



New South Wales

Administrative Arrangements (Second Perrottet Ministry—Transitional) Order 2021

under the

Constitution Act 1902

MARGARET BEAZLEY, Governor

I, the Honourable Margaret Beazley AC QC, Governor of New South Wales, with the advice of the Executive Council, make the following Order under the *Constitution Act 1902*, Part 7.

Dated, this 21st day of December 2021.

By Her Excellency's Command,

DOMINIC PERROTTET, MP
Premier

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Administrative Arrangements (Second Perrottet Ministry— Transitional) Order 2021

under the

Constitution Act 1902

1 Name of Order

This Order is the *Administrative Arrangements (Second Perrottet Ministry—Transitional) Order 2021*.

2 Commencement

- (1) Except as provided by subclause (2), this Order commences on 21 December 2021 and is required to be published on the NSW legislation website.
- (2) The following provisions commence on 1 April 2022—
 - (a) Schedule 2, clause 4,
 - (b) Schedule 3,
 - (c) Schedule 4[2].

3 Definitions

In this Order—

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

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

Note— The *Constitution Act 1902*, Part 7 and the *Interpretation Act 1987* also contain definitions and other provisions that affect the interpretation and application of this Order.

Schedule 1 References to certain Ministers

1 Premier

A reference in a document to the Premier is to be read—

- (a) if used in or in relation to legislation administered by the Minister for Infrastructure—as a reference to the Minister, or
- (b) if used in or in relation to legislation administered by the Minister for Cities—as a reference to the Minister, or
- (c) in other cases—as a reference to the Premier.

2 Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts

A reference in a document to the Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts is to be read—

- (a) if used in or in relation to legislation administered by the Minister for Aboriginal Affairs—as a reference to the Minister, or
- (b) if used in or in relation to legislation administered by the Minister for Employee Relations—as a reference to the Minister, or
- (c) if used in or in relation to legislation administered by the Attorney General—as a reference to the Attorney General, or
- (d) if used in or in relation to legislation administered by the Minister for Environment and Heritage—as a reference to the Minister, or
- (e) if used in or in relation to legislation administered by the Minister for the Arts—as a reference to the Minister, or
- (f) in other cases—as a reference to the Premier.

3 Minister for Jobs, Investment, Tourism and Western Sydney

A reference in a document to the Minister for Jobs, Investment, Tourism and Western Sydney is to be read—

- (a) if used in or in relation to legislation administered by the Minister for Tourism and Sport—as a reference to the Minister, or
- (b) if used in or in relation to legislation administered by the Minister for Science, Innovation and Technology—as a reference to the Minister, or
- (c) if used in or in relation to legislation administered by the Minister for Western Sydney—as a reference to the Minister, or
- (d) in other cases—as a reference to the Minister for Enterprise, Investment and Trade.

4 Minister for Trade and Industry

A reference in a document to the Minister for Trade and Industry is to be read as a reference to the Minister for Enterprise, Investment and Trade.

5 Minister for Finance and Small Business

A reference in a document to the Minister for Finance and Small Business is to be read—

- (a) if used in or in relation to legislation administered by the Minister for Small Business—as a reference to the Minister, or
- (b) in other cases—as a reference to the Minister for Finance.

6 Minister for Customer Service

A reference in a document to the Minister for Customer Service is to be read—

- (a) if used in or in relation to legislation administered by the Minister for Hospitality and Racing—as a reference to the Minister, or
- (b) in other cases—as a reference to the Minister for Customer Service and Digital Government.

7 Minister for Digital

A reference in a document to the Minister for Digital is to be read as a reference to the Minister for Customer Service and Digital Government.

8 Minister for Better Regulation and Innovation

A reference in a document to the Minister for Better Regulation and Innovation is to be read—

- (a) if used in or in relation to legislation administered by the Minister for Hospitality and Racing—as a reference to the Minister, or
- (b) in other cases—as a reference to the Minister for Fair Trading.

9 Minister for Planning and Public Spaces

A reference in a document to the Minister for Planning and Public Spaces is to be read as a reference to the Minister for Planning.

10 Minister for Water, Property and Housing

A reference in a document to the Minister for Water, Property and Housing is to be read—

- (a) if used in or in relation to legislation administered by the Minister for Homes—as a reference to the Minister, or
- (b) if used in or in relation to legislation administered by the Minister for Lands and Water—as a reference to the Minister, or
- (c) in other cases—as a reference to the Minister for Planning.

11 Minister for Energy and Environment

A reference in a document to the Minister for Energy and Environment is to be read—

- (a) if used in or in relation to legislation administered by the Minister for Environment and Heritage—as a reference to the Minister, or
- (b) in other cases—as a reference to the Minister for Energy.

12 Minister for Transport and Roads

A reference in a document to the Minister for Transport and Roads is to be read—

- (a) if used in or in relation to legislation administered by the Minister for Transport—as a reference to the Minister, or
- (b) in other cases—as a reference to the Minister for Infrastructure.

13 Minister for Health and Medical Research

A reference in a document to the Minister for Health and Medical Research is to be read as a reference to the Minister for Health.

14 Minister for Education and Early Childhood Learning

A reference in a document to the Minister for Education and Early Childhood Learning is to be read as a reference to the Minister for Education and Early Learning.

15 Minister for Mental Health, Regional Youth and Women

A reference in a document to the Minister for Mental Health, Regional Youth and Women is to be read—

- (a) if used in or in relation to legislation administered by the Minister for Mental Health—as a reference to the Minister, or
- (b) if used in or in relation to legislation administered by the Minister for Women—as a reference to the Minister, or
- (c) if used in or in relation to legislation administered by the Minister for Regional Youth—as a reference to the Minister, or
- (d) in other cases—as a reference to the Minister for Regional Health.

16 Minister for Skills and Tertiary Education

A reference in a document to the Minister for Skills and Tertiary Education is to be read as a reference to the Minister for Skills and Training.

17 Minister for Police and Emergency Services

A reference in a document to the Minister for Police and Emergency Services is to be read—

- (a) if used in or in relation to legislation administered by the Minister for Emergency Services and Resilience—as a reference to the Minister, or
- (b) in other cases—as a reference to the Minister for Police.

18 Minister for Counter Terrorism and Corrections

A reference in a document to the Minister for Counter Terrorism and Corrections is to be read—

- (a) if used in or in relation to legislation administered by the Minister for Corrections—as a reference to the Minister, or
- (b) in other cases—as a reference to the Minister for Police.

19 Minister for Families, Communities and Disability Services

A reference in a document to the Minister for Families, Communities and Disability Services is to be read—

- (a) if used in or in relation to legislation administered by the Minister for Disability Services—as a reference to the Minister, or
- (b) in other cases—as a reference to the Minister for Families and Communities.

20 Minister for Sport, Multiculturalism, Seniors and Veterans

A reference in a document to the Minister for Sport, Multiculturalism, Seniors and Veterans is to be read—

- (a) if used in or in relation to legislation administered by the Minister for Multiculturalism—as a reference to the Minister, or
- (b) if used in or in relation to legislation administered by the Minister for Tourism and Sport—as a reference to the Minister, or

- (c) if used in or in relation to legislation administered by the Minister for Veterans—as a reference to the Minister, or
- (d) if used in or in relation to legislation administered by the Minister for Seniors—as a reference to the Minister, or
- (e) in other cases—as a reference to the Attorney General.

21 Minister for Agriculture and Western New South Wales

A reference in a document to the Minister for Agriculture and Western New South Wales is to be read as a reference to the Minister for Agriculture.

Schedule 2 Establishment and renaming of Public Service agencies

1 Establishment of Department of Enterprise, Investment and Trade

The Department of Enterprise, Investment and Trade is established.

2 Renaming of Regional NSW as Department of Regional NSW

- (1) Regional NSW is renamed as the Department of Regional NSW.
- (2) A reference in a document to Regional NSW is to be read as a reference to the Department of Regional NSW.

3 Renaming of Department of Planning, Industry and Environment as Department of Planning and Environment

- (1) The Department of Planning, Industry and Environment is renamed as the Department of Planning and Environment.
- (2) A reference in a document to the Department of Planning, Industry and Environment is to be read as a reference to the Department of Planning and Environment.

4 Establishment of other Public Service agencies

The following Public Service agencies are established—

- (a) Destination NSW Staff Agency,
- (b) State Archives and Records Authority of New South Wales Staff Agency,
- (c) Create NSW.

Schedule 3 Transfer of staff between Public Service agencies

1 Transfer of part of Investment NSW to Destination NSW Staff Agency

- (1) The persons employed in Investment NSW to enable Destination NSW to exercise its functions are transferred to the Destination NSW Staff Agency.
- (2) A reference in a document to Investment NSW is, if used in relation to the part of the agency referred to in subclause (1), to be read as a reference to the Destination NSW Staff Agency.
- (3) A reference in a document to the Secretary of the Department of Industry in the *Destination NSW Act 2011*, section 7(2)(d), being a reference required by previous order to be read as a reference to the Chief Executive Officer of Investment NSW, is to be read as a reference to the Chief Executive Officer of Destination NSW.

2 Transfer of certain DPC staff to DPE

- (1) The persons employed in the Heritage Branch in the Department of Premier and Cabinet are transferred to the Department of Planning and Environment.
- (2) A reference in a document to the Department of Premier and Cabinet is, if used in relation to the part of the Department referred to in subclause (1), to be read as a reference to the Department of Planning and Environment.

3 Transfer of certain DPC staff to SARA Staff Agency

- (1) The persons employed in the Department of Premier and Cabinet to enable the State Archives and Records Authority of New South Wales to exercise its functions are transferred to the State Archives and Records Authority of New South Wales Staff Agency.
- (2) A reference in a document to the Department of Premier and Cabinet is, if used in relation to the part of the Department referred to in subclause (1), to be read as a reference to the State Archives and Records Authority of New South Wales Staff Agency.
- (3) A reference in a document to the Secretary of the Department of Premier and Cabinet is, if used in relation to the part of the Department referred to in subclause (1), to be read as a reference to the Executive Director of the State Archives and Records Authority of New South Wales.

4 Transfer of Women NSW from DCJ to DPC

- (1) The persons employed in Women NSW in the Department of Communities and Justice are transferred to the Department of Premier and Cabinet.
- (2) A reference in a document to the Department of Communities and Justice is, if used in relation to the part of the Department referred to in subclause (1), to be read as a reference to the Department of Premier and Cabinet.

5 Transfer of Office of Community Safety and Cohesion from DCJ to DPC

- (1) The persons employed in the Office of Community Safety and Cohesion in the Department of Communities and Justice are transferred to the Department of Premier and Cabinet.
- (2) A reference in a document to the Department of Communities and Justice is, if used in relation to the part of the Department referred to in subclause (1), to be read as a reference to the Department of Premier and Cabinet.

6 Transfer of ILGA staff from DCS to DEIT

- (1) The persons employed in the Department of Customer Service to enable the Independent Liquor and Gaming Authority to exercise its functions are transferred to the Department of Enterprise, Investment and Trade.
- (2) A reference in a document to the Department of Customer Service is, if used in relation to the part of the Department referred to in subclause (1), to be read as a reference to the Department of Enterprise, Investment and Trade.

7 Transfer of DPC staff to Create NSW

- (1) The persons employed in Create NSW and Create Infrastructure in the Department of Premier and Cabinet are transferred to Create NSW.
- (2) A reference in a document to the Department of Premier and Cabinet is, if used in relation to the part of the Department referred to in subclause (1), to be read as a reference to Create NSW.

8 Transfer of Small Business Commissioner staff from Treasury to DCS

- (1) The persons employed in the Treasury to enable the Small Business Commissioner to exercise the Commissioner's functions are transferred to the Department of Customer Service.
- (2) A reference in a document to the Treasury is, if used in relation to the part of the Treasury referred to in subclause (1), to be read as a reference to the Department of Customer Service.

Schedule 4 Amendment of Government Sector Employment Act 2013 No 40

[1] Schedule 1 Public Service agencies

Insert the following in Part 1 after “Treasury”—

Department of Enterprise, Investment and Trade

[2] Schedule 1, Parts 1 and 2

Omit the Parts. Insert instead—

Part 1 Departments

Department of Premier and Cabinet

Department of Regional NSW

Department of Enterprise, Investment and Trade

Treasury

Ministry of Health

Department of Education

Department of Communities and Justice

Department of Transport

Department of Customer Service

Department of Planning and Environment

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 Premier and Cabinet. 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 Premier and Cabinet. 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.
Create NSW	Chief Executive Officer of Create NSW	Department of Enterprise, Investment and Trade. The Minister for the Arts is to exercise the employer functions of the Government in relation to the Chief Executive Officer.
Crown Solicitor’s Office	Crown Solicitor	Department of Communities and Justice

Executive agency	Head of agency	Related Department
Destination NSW Staff Agency	Chief Executive Officer of Destination NSW	Department of Enterprise, Investment and Trade
Fire and Rescue NSW	Commissioner of Fire and Rescue NSW	Department of Communities and Justice. The Minister administering the <i>Fire and Rescue NSW Act 1989</i> is to exercise the employer functions of the Government in relation to the Commissioner.
Greater Sydney Commission Staff Agency	Chief Executive Officer of the Greater Sydney Commission	Department of Transport
Health Professional Councils Authority Office	Secretary of the Ministry of Health	Ministry of Health
Infrastructure NSW Staff Agency	Chief Executive Officer and Co-ordinator General, Infrastructure NSW	Department of Transport. 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 Officer of the New South Wales Institute of Sport	Department of Enterprise, Investment and Trade. 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.
Investment NSW	Chief Executive Officer of Investment NSW	Department of Enterprise, Investment and Trade
Library Council of New South Wales Staff Agency	State Librarian	Department of Premier and Cabinet. The Minister administering the <i>Library Act 1939</i> is to exercise the employer functions of the Government in relation to the State Librarian.
Local Land Services Staff Agency	Chief Executive Officer of Local Land Services	Department of Regional NSW
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 Communities and Justice. 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 Planning and Environment

Executive agency	Head of agency	Related Department
Office of the NSW Rural Fire Service	Commissioner of the NSW Rural Fire Service	Department of Communities and 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 Communities and 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
Resilience NSW	Head of Resilience NSW	Department of Communities and Justice
SAS Trustee Corporation Staff Agency	*Chief Executive Officer of the SAS Trustee Corporation	Treasury
Service NSW	Chief Executive Officer of Service NSW	Department of Customer Service
State Archives and Records Authority of New South Wales Staff Agency	Executive Director of State Archives and Records Authority of New South Wales	Department of Premier and Cabinet
Office of Sport	Chief Executive of the Office	Department of Enterprise, Investment and Trade
Sydney Opera House Trust Staff Agency	Chief Executive of the Sydney Opera House Trust	Department of Premier and Cabinet. 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 Premier and Cabinet. 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.
Venues NSW Staff Agency	*Chief Executive Officer of Venues NSW	Department of Enterprise, Investment and Trade
Western Parkland City Authority Staff Agency	Chief Executive Officer of the Western Parkland City Authority	Department of Enterprise, Investment and Trade