



New South Wales

Administrative Arrangements (Administrative Changes—Public Service Agencies) Order (No 2) 2015

under the

Constitution Act 1902

DAVID HURLEY, Governor

I, General The Honourable David Hurley AC DSC (Ret'd), Governor of New South Wales, with the advice of the Executive Council, and in pursuance of Part 7 of the *Constitution Act 1902* and provisions of the *Government Sector Employment Act 2013* authorising the making of orders under that Part, make the following Order.

Dated, this 27th day of May 2015.

By His Excellency's Command,

MIKE BAIRD, MP
Premier

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1 Name of Order

This Order is the *Administrative Arrangements (Administrative Changes—Public Service Agencies) Order (No 2) 2015*.

2 Commencement

This Order commences on 1 July 2015 and is required to be published on the NSW legislation website.

3 Definitions

In this Order:

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

GSE Act means the *Government Sector Employment Act 2013*.

reference to a Minister, Public Service agency or Public Service employee includes a reference that (by or under any Act) is to be construed or treated as a reference to that Minister, agency or employee.

4 Amendment of Schedule 1 to GSE Act (Public Service agencies)

Omit Parts 1 and 2. Insert instead:

Part 1 Departments

Department of Education

Department of Family and Community Services

Department of Finance, Services and Innovation

Ministry of Health

Department of Industry, Skills and Regional Development

Department of Justice

Department of Planning and Environment

Department of Premier and Cabinet

Department of Transport

The Treasury

Part 2 Executive agencies related to Departments

The agency heads marked with an asterisk are statutory officers and do not hold offices established by this Act in the Public Service.

Executive agency	Head of agency	Related Department
Art Gallery of New South Wales Trust Staff Agency	Director of the Art Gallery of New South Wales	Department of Justice. The Minister administering the <i>Art Gallery of New South Wales Act 1980</i> is to exercise the employer functions of the Government in relation to the Director.
Australian Museum Trust Staff Agency	Director of the Australian Museum	Department of Justice. The Minister administering the <i>Australian Museum Trust Act 1975</i> is to exercise the employer functions of the Government in relation to the Director.
Barangaroo Delivery Authority Staff Agency	Chief Executive Officer of the Barangaroo Delivery Authority	Department of Premier and Cabinet
Crown Solicitor's Office	Crown Solicitor	Department of Justice
Destination NSW Staff Agency	Chief Executive Officer of Destination NSW	Department of Premier and Cabinet. The Minister administering the <i>Destination NSW Act 2011</i> is to exercise the employer functions of the Government in relation to the Chief Executive Officer.
Office of Environment and Heritage	Chief Executive of the Office	Department of Planning and Environment
Fire and Rescue NSW	Commissioner of Fire and Rescue NSW	Department of Justice. The Minister administering the <i>Fire Brigades Act 1989</i> is to exercise the employer functions of the Government in relation to the Commissioner.
Health Professional Councils Authority Office	Secretary of the Ministry of Health	Ministry of Health
Home Care Service Staff Agency	Secretary of the Department of Family and Community Services	Department of Family and Community Services
Independent Liquor and Gaming Authority Staff Agency	Chief Executive of the Independent Liquor and Gaming Authority	Department of Justice

Executive agency	Head of agency	Related Department
Infrastructure NSW Staff Agency	Chief Executive Officer and Co-ordinator General, Infrastructure NSW	Department of Premier and Cabinet. The Minister administering the <i>Infrastructure NSW Act 2011</i> is to exercise the employer functions of the Government in relation to the Chief Executive Officer and Co-ordinator General.
Institute of Sport Staff Agency	Chief Executive of the Office of Sport	Department of Premier and Cabinet
Library Council of New South Wales Staff Agency	State Librarian	Department of Justice. The Minister administering the <i>Library Act 1939</i> is to exercise the employer functions of the Government in relation to the State Librarian.
Office of Local Government	Chief Executive of the Office	Department of Planning and Environment
Local Land Services Staff Agency	Chair of the Board of Chairs under the <i>Local Land Services Act 2013</i>	Department of Industry, Skills and Regional Development
Mental Health Commission Staff Agency	Secretary of the Ministry of Health	Ministry of Health
Multicultural NSW Staff Agency	Chief Executive Officer of Multicultural NSW	Department of Family and Community Services. The Minister administering the <i>Multicultural NSW Act 2000</i> is to exercise the employer functions of the Government in relation to the Chief Executive Officer.
Natural Resources Commission Staff Agency	*Commissioner for the Commission	Department of Premier and Cabinet
NSW Institute of Psychiatry Staff Agency	Secretary of the Ministry of Health	Ministry of Health
Office of the NSW Rural Fire Service	Commissioner of the NSW Rural Fire Service	Department of Justice. The Minister administering the <i>Rural Fires Act 1997</i> is to exercise the employer functions of the Government in relation to the Commissioner.
Office of the NSW State Emergency Service	Commissioner of the NSW State Emergency Service	Department of Justice. The Minister administering the <i>State Emergency Service Act 1989</i> is to exercise the employer functions of the Government in relation to the Commissioner.
Parliamentary Counsel's Office	Parliamentary Counsel	Department of Premier and Cabinet

Executive agency	Head of agency	Related Department
Service NSW	Chief Executive Officer of Service NSW	Department of Finance, Services and Innovation
Office of Sport	Chief Executive of the Office	Department of Premier and Cabinet
Sydney Cricket and Sports Ground Trust Staff Agency	Secretary of the Sydney Cricket and Sports Ground Trust	Department of Premier and Cabinet
Sydney Opera House Trust Staff Agency	Chief Executive of the Sydney Opera House Trust	Department of Justice. The Minister administering the <i>Sydney Opera House Trust Act 1961</i> is to exercise the employer functions of the Government in relation to the Chief Executive.
Trustees of the Museum of Applied Arts and Sciences Staff Agency	Director of the Museum of Applied Arts and Sciences	Department of Justice. The Minister administering the <i>Museum of Applied Arts and Sciences Act 1945</i> is to exercise the employer functions of the Government in relation to the Director.
UrbanGrowth NSW Development Corporation Staff Agency	Chief Executive of the UrbanGrowth NSW Development Corporation	Department of Planning and Environment. The Minister administering the <i>Growth Centres (Development Corporations) Act 1974</i> is to exercise the employer functions of the Government in relation to the Chief Executive.

5 Ministers to whom Public Service agencies responsible

- (1) Each of the following Departments of the Public Service is responsible to the Minister or Ministers specified in relation to that Department:

Department	Minister
Department of Education	Minister for Education Minister for Early Childhood Education Assistant Minister for Education Minister for Aboriginal Affairs
Department of Family and Community Services	Minister for Family and Community Services Minister for Social Housing Minister for Ageing Minister for Disability Services Minister for Multiculturalism
Department of Finance, Services and Innovation	Minister for Finance, Services and Property Minister for Innovation and Better Regulation

Department	Minister
Ministry of Health	Minister for Health Minister for Mental Health Minister for Medical Research Assistant Minister for Health Minister for Women Minister for Prevention of Domestic Violence and Sexual Assault
Department of Industry, Skills and Regional Development	Minister for Industry, Resources and Energy Minister for Regional Development Minister for Primary Industries Minister for Lands and Water Minister for Skills Minister for Small Business
Department of Justice	Minister for Justice and Police Attorney General Minister for Corrections Minister for Emergency Services Minister for the Arts Minister for Racing Minister for Veterans Affairs
Department of Planning and Environment	Minister for Planning Assistant Minister for Planning
Department of Premier and Cabinet	Premier Minister for Trade, Tourism and Major Events Minister for Veterans Affairs
Department of Transport	Minister for Transport and Infrastructure Minister for Roads, Maritime and Freight
The Treasury	Treasurer Minister for Industrial Relations

- (2) Each of the following Public Service agencies is responsible to the Minister or Ministers specified in relation to that agency:

Public Service agency	Minister
Crown Solicitor's Office	Attorney General
Office of Environment and Heritage	Minister for the Environment Minister for Heritage
Fire and Rescue NSW	Minister for Emergency Services
Office of Local Government	Minister for Local Government
Office of the NSW Rural Fire Service	Minister for Emergency Services
Office of the NSW State Emergency Service	Minister for Emergency Services
Parliamentary Counsel's Office	Premier

Public Service agency	Minister
Service NSW	Minister for Finance, Services and Property
Office of Sport	Minister for Sport

- (3) In the case of a Public Service agency (other than an agency referred to in subclause (1) or (2)) comprising Public Service employees who are employed to enable a statutory body or statutory officer to exercise functions, the Minister to whom the agency is responsible is the Minister administering the Act under which the statutory body is constituted or the statutory officer is appointed (as the case requires).

6 Establishment of new Department and abolition of Department of Trade and Investment, Regional Infrastructure and Services

- (1) The Department of Industry, Skills and Regional Development is established.
- (2) The Trade Development Branch is transferred from the Department of Trade and Investment, Regional Infrastructure and Services to the Department of Premier and Cabinet.
- (3) The following parts of the Department of Trade and Investment, Regional Infrastructure and Services are transferred to the Department of Justice:
 - (a) the Office of Liquor, Gaming and Racing (other than those employees referred to in subclause (5)),
 - (b) those employees who are principally involved in providing support to the Office of Liquor, Gaming and Racing.
- (4) The persons employed in the Department of Trade and Investment, Regional Infrastructure and Services who are principally involved in the administration of legislation allocated to the Minister for the Arts are transferred to the Department of Justice.
- (5) The persons employed in the Department of Trade and Investment, Regional Infrastructure and Services who are principally involved in the administration of the *Charitable Fundraising Act 1991* are transferred to the Department of Finance, Services and Innovation.
- (6) The remaining parts of the Department of Trade and Investment, Regional Infrastructure and Services are transferred to the Department of Industry, Skills and Regional Development.
- (7) The Department of Trade and Investment, Regional Infrastructure and Services is abolished.
- (8) The person holding the office of Secretary of the Department of Trade and Investment, Regional Infrastructure and Services when that office is abolished by the operation of section 23 (3) of the GSE Act continues to be employed (subject to the GSE Act) in the Public Service as a Public Service senior executive but does not become the Secretary of the Department of Industry, Skills and Regional Development by the operation of this clause. The employer of that person under the GSE Act while continuing to be so employed is the Secretary of the Department of Premier and Cabinet.
- (9) In any document, a reference to the Department of Trade and Investment, Regional Infrastructure and Services is:
 - (a) if used in relation to a part of that Department referred to in subclause (2), to be construed as a reference to the Department of Premier and Cabinet, or

- (b) if used in relation to a part of that Department referred to in subclause (3) or (4), to be construed as a reference to the Department of Justice, or
- (c) if used in relation to a part of that Department referred to in subclause (5), to be construed as a reference to the Department of Finance, Services and Innovation, or
- (d) if used in relation to a part of that Department referred to in subclause (6), to be construed as a reference to the Department of Industry, Skills and Regional Development.

7 Abolition of Ministry for Police and Emergency Services

- (1) The persons employed in the Ministry for Police and Emergency Services are transferred to the Department of Justice.
- (2) The Ministry for Police and Emergency Services is abolished.
- (3) In any document:
 - (a) a reference to the Ministry for Police and Emergency Services is to be construed as a reference to the Department of Justice, and
 - (b) a reference to the Chief Executive of the Ministry for Police and Emergency Services is to be construed as a reference to the Secretary of the Department of Justice.
- (4) The person holding the office of Chief Executive of the Ministry for Police and Emergency Services when that office is abolished by the operation of section 28 (5) of the GSE Act continues to be employed (subject to the GSE Act) in the Department of Justice as a Public Service senior executive but does not become the Secretary of the Department of Justice by the operation of this clause.

8 Transfer of Office of Communities

- (1) The Office of Communities (except the Office of Aboriginal Affairs) is transferred from the Department of Education and Communities to the Department of Family and Community Services.
- (2) In any document, a reference to the Office of Communities in the Department of Education and Communities is to be construed as a reference to the Department of Family and Community Services. This subclause does not apply in relation to the Office of Aboriginal Affairs in the Office of Communities.

9 Transfer of State Training Services

- (1) State Training Services is transferred from the Department of Education and Communities to the Department of Industry, Skills and Regional Development.
- (2) In any document, a reference to State Training Services in the Department of Education and Communities is to be construed as a reference to the Department of Industry, Skills and Regional Development.

10 Change of name of Department of Education and Communities

- (1) The name of the Department of Education and Communities is changed to the Department of Education.
- (2) In any document, a reference to the Department of Education and Communities is to be construed as a reference to the Department of Education.

11 Transfer of Women NSW

- (1) Women NSW is transferred from the Department of Family and Community Services to the Ministry of Health.

- (2) In any document, a reference to Women NSW in the Department of Family and Community Services is to be construed as a reference to the Ministry of Health.

12 Change of name of Office of Finance and Services

- (1) The name of Office of Finance and Services is changed to the Department of Finance, Services and Innovation.
- (2) In any document:
- (a) a reference to the Office of Finance and Services is to be construed as a reference to the Department of Finance, Services and Innovation, and
 - (b) a reference to the Chief Executive of the Office of Finance and Services is to be construed as a reference to the Secretary of the Department of Finance, Services and Innovation.
- (3) The person holding the office of Chief Executive of the Office of Finance and Services immediately before the commencement of this clause is, on that commencement, taken to be appointed as the Secretary of the Department of Finance, Services and Innovation and to hold office subject to the GSE Act.

13 Transfer of SHFA staff to Department of Finance, Services and Innovation

- (1) The persons employed in the Department of Planning and Environment to enable the Sydney Harbour Foreshore Authority to exercise its functions are transferred to the Department of Finance, Services and Innovation.
- (2) In any document, a reference to the Department of Planning and Environment is, if used in relation to a part of that Department referred to in subclause (1), to be construed as a reference to the Department of Finance, Services and Innovation.

14 Transfer of Professional Standards staff to Department of Finance, Services and Innovation

- (1) The persons employed in the Department of Justice who are principally involved in the administration of the Professional Standards Act 1994 are transferred to the Department of Finance, Services and Innovation.
- (2) In any document, a reference to the Department of Justice is, if used in relation to a part of that Department referred to in subclause (1), to be construed as a reference to the Department of Finance, Services and Innovation.

15 Transfer of Building Professionals staff to Department of Finance, Services and Innovation

- (1) The persons employed in the Department of Planning and Environment to enable the Building Professionals Board to exercise its functions or who are principally involved in the administration of the *Building Professionals Act 2005* are transferred to the Department of Finance, Services and Innovation.
- (2) In any document, a reference to the Department of Planning and Environment is, if used in relation to a part of that Department referred to in subclause (1), to be construed as a reference to the Department of Finance, Services and Innovation.

16 Transfer of Mine Subsidence Compensation staff to Department of Finance, Services and Innovation

- (1) The persons employed in the Department of Trade and Investment, Regional Infrastructure and Services who are principally involved in the administration of the *Mine Subsidence Compensation Act 1961* are transferred to the Department of Finance, Services and Innovation.

- (2) In any document, a reference to the Department of Trade and Investment, Regional Infrastructure and Services is, if used in relation to a part of that Department referred to in subclause (1), to be construed as a reference to the Department of Finance, Services and Innovation.

17 Construction of references in Sydney Harbour Foreshore Authority Act 1998

A reference in section 29 of the *Sydney Harbour Foreshore Authority Act 1998* to the Director-General of the Department of Urban Affairs and Planning (required by previous orders to be construed as a reference to the Secretary of the Department of Planning and Environment) is to be construed as a reference to the Secretary of the Department of Finance, Services and Innovation.

18 Construction of reference in Biofuels Act 2007

The reference to the Department of Trade and Investment, Regional Infrastructure and Services in the definition of **Department** in section 3 (1) of the *Biofuels Act 2007* is to be construed as a reference to the Department of Finance, Services and Innovation.

19 Effect of abolition of Public Service agency

If a Public Service agency is abolished by this Order, the Public Service agency to which all parts of the abolished agency (or all parts other than specified parts) are transferred is, for all purposes, the successor and a continuation of the abolished agency.

20 Repeal of previous Order

The *Administrative Arrangements (Administrative Changes—Public Service Agencies) Order 2015* (published on the NSW legislation website on 2 April 2015) is repealed.