



New South Wales

Public Sector Employment and Management (Departments and Ministers) Amendment Order 2011

under the

Public Sector Employment and Management Act 2002

TOM BATHURST, Administrator

I, Chief Justice Tom Bathurst, Administrator 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 June 2011.

By the Administrator's Command,

BARRY O'FARRELL, MP
Premier

2011 No 261

Public Sector Employment and Management (Departments and Ministers)
Clause 1 Amendment Order 2011

**Public Sector Employment and Management
(Departments and Ministers) Amendment Order 2011**

under the

Public Sector Employment and Management Act 2002

1 Name of Order

This Order is the *Public Sector Employment and Management
(Departments and Ministers) Amendment Order 2011*.

2 Commencement

- (1) This Order is taken to have commenced on 4 April 2011 (except as provided by this clause) and is required to be published on the NSW legislation website.
- (2) Schedules 2 and 3 are taken to have commenced on 3 April 2011.

Schedule 1 Amendment of Public Sector Employment and Management (Departments) Order 2011

[1] Clause 5 Change of name of Department of Planning

Insert after clause 5 (3):

(3A) Without limiting subclause (3) and despite any previous order, a reference in the *Growth Centres (Development Corporations) Act 1974*:

- (a) to the Director-General of the Department of Planning is to be construed as a reference to the Director-General of the Department of Planning and Infrastructure, or
- (b) to the Department of Urban Affairs and Planning is to be construed as a reference to the Department of Planning and Infrastructure,

if the reference is used in relation to the Hunter Development Corporation, the Central Coast Regional Development Corporation or the Cooks Cove Development Corporation.

[2] Clause 7 Amalgamation of DECCW with DPC

Omit “clause 19” from clause 7 (4). Insert instead “clauses 19 and 33A”.

[3] Clause 8 Establishment of Office of Environment and Heritage as separate office within DPC

Omit “and 7” from clause 8 (2). Insert instead “, 7 and 11”.

[4] Clause 12 Transfer of certain LPMA staff to DPC

Omit the clause.

[5] Clause 15 Ministerial responsibility for Department of Premier and Cabinet

Insert after clause 15 (l):

- (m) Minister for Finance and Services.

[6] Clause 16 Change of name of Department of Industry and Investment

Insert at the end of clause 16 (2):

- (j) Minister for Medical Research.

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Schedule 1 Amendment of Public Sector Employment and Management (Departments)
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[7] Clause 18 Transfer of certain DII staff to Department of Primary Industries

Insert after clause 18 (1) (b):

- (c) Division of Primary Industries.

[8] Clause 18 (2)

Insert “, the Division of Primary Industries” after “Rural Affairs”.

[9] Clause 19

Omit the clause. Insert instead:

19 Transfer of certain DECCW staff to Department of Primary Industries

- (1) The following are removed from the Department of Environment, Climate Change and Water and added to the Department of Primary Industries:
- (a) Office of Water (other than the staff referred to in clause 33A),
 - (b) the group of staff (including the Marine Parks Authority Secretariat) who are employed to enable the Marine Parks Authority to exercise its functions,
 - (c) the groups of staff who, in the opinion of the Director-General of the Department of Premier and Cabinet, are employed to enable a catchment management authority established under the *Catchment Management Authorities Act 2003* to exercise its functions,
 - (d) 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 Division 2 of Part 7 of the *Fisheries Management Act 1994*.
- (2) In any document, a reference to the Department of Environment, Climate Change and Water is to be construed as a reference to the Department of Primary Industries if the reference is used in relation to the Office of Water (other than the staff referred to in clause 33A) or a group of staff referred to in subclause (1) (b)–(d).

[10] Clause 20 Transfer of certain LPMA staff to Department of Primary Industries

Omit clause 20 (1) (b). Insert instead:

- (b) the groups of staff who are employed to enable the Lake Illawarra Authority or the Chipping Norton Lake Authority to exercise its functions.

[11] Clause 21A

Insert after clause 21:

21A Transfer of certain DSTA staff to DTIRIS

- (1) 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 *Retail Leases Act 1994* are removed from the Department of Services, Technology and Administration and added to the Department of Trade and Investment, Regional Infrastructure and Services.
- (2) In any document, a reference to the Department of Services, Technology and Administration is to be construed as a reference to the Department of Trade and Investment, Regional Infrastructure and Services if the reference is used in relation to the group of staff referred to in subclause (1).

[12] Clause 25

Omit the clause. Insert instead:

25 Establishment of Office of Communities within DEC

- (1) The Office of Communities is established within the Department of Education and Communities.
- (2) The Office of Communities includes the staff transferred under clauses 26A, 27 and 28.

[13] Clause 26 Transfer of certain children's services staff to DEC

Insert after clause 26 (2):

- (3) Without limiting subclause (2), a reference in the *Children and Young Persons (Care and Protection) Act 1998* or in any document under that Act to the Director-General of the Department of Human Services is to be construed as a reference to the Director-General of the Department of Education and Communities if the reference is used in or in relation to Chapter 12 or 12A of that Act.

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[14] Clause 26A

Insert after clause 26:

26A Transfer of Office of Aboriginal Affairs to DEC

- (1) The Office of Aboriginal Affairs is removed from the Department of Human Services and added to the Department of Education and Communities.
- (2) In any document, a reference to the Department of Human Services is to be construed as a reference to the Department of Education and Communities if the reference is used in relation to the Office of Aboriginal Affairs.

[15] Clause 29 Change of name of Department of Services, Technology and Administration

Omit “clause 10” from clause 29 (4). Insert instead “clauses 10 and 21A”.

[16] Clause 31 Transfer of OSR from Treasury to DFS

Omit clause 31 (1). Insert instead:

- (1) The Office of State Revenue is removed from the Treasury and added to the Department of Finance and Services.

[17] Clause 31 (2)

Omit “or the Expenditure Review Directorate”.

[18] Clauses 32 and 32A

Omit clause 32. Insert instead:

32 Transfer of certain DHS housing staff to DFS

- (1) The groups of staff in Housing NSW, Department of Human Services who, in the opinion of the Director-General of the Department of Premier and Cabinet, are principally involved in public-private partnerships or in projects funded by the Nation Building Economic Stimulus Plan are removed from the Department of Human Services and added to the Department of Finance and Services.
- (2) In any document, a reference to the Department of Human Services is to be construed as a reference to the Department of Finance and Services if the reference is used in relation to a group of staff referred to in subclause (1).

32A Transfer of housing staff involved in asset management to DFS

- (1) This clause commences on 1 July 2011.
- (2) The group of staff in Housing NSW, Department of Family and Community Services who, in the opinion of the Director-General of the Department of Premier and Cabinet, are principally involved in asset management are removed from the Department of Family and Community Services and added to the Department of Finance and Services.
- (3) In any document, a reference to the Department of Family and Community Services is to be construed as a reference to the Department of Finance and Services if the reference is used in relation to the group of staff referred to in subclause (1).

[19] Clauses 33A and 33B

Insert after clause 33:

33A Transfer of certain DECCW staff to DFS

- (1) The groups of staff who, in the opinion of the Director-General of the Department of Premier and Cabinet, are principally involved in the administration of any of the following Acts or parts of Acts are removed from the Department of Environment, Climate Change and Water and added to the Department of Finance and Services:
 - (a) *Hunter Water Act 1991*,
 - (b) *Sydney Water Act 1994*,
 - (c) *Water Efficiency Labelling and Standards (New South Wales) Act 2005*,
 - (d) *Water Industry Competition Act 2006*,
 - (e) Part 2 of Chapter 6 of the *Water Management Act 2000* to the extent that it relates to the Upper Parramatta River Catchment Trust or the Sydney Olympic Park Authority in its capacity as a water supply authority.
- (2) In any document, a reference to the Department of Environment, Climate Change and Water is to be construed as a reference to the Department of Finance and Services if the reference is used in relation to a group of staff referred to in subclause (1).

33B Transfer of certain staff in Compensation Authorities Staff Division to DFS

- (1) The group of staff in the Compensation Authorities Staff Division who are employed to enable the Long Service

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Corporation to exercise its functions are removed from that
Division and added to the Department of Finance and Services.

- (2) In any document, a reference to the Compensation Authorities Staff Division is to be construed as a reference to the Department of Finance and Services if the reference is used in relation to the group of staff referred to in subclause (1).
- (3) The reference in the definition of *Chief Executive Officer* in section 3 (1) of the *Long Service Corporation Act 2010* to the Chief Executive of the Compensation Authorities Staff Division is to be construed as a reference to the Director-General of the Department of Finance and Services.

[20] **Clause 34 Change of name of Department of Human Services**

Insert "26A," after "26" in clause 34 (4).

[21] **Clause 42 Transfer of Juvenile Justice Branch to Department of Attorney General and Justice**

Omit "Division of Juvenile Justice" from clause 42 (1).

Insert instead "Juvenile Justice Branch".

[22] **Clause 45A**

Insert after clause 45:

45A Amalgamation of certain Health Divisions

- (1) All branches are removed from the Health Professional Registration Boards Division and added to the Health Professional Councils Authority Division.
- (2) The Health Professional Registration Boards Division is abolished as a Division of the Government Service.
- (3) In any document, a reference to the Health Professional Registration Boards Division is to be construed as a reference to the Health Professional Councils Authority Division.

Schedule 2 Amendment of Public Sector Employment and Management (Ministers) Order 2011

[1] Clause 15 Construction of references to Minister for Housing

Insert “(a)” before “if used” where firstly occurring and renumber existing paragraph (a) as paragraph (b).

**[2] Clause 29 Construction of references to Minister for Science and
Medical Research**

Insert “, except as provided by subclause (2)” after “Minister for Medical Research”.

[3] Clause 29 (2)

Insert at the end of clause 29:

- (2) In any document, a reference to the Minister for Science and Medical Research is to be construed as a reference to the Minister for Trade and Investment if the reference is used in relation to the position of Chief Scientist and Scientific Engineer.

[4] Clause 34

Insert after clause 33:

**34 Construction of certain references in legislation relating to local
water utilities**

- (1) A reference in sections 57–66 of the *Local Government Act 1993* (and in any instrument of any kind, or in any contract or agreement, made pursuant to any such provision) to the Minister for Land and Water Conservation (required by previous orders to be construed as a reference to the Minister for Water) is to be construed:
 - (a) as a reference to the Minister for Primary Industries, or
 - (b) as a reference to the Minister for Finance and Services if used in relation to the Upper Parramatta River Catchment Trust.
- (2) A reference in clause 21, 138 or 147 of the *Local Government (General) Regulation 2005* (and in any instrument of any kind, or in any contract or agreement, made pursuant to any such provision) to the Minister for Utilities (required by previous

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orders to be construed as a reference to the Minister for Water) is
to be construed:

- (a) as a reference to the Minister for Primary Industries, or
- (b) as a reference to the Minister for Finance and Services if
used in relation to the Upper Parramatta River Catchment
Trust.

Schedule 3 Amendment of Public Sector Employment and Management (Miscellaneous) Order 2010

**[1] Clause 5 Construction of references to Treasurer in relation to Port
SOCs**

Omit the clause.

[2] Clause 5A

Insert before clause 6:

5A Consequential provision

(1) On the commencement of this clause (as inserted by Schedule 3 to the *Public Sector Employment and Management (Departments and Ministers) Amendment Order 2011*):

- (a) each share in a Port SOC held (or taken to be held) by the Attorney General immediately before that commencement is taken to be transferred to the Treasurer, and
- (b) the Port SOC concerned is required to register the transfer.

(2) In this clause:

Port SOC means any of the following State owned corporations:

- (a) Newcastle Port Corporation,
- (b) Port Kembla Port Corporation,
- (c) Sydney Ports Corporation.

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Schedule 4 Amendment of Public Sector Employment and Management Act 2002 No 43

**Schedule 4 Amendment of Public Sector
Employment and Management Act 2002
No 43**

[1] Schedule 1 Divisions of the Government Service

Omit the matter relating to the Health Professional Registration Boards
Division in Part 2.

[2] Schedule 1, Part 2

Omit the matter relating to the Benerembah Irrigation District Environment
Protection Trust Division.

Insert instead after the matter relating to the Cobar Water Board Division:

Benerembah Irrigation District Environment Protection Trust Division	Full-time member of the Benerembah Irrigation District Environment Protection Trust
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[3] Schedule 1, Part 2

Omit the matter relating to the Upper Parramatta River Catchment Trust
Division.

Insert instead after the matter relating to the SAS Trustee Corporation
Division:

Upper Parramatta River Catchment Trust Division	Director-General of the Department of Finance and Services
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