by the Minister for Primary Industries, as a reference to the Minister for Primary Industries, or
- (c) if used in or in relation to legislation administered by the Minister for Lands, as a reference to the Minister for Lands.

### 6 Construction of references to Minister for Tourism and Sport and Recreation

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

- (a) if used in or in relation to legislation administered by the Minister for Tourism, as a reference to the Minister for Tourism, or
- (b) if used in or in relation to legislation administered by the Minister for Sport and Recreation, as a reference to the Minister for Sport and Recreation.

### 7 Construction of references to Minister for Small Business

In any document, a reference to the Minister for Small Business is to be construed as a reference to the Minister for Small Business and Regulatory Reform.

## 2007 No 161

Clause 8 Public Sector Employment and Management (General) Order 2007

Part 2 Ministers

---

### 8 Construction of references to “relevant Ministers” in Marine Parks Act 1997

A reference, in the definition of *the relevant Ministers* in section 5 of the *Marine Parks Act 1997*, to the Minister administering the *National Parks and Wildlife Act 1974* or to the Minister administering the *Fisheries Management Act 1994* is to be construed as a reference either to the Minister for Climate Change, Environment and Water or to the Minister Assisting the Minister for Climate Change, Environment and Water (Environment).

### 9 Construction of certain reference in Forestry Restructuring and Nature Conservation Act 1995

The reference in section 4 (3) of the *Forestry Restructuring and Nature Conservation Act 1995* to the Minister for Land and Water Conservation is to be construed as a reference to the Minister for Primary Industries.

### 10 Construction of references to Minister for Commerce in relation to certain legislation

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

### 11 Construction of certain references in Universities legislation

A reference in any of the following provisions (and in any instrument of any kind, or in any contract or agreement, made pursuant to any such provision) to the Minister for Natural Resources or the Minister for Land and Water Conservation is to be construed as a reference to the Minister for Lands:

- (a) section 24 (1) (a) of the *Charles Sturt University Act 1989*,
- (b) section 21 (1) (a) of the *Macquarie University Act 1989*,
- (c) section 21 (1) (a) of the *Southern Cross University Act 1993*,
- (d) section 21 (1) (a) of the *University of New England Act 1993*,
- (e) section 20 (1) (a) of the *University of New South Wales Act 1989*,
- (f) section 21 (1) (a) of the *University of Newcastle Act 1989*,
- (g) section 21 (1) (a) of the *University of Sydney Act 1989*,
- (h) section 21 (1) (a) of the *University of Technology, Sydney, Act 1989*,
- (i) section 27 (1) (a) of the *University of Western Sydney Act 1997*,
- (j) section 21 (1) (a) of the *University of Wollongong Act 1989*.

---

### **Part 3 Divisions and officers of the Government Service**

- 12 Change of name of Premier's Department to Department of Premier and Cabinet**
- (1) The name of the Premier's Department is changed to the Department of Premier and Cabinet. The Department is responsible to the Premier.
  - (2) In any document, a reference to the Premier's Department is to be construed as a reference to the Department of Premier and Cabinet.
- 13 Abolition of The Cabinet Office and transfer of branches to Department of Premier and Cabinet**
- (1) All branches are removed from The Cabinet Office and added to the Department of Premier and Cabinet.
  - (2) The Parliamentary Counsel's Office continues as a separate office within the Department of Premier and Cabinet.
  - (3) The Cabinet Office is abolished as a Division of the Government Service.
  - (4) In any document, a reference to The Cabinet Office is to be construed as a reference to the Department of Premier and Cabinet.
  - (5) This clause is subject to clauses 18 and 20.
- 14 Establishment of Office of Co-ordinator General as a separate office within Department of Premier and Cabinet**
- (1) The Office of Co-ordinator General is established as a separate office within the Department of Premier and Cabinet.
  - (2) The Office of Co-ordinator General includes the Infrastructure Implementation Group, the staff transferred under subclause (3) and such other staff within the Department of Premier and Cabinet as the Director-General of that Department assigns to that Office.
  - (3) Such staff in the Department of State and Regional Development as the Director-General of the Department of Premier and Cabinet determines are required in connection with the Office of Co-ordinator General are removed from the Department of State and Regional Development and added to the Department of Premier and Cabinet.
- 15 Change of name of Department of Environment and Conservation to Department of Environment and Climate Change**
- (1) The name of the Department of Environment and Conservation is changed to the Department of Environment and Climate Change. The

## 2007 No 161

Clause 16 Public Sector Employment and Management (General) Order 2007

Part 3 Divisions and officers of the Government Service

---

Department is responsible to the Minister for Climate Change, Environment and Water.

- (2) In any document, a reference to the Department of Environment and Conservation is to be construed as a reference to the Department of Environment and Climate Change.

### 16 Establishment of Department of Water and Energy

The Department of Water and Energy is established as a Division of the Government Service responsible to the Minister for Climate Change, Environment and Water and to the Minister for Energy.

### 17 Abolition of Department of Natural Resources and transfer of branches to DECC etc

#### (1) Transfer of DNR staff to DECC

All branches (other than the staff referred to in subclauses (2)–(4)) are removed from the Department of Natural Resources and added to the Department of Environment and Climate Change.

**Note.** The transferred staff include the following:

- (a) DNR staff involved in the administration of the *Native Vegetation Act 2003*,
- (b) DNR staff involved in the administration of the *Catchment Management Authorities Act 2003*,
- (c) DNR staff involved in environmental water management and environmental water recovery programs,
- (d) DNR staff involved in riverbank, coastal and floodplain management and policy (including the administration of the Coastal Management, Estuary Management and Floodplain Management Programs),
- (e) DNR staff involved in soil and vegetation management and policy.

#### (2) Transfer of certain DNR staff to Department of Lands

The group of staff who, in the opinion of the Director-General of the Department of Premier and Cabinet, are principally involved in the administration of the *Western Lands Act 1901*, the *Hay Irrigation Act 1902* or the *Wentworth Irrigation Act 1890* are removed from the Department of Natural Resources and added to the Department of Lands.

#### (3) Transfer of certain DNR staff to DWE

The groups of staff who, in the opinion of the Director-General of the Department of Premier and Cabinet:

- (a) are principally involved in the administration of the *Water Act 1912* and the *Water Management Act 2000* (other than staff principally involved in environmental water management and environmental water recovery programs), or

- 
- (b) are principally involved in the administration of the *Murray–Darling Basin Act 1992* (including in connection with proposed Commonwealth water legislation relating to the Murray–Darling Basin),

are removed from the Department of Natural Resources and added to the Department of Water and Energy.

(4) **Transfer of certain DNR staff to Department of Primary Industries**

The group of staff who, in the opinion of the Director-General of the Department of Premier and Cabinet:

- (a) are principally involved in providing soil conservation services to landowners (including in connection with salinity and acid-sulphate soils), or
- (b) are principally involved in forestry structural adjustment, or
- (c) are principally involved in the administration of the *Plantations and Reafforestation Act 1999*, or
- (d) are principally involved in providing payroll and other human resources corporate services (being such staff, if any, as that Director-General assigns to the Department of Primary Industries instead of the Department of Environment and Climate Change),

are removed from the Department of Natural Resources and added to the Department of Primary Industries.

(5) **Abolition of DNR**

The Department of Natural Resources is abolished as a Division of the Government Service.

(6) **References to DNR**

In any document, a reference to the Department of Natural Resources is to be construed:

- (a) as a reference to the Department of Lands if used in relation to the staff referred to in subclause (2), or
- (b) as a reference to the Department of Primary Industries if used in relation to the staff referred to in subclause (4), or
- (c) as a reference to the Department of Water and Energy if used in relation to the staff referred to in subclause (3), or
- (d) in any other case, as a reference to the Department of Environment and Climate Change.

## 2007 No 161

Clause 18 Public Sector Employment and Management (General) Order 2007

Part 3 Divisions and officers of the Government Service

---

### 18 Transfer of certain other branches to DECC

#### (1) Transfer of NSW Greenhouse Office

The NSW Greenhouse Office is removed from The Cabinet Office and added to the Department of Environment and Climate Change. A reference in any document to The Cabinet Office (in relation to the National Emissions Trading Taskforce or the NSW Greenhouse Office) is to be construed as a reference to the Department of Environment and Climate Change.

#### (2) Transfer of certain DPI staff

The groups of staff in the Department of Primary Industries who, in the opinion of the Director-General of the Department of Premier and Cabinet:

- (a) are principally involved in the administration of Divisions 1 and 2 of Part 7 (Habitat protection plans and Aquatic reserves), or Part 7A (Threatened species conservation), of the *Fisheries Management Act 1994*, or
- (b) are principally involved in the administration of the *Marine Parks Act 1997*,

are removed from the Department of Primary Industries and added to the Department of Environment and Climate Change.

#### (3) Transfer of Marine Parks Authority Secretariat

The group of staff comprising the Marine Parks Authority Secretariat in the Department of Premier and Cabinet are removed from that Department and added to the Department of Environment and Climate Change.

### 19 Abolition of Department of Energy, Utilities and Sustainability and transfer of branches

#### (1) Transfer of certain DEUS staff to DECC

The group of staff who, in the opinion of the Director-General of the Department of Premier and Cabinet, are principally involved in energy or water efficiency funding and renewable energy policy are removed from the Department of Energy, Utilities and Sustainability and added to the Department of Environment and Climate Change.

#### (2) Transfer of certain DEUS staff to Office of Fair Trading

The group of staff who, in the opinion of the Director-General of the Department of Premier and Cabinet, are principally involved in the accredited service providers program are removed from the Department of Energy, Utilities and Sustainability and added to the Office of Fair Trading, Department of Commerce.



---

(3) **Transfer of all other DEUS staff to DWE**

All other branches are removed from the Department of Energy, Utilities and Sustainability and added to the Department of Water and Energy.

(4) **Abolition of DEUS**

The Department of Energy, Utilities and Sustainability is abolished as a Division of the Government Service.

(5) **References to DEUS**

In any document, a reference to the Department of Energy, Utilities and Sustainability is to be construed:

- (a) as a reference to the Department of Environment and Climate Change if used in relation to staff referred to in subclause (1), or
- (b) as a reference to the Office of Fair Trading, Department of Commerce if used in relation to staff referred to in subclause (2), or
- (c) in any other case, as a reference to the Department of Water and Energy.

**20 Transfer of certain other branches to Department of Water and Energy**

(1) **Metropolitan Water Directorate**

The Metropolitan Water Directorate is removed from The Cabinet Office and added to the Department of Water and Energy. A reference in any document to The Cabinet Office (in relation to the Metropolitan Water Directorate) is to be construed as a reference to the Department of Water and Energy.

(2) **Energy policy staff in Treasury**

The group of staff in the Treasury who, in the opinion of the Director-General of the Department of Premier and Cabinet, are principally involved in energy policy are removed from the Treasury and added to the Department of Water and Energy.

**21 Abolition of NSWbusinesslink (as a Division of Government Service) and transfer of staff to Department of Commerce**

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

## **2007 No 161**

Clause 22          Public Sector Employment and Management (General) Order 2007

Part 3              Divisions and officers of the Government Service

---

### **22    Amendment of Public Sector Employment and Management Act 2002**

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

---

**Schedule 1      Amendment of Public Sector  
Employment and Management Act 2002**

(Clause 22)

**[1]      Schedule 1 Divisions of the Government Service**

Omit from Part 1 (Public Service Departments) the matter relating to the following Departments:

The Cabinet Office

Department of Energy, Utilities and Sustainability

Department of Environment and Conservation

Department of Natural Resources

NSWbusinesslink

Premier's Department

**[2]      Schedule 1, Part 1**

Insert in alphabetical order of Departments:

Department of Environment and  
Climate Change

Director-General of the Department

Department of Premier and Cabinet

Director-General of the Department

Department of Water and Energy

Director-General of the Department