



New South Wales

Administrative Arrangements (Administrative Changes—Miscellaneous) Order 2022

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 16th day of February 2022.

By Her Excellency's Command,

DOMINIC PERROTTET, MP
Premier

Administrative Arrangements (Administrative Changes—Miscellaneous) Order 2022

under the

Constitution Act 1902

Part 1 Preliminary

1 Name of Order

This Order is the *Administrative Arrangements (Administrative Changes—Miscellaneous) Order 2022*.

2 Commencement

- (1) Except as provided by subclauses (2)–(3), this Order commences on the day on which it is published on the NSW legislation website.
- (2) Part 2, Division 3, except clauses 15 and 18, and Schedule 1.2[2] commence on 1 April 2022.
- (3) Clause 18 commences on 1 July 2022.

3 Repeal of provisions

- (1) Schedule 1 is repealed on the day following the day on which the Schedule commences.
- (2) Clause 13 is repealed on 1 April 2022.

Note— The *Administrative Arrangements (Second Perrottet Ministry—Allocation of Acts and Agencies) Order 2021*, Schedule 2, commences on 1 April 2022.

4 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.

Part 2 Administrative arrangements

Division 1 References to certain Ministers

5 Minister for Water, Property and Housing

- (1) Except as provided by subclause (2), 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.
- (2) A reference in or in relation to the *Local Government Act 1993*, sections 57–66, 409 or 439–440H, or the *Local Government (General) Regulation 2021*, section 21, 138 or 147 to the Minister for Water, Property and Housing is to be read as a reference to the Minister administering the *Water Management Act 2000*.

6 Minister for Lands

A reference in the *Property NSW Act 2006*, section 19 to the Minister for Lands is to be read as a reference to a Minister administering the *Crown Land Management Act 2016*.

7 Minister for Regional Water

A reference in *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*, clause 17G to the Minister for Regional Water is to be read as a reference to the Minister for Lands and Water.

8 Minister for Industry, Resources and Energy

A reference in the *Biodiversity Conservation Act 2016*, section 5.5(3) to the Minister for Industry, Resources and Energy is to be read as a reference to the Minister administering the *Mining Act 1992*.

9 Minister for Energy

A reference in the *Independent Pricing and Regulatory Tribunal Act 1992*, section 24FE(2)(d), to the Minister for Energy is to be read as a reference to the Minister administering the *Energy and Utilities Administration Act 1987*.

10 Minister for Energy and Environment

A reference in a document to the Minister for Energy and Environment, required by the *Administrative Arrangements (Second Perrottet Ministry—Transitional) Order 2021* to be read as a reference to a Minister by another specified description, is to be read—

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

11 Minister for Racing

A reference in the *Crown Land Management Regulation 2018*, clause 26(3), to the Minister for Racing is to be read as a reference to the Minister administering the *Thoroughbred Racing Act 1996*.

12 Minister for Transport and Roads

A reference in a document to the Minister for Transport and Roads, required by the *Administrative Arrangements (Second Perrottet Ministry—Transitional) Order 2021* to be read as a reference to a Minister by another specified description, is to be read—

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

Division 2 Ministers to whom Public Service agencies responsible

13 Department of Enterprise, Investment and Trade

The Department of Enterprise, Investment and Trade is responsible to the following Ministers—

- (a) Minister for Enterprise, Investment and Trade,
- (b) Minister for Western Sydney,
- (c) Minister for Tourism and Sport,
- (d) Minister for Science, Innovation and Technology,
- (e) Minister for Hospitality and Racing,
- (f) Minister for the Arts.

Division 3 Transfer of staff between Public service agencies

14 Transfer of certain DPC staff to SARA Staff Agency

- (1) The persons employed in the Department of Premier and Cabinet to enable the Historic Houses Trust 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.

15 References to Secretary of Department of Industry

A reference to the Secretary of the Department of Industry in the *Destination NSW Act 2011*, section 7(2)(d), 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 Secretary of the Department of Enterprise, Investment and Trade.

16 Transfer of certain DCS staff to DEIT

- (1) The persons employed in the Department of Customer Service who are principally involved in the administration of legislation allocated to the Minister for Hospitality and Racing 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.

17 Transfer of NSW Business Connect staff from Treasury to Service NSW

- (1) The persons employed in Treasury who are principally involved in providing support for NSW Business Connect are transferred to Service NSW.
- (2) A reference in a document to Treasury is, if used in relation to the part of the agency referred to in subclause (1), to be read as a reference to Service NSW.
- (3) A reference in a document to the Secretary of Treasury is, if used in relation to the part of the agency referred to in subclause (1), to be read as a reference to the Chief Executive Officer of Service NSW.

18 Transfer of certain LLS Staff Agency staff to DRNSW

- (1) The persons employed in the Local Land Services Staff Agency who are principally involved in the administration of the *Soil Conservation Act 1938* are transferred to the Department of Regional NSW.
- (2) A reference in a document to the Local Land Services Staff Agency is, if used in relation to the part of the agency referred to in subclause (1), to be read as a reference to the Department of Regional NSW.

Schedule 1 Amendments

1.1 Administrative Arrangements (Second Perrottet Ministry—Allocation of Acts and Agencies) Order 2021

[1] Schedule 1 Allocation of the administration of Acts

Insert in alphabetical order in clause 3 (Minister for Regional New South Wales)—

Soil Conservation Act 1938 No 10 (except parts, jointly with the Minister for Environment and Heritage)

[2] Schedule 1, clause 11 Treasurer

Omit “*Waste Recycling and Processing Corporation (Authorised Transaction) Act 2010* No 8 (except parts, the Minister for Lands and Water)”.

Insert instead “*Waste Recycling and Processing Corporation (Authorised Transaction) Act 2010* No 8 (except parts, the Minister for Homes)”.

[3] Schedule 1, clause 13 Minister for Finance

Omit “*Retail Leases Act 1994* No 46”.

[4] Schedule 1, clause 24 Minister for Customer Service and Digital Government

Omit “*Music Festivals Act 2019* No 17”.

[5] Schedule 1, clause 25 Minister for Planning

Omit “*Crown Land Management Act 2016* No 58, jointly with the Minister for Lands and Water (except parts, the Attorney General and the Minister for Tourism and Sport)”.

[6] Schedule 1, clause 26 Minister for Homes

Insert in alphabetical order—

Waste Recycling and Processing Corporation (Authorised Transaction) Act 2010 No 8, sections 7 and 16 and Schedule 5

[7] Schedule 1, clause 31 Minister for Lands and Water

Omit “*Crown Land Management Act 2016* No 58, jointly with the Minister for Planning (except parts, the Attorney General and the Minister for Tourism and Sport)”.

Insert instead “*Crown Land Management Act 2016* No 58 (except parts, the Attorney General and the Minister for Tourism and Sport)”.

[8] Schedule 1, clause 31 Minister for Lands and Water

Omit “*Waste Recycling and Processing Corporation (Authorised Transaction) Act 2010* No 8, sections 7 and 16 and Schedule 5”.

[9] Schedule 1, clause 32 Minister for Hospitality and Racing

Omit “*Betting and Racing Act 1998* No 114, jointly with the Minister for Fair Trading (except Part 2, the Minister for Fair Trading)”.

Insert instead “*Betting and Racing Act 1998* No 114, Part 2 (and the remaining provisions of the Act jointly with the Minister for Fair Trading)”.

[10] Schedule 1, clause 32 Minister for Hospitality and Racing

Insert in alphabetical order—

Music Festivals Act 2019 No 17

[11] Schedule 1, clause 38 Minister for Small Business

Insert in alphabetical order—

Retail Leases Act 1994 No 46

[12] Schedule 1, clause 39 Minister for Fair Trading

Omit “*Betting and Racing Act 1998* No 114, Part 2 (and the remaining provisions of the Act jointly with the Minister for Hospitality and Racing)”.

Insert instead “*Betting and Racing Act 1998* No 114, jointly with the Minister for Hospitality and Racing (except Part 2, the Minister for Hospitality and Racing)”.

[13] Schedule 1, clause 39 Minister for Fair Trading

Omit “*Property, Stock and Business Agents Act 2002*”.

Insert instead “*Property and Stock Agents Act 2002*”.

[14] Schedule 1, clause 40 Minister for Environment and Heritage

Omit “*Soil Conservation Act 1938* No 10, Parts 2A, 3 and 4 and sections 15 and 30A in so far as they relate to those Parts, jointly with the Minister for Agriculture”.

Insert instead “*Soil Conservation Act 1938* No 10, Parts 2A, 3 and 4 and sections 15 and 30A in so far as they relate to those Parts, jointly with the Minister for Regional New South Wales”.

[15] Schedule 1, clause 43 Minister for Agriculture

Omit “*Soil Conservation Act 1938* No 10 (except parts, jointly with the Minister for Environment and Heritage)”.

**1.2 Administrative Arrangements (Second Perrottet Ministry—
Transitional) Order 2021**

[1] Schedule 1 References to certain Ministers

Omit clauses 10–12.

[2] Schedule 3 Transfer of staff between Public Service agencies

Omit clause 1(3).

1.3 Government Sector Employment Act 2013 No 40

[1] Schedule 1 Public Service agencies

Omit “Department of Planning, Industry and Environment” and “Regional NSW” wherever occurring in Parts 1 and 2.

Insert instead “Department of Planning and Environment” and “Department of Regional NSW”, respectively.

[2] Schedule 1, Part 2

Omit “Department of Premier and Cabinet” from the matter relating to Art Gallery of New South Wales Trust Staff Agency.

Insert instead “Department of Enterprise, Investment and Trade”.

- [3] Schedule 1, Part 2**
Omit “Department of Premier and Cabinet” from the matter relating to Australian Museum Trust Staff Agency.
Insert instead “Department of Enterprise, Investment and Trade”.
- [4] Schedule 1, Part 2**
Omit “Department of Premier and Cabinet” from the matter relating to Greater Sydney Commission Staff Agency.
Insert instead “Department of Transport”.
- [5] Schedule 1, Part 2**
Omit “Department of Premier and Cabinet” from the matter relating to Infrastructure NSW Staff Agency.
Insert instead “Department of Transport”.
- [6] Schedule 1, Part 2**
Omit “Department of Communities and Justice” from the matter relating to Institute of Sport Staff Agency.
Insert instead “Department of Enterprise, Investment and Trade”.
- [7] Schedule 1, Part 2**
Omit “Department of Premier and Cabinet” from the matter relating to Investment NSW.
Insert instead “Department of Enterprise, Investment and Trade”.
- [8] Schedule 1, Part 2**
Omit “Department of Premier and Cabinet” from the matter relating to Library Council of New South Wales Staff Agency.
Insert instead “Department of Enterprise, Investment and Trade”.
- [9] Schedule 1, Part 2**
Omit “Department of Premier and Cabinet” from the matter relating to Resilience NSW.
Insert instead “Department of Communities and Justice”.
- [10] Schedule 1, Part 2**
Omit “Department of Communities and Justice” from the matter relating to Office of Sport.
Insert instead “Department of Enterprise, Investment and Trade”.
- [11] Schedule 1, Part 2**
Omit “Department of Premier and Cabinet” from the matter relating to Sydney Opera House Trust Staff Agency.
Insert instead “Department of Enterprise, Investment and Trade”.
- [12] Schedule 1, Part 2**
Omit “Department of Premier and Cabinet” from the matter relating to Trustees of the Museum of Applied Arts and Sciences Staff Agency.
Insert instead “Department of Enterprise, Investment and Trade”.

[13] Schedule 1, Part 2

Omit “Department of Communities and Justice” from the matter relating to Venues NSW Staff Agency.

Insert instead “Department of Enterprise, Investment and Trade”.

[14] Schedule 1, Part 2

Omit “Department of Premier and Cabinet” from the matter relating to Western Parkland City Authority Staff Agency.

Insert instead “Department of Enterprise, Investment and Trade”.