



New South Wales

# **Administrative Arrangements (Administrative Changes—Public Service Agencies) Order 2017**

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 fifteenth day of March 2017.

By His Excellency's Command,

GLADYS BEREJIKLIAN, MP  
Premier

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## Administrative Arrangements (Administrative Changes—Public Service Agencies) Order 2017

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### 1 Name of Order

This Order is the *Administrative Arrangements (Administrative Changes—Public Service Agencies) Order 2017*.

### 2 Commencement

- (1) This Order commences, except as provided by subclause (2), on 1 April 2017 and is required to be published on the NSW legislation website.
- (2) Clauses 17 and 18 are taken to have commenced at 2.30 pm on 30 January 2017.

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

### 4 Amendment of Schedule 1 to GSE Act (Public Services 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

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.

<b>Executive agency</b>	<b>Head of agency</b>	<b>Related Department</b>
Art Gallery of New South Wales Trust Staff Agency	Director of the Art Gallery of New South Wales	Department of Planning and Environment. 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 Planning and Environment. 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 Industry. 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
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.

<b>Executive agency</b>	<b>Head of agency</b>	<b>Related Department</b>
Institute of Sport Staff Agency	Chief Executive Officer of the New South Wales Institute of Sport	Department of Industry. The Minister administering the <i>Institute of Sport Act 1995</i> is to exercise the employer functions of the Government in relation to the Chief Executive Officer.
Library Council of New South Wales Staff Agency	State Librarian	Department of Planning and Environment. 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
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
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
SAS Trustee Corporation Staff Agency	*Chief Executive Officer of the SAS Trustee Corporation	The Treasury
Service NSW	Chief Executive Officer of Service NSW	Department of Finance, Services and Innovation
Office of Sport	Chief Executive of the Office	Department of Industry

<b>Executive agency</b>	<b>Head of agency</b>	<b>Related Department</b>
Sydney Opera House Trust Staff Agency	Chief Executive of the Sydney Opera House Trust	Department of Planning and Environment. 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 Planning and Environment. 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.

**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:

<b>Department</b>	<b>Minister</b>
Department of Education	Minister for Education Minister for Early Childhood Education Minister for Aboriginal Affairs Assistant Minister for Education
Department of Family and Community Services	Minister for Family and Community Services Minister for Social Housing Minister for the Prevention of Domestic Violence and Sexual Assault Minister for Women Minister for Ageing Minister for Multiculturalism Minister for Disability Services
Department of Finance, Services and Innovation	Minister for Finance, Services and Property Minister for Innovation and Better Regulation
Ministry of Health	Minister for Health Minister for Medical Research Minister for Mental Health

<b>Department</b>	<b>Minister</b>
Department of Industry	Minister for Primary Industries Minister for Skills Minister for Small Business Minister for Regional Water Minister for Trade and Industry Minister for Lands and Forestry Minister for Racing Minister for Sport Minister for Tourism and Major Events Assistant Minister for Skills
Department of Justice	Attorney General Minister for Police Minister for Emergency Services Minister for Counter Terrorism Minister for Corrections Minister for Veterans Affairs
Department of Planning and Environment	Minister for Planning Minister for Housing Special Minister of State Minister for Resources Minister for Energy and Utilities Minister for the Arts Minister for the Environment Minister for Local Government Minister for Heritage
Department of Premier and Cabinet	Premier Minister for Regional New South Wales
Department of Transport	Minister for Transport and Infrastructure Minister for Western Sydney Minister for WestConnex 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:

<b>Public Service agency</b>	<b>Minister</b>
Crown Solicitor's Office	Attorney General
Office of Environment and Heritage	Minister for Planning Minister for the Environment Minister for Heritage
Fire and Rescue NSW	Minister for Emergency Services
Office of Local Government	Minister for Local Government

<b>Public Service agency</b>	<b>Minister</b>
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
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 Institute of Sport Staff Agency**

- (1) The Institute of Sport Staff Agency is established as a Public Service executive agency related to the Department of Industry.
- (2) The persons employed in the Office of Sport to enable the New South Wales Institute of Sport to exercise its functions are transferred to the Institute of Sport Staff Agency.
- (3) In any document, a reference to the Office of Sport is, if used in relation to the part of that Office referred to in subclause (2), to be construed as a reference to the Institute of Sport Staff Agency.

#### **7 Change of name of Department of Industry, Skills and Regional Development**

- (1) The name of the Department of Industry, Skills and Regional Development is changed to the Department of Industry.
- (2) In any document, a reference to the Department of Industry, Skills and Regional Development is, subject to this Order, to be construed as a reference to the Department of Industry.

#### **8 Transfer of Regional NSW staff to Department of Premier and Cabinet**

- (1) The persons employed in the Department of Industry, Skills and Regional Development who are principally involved in providing support for the portfolio responsibilities of the Minister for Regional New South Wales are transferred to the Department of Premier and Cabinet.
- (2) In any document, a reference to the Department of Industry, Skills and Regional Development is, if used in relation to the part of that Department referred to in subclause (1), to be construed as a reference to the Department of Premier and Cabinet.

#### **9 Transfer of certain DPC staff to Department of Industry**

- (1) The persons employed in the Department of Premier and Cabinet who are principally involved in providing support for the portfolio responsibilities of the Minister for Trade and Industry are transferred to the Department of Industry.
- (2) In any document, a reference to the Department of Premier and Cabinet is, if used in relation to the part of that Department referred to in subclause (1), to be construed as a reference to the Department of Industry.



**10 Transfer of Veterans Affairs staff to Department of Justice**

- (1) The persons employed in the Department of Premier and Cabinet who are principally involved in the administration of legislation allocated to the Minister for Veterans Affairs (including the provision of support for the portfolio responsibilities of the Minister for Veterans Affairs) are transferred to the Department of Justice.
- (2) In any document, a reference to the Department of Premier and Cabinet is, if used in relation to the part of that Department referred to in subclause (1), to be construed as a reference to the Department of Justice.

**11 Transfer of Liquor, Gaming and Racing staff to Department of Industry**

- (1) The persons employed in the Department of Justice who are principally involved in the administration of legislation allocated to the Minister for Racing (including the provision of support for the portfolio responsibilities of the Minister for Racing) are transferred to the Department of Industry.
- (2) In any document, a reference to the Department of Justice is, if used in relation to the part of that Department referred to in subclause (1), to be construed as a reference to the Department of Industry.

**12 Transfer of Arts staff to Department of Planning and Environment**

- (1) The persons employed in the Department of Justice who are principally involved in the administration of legislation allocated to the Minister for the Arts (including the provision of support for the portfolio responsibilities of the Minister for the Arts) are transferred to the Department of Planning and Environment.
- (2) In any document, a reference to the Department of Justice is, if used in relation to the part of that Department referred to in subclause (1), to be construed as a reference to the Department of Planning and Environment.

**13 Transfer of Resources, Energy and Utilities staff to Department of Planning and Environment**

- (1) The persons employed in the Department of Industry, Skills and Regional Development who are principally involved in the administration of legislation allocated to the Minister for Resources and the Minister for Energy and Utilities (including the provision of support for the portfolio responsibilities of either of those Ministers) are transferred to the Department of Planning and Environment.
- (2) In any document, a reference to the Department of Industry, Skills and Regional Development is, if used in relation to the part of that Department referred to in subclause (1), to be construed as a reference to the Department of Planning and Environment.
- (3) The reference to the Department of Industry, Skills and Regional Development in the definition of **Department** in section 5 of the *Work Health and Safety (Mines and Petroleum Sites) Act 2013* is to be construed as a reference to the Department of Planning and Environment.

**14 Transfer of certain Ministry of Health staff to Department of Family and Community Services**

- (1) The persons employed in the Ministry of Health who are principally involved in providing support for the portfolio responsibilities of the Minister for the Prevention of Domestic Violence and Sexual Assault and the Minister for Women are transferred to the Department of Family and Community Services.

- (2) In any document, a reference to the Ministry of Health is, if used in relation to the part of that Ministry referred to in subclause (1), to be construed as a reference to the Department of Family and Community Services.

**15 Chief Executive of UrbanGrowth NSW Development Corporation**

The person holding the office of Chief Executive of the UrbanGrowth NSW Development Corporation immediately before the commencement of this clause continues to be employed (subject to the GSE Act) in the Public Service as the Chief Executive of the UrbanGrowth NSW Development Corporation. The Minister administering the *Growth Centres (Development Corporations) Act 1974* so far as it relates to the UrbanGrowth NSW Development Corporation is to exercise the employer functions of the Government in relation to the Chief Executive.

**16 Construction of certain reference in Tow Truck Industry Act 1998**

The reference, in the definition of *authorised officer* in section 3 of the *Tow Truck Industry Act 1998*, to the Roads and Maritime Services Division of the Government Service (required by previous orders to be construed as a reference to the Transport Service of New South Wales) is to be construed as a reference to the Transport Service of New South Wales or the Department of Finance, Services and Innovation.

**17 Construction of references to certain lead cluster Ministers in Appropriation Act 2016**

- (1) The reference in section 8 of the *Appropriation Act 2016* to the Minister for Industry, Resources and Energy is to be construed as a reference to the Minister for Primary Industries.
- (2) A reference in section 9 of the *Appropriation Act 2016* to the Deputy Premier, the Minister for Justice and Police, the Minister for the Arts or the Minister for Racing is to be construed as a reference to the Attorney General.
- (3) This clause has effect despite clauses 4 and 5 of the *Administrative Arrangements (Administrative Changes—Ministers) Order 2017*.

**18 Amendment of Administrative Arrangements (Administrative Changes—Ministers) Order 2017**

(1) **Clause 4**

Omit the clause. Insert instead:

**4 Construction of references to Minister for Industry, Resources and Energy**

In any document, a reference to the Minister for Industry, Resources and Energy is to be construed:

- (a) as a reference to the Minister for Skills if used in or in relation to legislation administered by that Minister, or
- (b) as a reference to the Minister for Resources if used in or in relation to legislation administered by that Minister, or
- (c) as a reference to the Minister for Energy and Utilities if used in or in relation to legislation administered by that Minister, or
- (d) in any other case, as a reference to the Minister for Trade and Industry.

(2) **Clause 10 Construction of references to certain Ministers in legislation relating to local water utilities**

Insert after clause 10 (2):

- (3) The reference in section 409 (6) of the *Local Government Act 1993* to the Minister for Energy and Utilities (required by previous orders to be construed as a reference to the Minister for Lands and Water) is to be construed as a reference to the Minister for Regional Water.