



Public Sector Employment and Management (Children's Guardian and Other Matters) Order 2013

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 15th of May 2013.

By Her Excellency's Command,

BARRY O'FARRELL, MP
Premier

2013 No 210

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2013

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Public Sector Employment and Management (Children's Guardian and Other Matters) Order 2013

under the

Public Sector Employment and Management Act 2002

1 Name of Order

This Order is the *Public Sector Employment and Management (Children's Guardian and Other Matters) Order 2013*.

2 Commencement

This Order commences on the day on which it is published on the NSW legislation website.

3 Definition

In this Order:

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

4 Office of the Children's Guardian

(1) Establishment of Office

The Office of the Children's Guardian is established as a Division of the Government Service responsible to the Minister for Family and Community Services.

(2) Transfer of staff to new Office

The group of staff employed in the Department of Education and Communities to enable the Children's Guardian to exercise the functions of the Children's Guardian are removed from that Department and added to the Office of the Children's Guardian.

(3) Construction of references

A reference in any document to the Department of Education and Communities is to be construed as a reference to the Office of the Children's Guardian if the reference is used in relation to the group of staff referred to in subclause (2) or in relation to the functions of the Children's Guardian.

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Clause 5

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

Insert in Division 2 of Part 1 of Schedule 1 (Divisions of the Government Service) after the matter relating to the Office of the Community Relations Commission:

Family and Community Services Office of the Children's *Children's Guardian Guardian

5 Construction of certain references in Marine Parks Act 1997

- (1) A reference in any of the following provisions of the *Marine Parks Act 1997* to the Director-General of the Department of Environment and Climate Change (required by previous orders to be construed as a reference to the Director-General of the Department of Premier and Cabinet) is to be construed as a reference to the Chief Executive, Office of Environment and Heritage, Department of Premier and Cabinet:
- (a) section 29 (2) (c),
 - (b) section 32 (2),
 - (c) section 44 (2) and (5),
 - (d) clause 6 of Schedule 2.
- (2) Without limiting subclause (1), a reference in section 44 (2) of the *Marine Parks Act 1997* to the Department of Environment and Climate Change is to be construed as a reference to the Office of Environment and Heritage, Department of Premier and Cabinet.

6 Construction of references relating to community corrections

(1) **Probation and Parole Service**

In any document, a reference to the Probation and Parole Service (including in the definition of *Probation and Parole Service* in section 3 of the *Crimes (Administration of Sentences) Act 1999*) is, despite any previous order, to be construed as a reference to the Community Corrections Division, Department of Attorney General and Justice.

(2) **Probation and parole officers**

In any document, a reference to a probation and parole officer (including in the definition of *probation and parole officer* in section 3 of the *Crimes (Administration of Sentences) Act 1999*) is, despite any previous order, to be construed as a reference to a community corrections officer employed in the Community Corrections Division, Department of Attorney General and Justice.

(3) **Community offender services field officers**

A reference in any of the following provisions to a community offender services field officer is to be construed as a reference to a community corrections field officer employed in the Community Corrections Division, Department of Attorney General and Justice:

- (a) sections 107, 112 (1) (b), 117 (g) and 235E of the *Crimes (Administration of Sentences) Act 1999*,
- (b) clauses 220 and 221 of the *Crimes (Administration of Sentences) Regulation 2008*.