



New South Wales

Public Sector Employment and Management (Mental Health Commission and Other Matters) Order 2012

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 27th day of June 2012.

By Her Excellency's Command,

BARRY O'FARRELL, MP
Premier

2012 No 270

Public Sector Employment and Management (Mental Health Commission and Other Matters)
Order 2012

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Public Sector Employment and Management (Mental Health Commission and Other Matters) Order 2012

under the

Public Sector Employment and Management Act 2002

1 Name of Order

This Order is the *Public Sector Employment and Management (Mental Health Commission and Other Matters) Order 2012*.

2 Commencement

- (1) This Order commences, or is taken to have commenced, on 1 July 2012 (except as provided by subclause (2)) and is required to be published on the NSW legislation website.
- (2) Clause 5 commences, or is taken to have commenced, on 30 June 2012.

3 Mental Health Commission Division

(1) Establishment of new Division

The Mental Health Commission Division is established as a Division of the Government Service responsible to the Minister for Health and the Minister for Mental Health.

(2) Amendment of Public Sector Employment and Management Act 2002 No 43

Insert in Part 2 of Schedule 1 (Divisions of the Government Service) after the matter relating to the Health Professional Councils Authority Division:

Mental Health Commission Division Director-General of the Ministry of Health

4 Public sector industrial relations functions

(1) Construction of certain references to Director-General of Department of Premier and Cabinet

A reference in any of the following provisions to the Director-General of the Department of Premier and Cabinet is to be construed as a reference to the Director-General of the Department of Finance and

Services except if the reference is used in relation to special temporary employees:

- (a) section 121 of the *Public Sector Employment and Management Act 2002*,
- (b) clauses 15, 17, 22 and 25 of the *Public Sector Employment and Management Regulation 2009*.

(2) Transfer of certain staff from DPC to DFS

The Industrial Relations Branch is removed from the Department of Premier and Cabinet and added to the Department of Finance and Services.

- (3) In any document, a reference to the Department of Premier and Cabinet is to be construed as a reference to the Department of Finance and Services if the reference is used in relation to the Industrial Relations Branch in the Department of Premier and Cabinet.

- (4) In this clause:

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

special temporary employee means a person employed under Part 2.5 of the *Public Sector Employment and Management Act 2002*.

5 Construction of certain references relating to annual reports

(1) Housing Act 2001

The reference in section 17 of the *Housing Act 2001* to the Department (within the meaning of that Act) is to be construed as a reference to the Department of Finance and Services.

(2) Homebush Motor Racing (Sydney 400) Act 2008

The reference in section 39 of the *Homebush Motor Racing (Sydney 400) Act 2008* to the Department of State and Regional Development (required by previous orders to be construed as a reference to the Department of Trade and Investment, Regional Infrastructure and Services) is to be construed as a reference to the Destination NSW Division.