



New South Wales

Administrative Arrangements (Administrative Changes—Miscellaneous) Order (No 6) 2023

under the

Constitution Act 1902

MARGARET BEAZLEY, Governor

I, the Honourable Margaret Beazley AC KC, 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 6th day of December 2023.

By Her Excellency's Command,

CHRIS MINNS, MP
Premier

Administrative Arrangements (Administrative Changes—Miscellaneous) Order (No 6) 2023

under the

Constitution Act 1902

1 Name of order

This order is the *Administrative Arrangements (Administrative Changes—Miscellaneous) Order (No 6) 2023*.

2 Commencement

This order commences as follows—

- (a) for Schedule 2—on 1 February 2024,
- (b) otherwise—on 1 January 2024.

Schedule 1 Amendment of Administrative Arrangements (58th Parliament) Order 2023—commencing 1 January 2024

Part 7

Insert after Part 6—

Part 7 Provisions consequent on making of Administrative Arrangements (Administrative Changes—Miscellaneous) Order (No 6) 2023

20 Renaming of Department of Planning and Environment

- (1) The name of the Department of Planning and Environment is changed to the Department of Planning, Housing and Infrastructure.
- (2) In this part—
Department of Planning and Environment means the department of that name immediately before the commencement of this section.

21 Transfer of parts of Department of Planning and Environment and Treasury to Department of Climate Change, Energy, the Environment and Water and Environment Protection Authority Staff Agency

- (1) The Environment and Heritage Group and the Water Group are transferred from the Department of Planning and Environment to the Department of Climate Change, Energy, the Environment and Water.
- (2) The Office of Energy and Climate Change is transferred from the Treasury to the Department of Climate Change, Energy, the Environment and Water.
- (3) The Environment line team in the Corporate Services Group are transferred from the Department of Planning and Environment to the Environment Protection Authority Staff Agency.

22 Construction of references to Department of Planning and Environment and Secretary of Department of Planning and Environment

- (1) A reference in a document to the Department of Planning and Environment must be read as a reference to—
 - (a) if used in relation to the Environment and Heritage Group or the Water Group—the Department of Climate Change, Energy, the Environment and Water, or
 - (b) if used in relation to the Environment line team in the Corporate Services Group—the Environment Protection Authority Staff Agency, or
 - (c) otherwise—the Department of Planning, Housing and Infrastructure.
- (2) A reference in a document to the Secretary of the Department of Planning and Environment must be read as a reference to—
 - (a) if used in relation to the Environment and Heritage Group or the Water Group—the Secretary of the Department of Climate Change, Energy, the Environment and Water, or
 - (b) if used in relation to the Environment line team in the Corporate Services Group—the Chief Executive Officer of the Environment Protection Authority, or

- (c) otherwise—the Secretary of the Department of Planning, Housing and Infrastructure.
- (3) A reference in a document requiring consultation with, or the concurrence of, or notification to, the Chief Executive of the Office of Environment and Heritage must be read as a reference to the Secretary of the Department of Climate Change, Energy, the Environment and Water.
- (4) Subsection (3) has effect despite the *Administrative Arrangements (Administrative Changes—Public Service Agencies) Order 2019*, clause 32(2)(b)(ii).
- (5) An existing reference in a document, if used in, or in relation to, a provision of an Act or instrument specified in the table to this section, must be read as a reference to the corresponding new reference set out in the table.
- (6) Subsection (5) prevails to the extent of an inconsistency with subsections (1)–(3).

Table

| Provision of Act or instrument | Existing reference | New reference |
|--|---|--|
| <i>Coastal Management Act 2016</i> , section 4(1), definition of Department | Department of Planning and Environment | Department of Climate Change, Energy, the Environment and Water |
| <i>Fisheries Management Act 1994</i> , section 220W(3)(a) | Secretary of the Department of Planning and Environment | Secretary of the Department of Climate Change, Energy, the Environment and Water |
| <i>Food Act 2003</i> , section 110, definition of relevant body | Secretary of the Department of Planning and Environment | Secretary of the Department of Climate Change, Energy, the Environment and Water |
| <i>Gas Supply Act 1996</i> , section 72A(2)(a) | Secretary (undefined) | Secretary of the Department of Climate Change, Energy, the Environment and Water |
| <i>Gas Supply Act 1996</i> , Dictionary, definition of Department | Department of Planning and Environment | Department of Climate Change, Energy, the Environment and Water |
| <i>Heritage Act 1977</i> , section 8(2) | Secretary of the Department of Planning, Industry and Environment | Secretary of the Department of Climate Change, Energy, the Environment and Water |

| Provision of Act or instrument | Existing reference | New reference |
|--|---|--|
| <i>Hunter Water Act 1991</i> , section 52 | Secretary of the Department of Planning, Industry and Environment | Secretary of the Department of Climate Change, Energy, the Environment and Water |
| <i>Hunter Water Act 1991</i> , section 57(1A)(a) | Department of Planning and Environment | Department of Climate Change, Energy, the Environment and Water |
| <i>Local Government Act 1993</i> , section 36D(3)(d) | Chief Executive of the Office of Environment and Heritage | Secretary of the Department of Climate Change, Energy, the Environment and Water |
| <i>Lord Howe Island Act 1953</i> , section 4(3)(d) and Schedule 1A, Part 2, clause 6(1)(f) | Department of Planning, Industry and Environment | Department of Climate Change, Energy, the Environment and Water |
| <i>Marine Estate Management Act 2014</i> , section 7(2)(c) | Secretary of the Department of Planning, Industry and Environment | Secretary of the Department of Climate Change, Energy, the Environment and Water |
| <i>Marine Estate Management Act 2014</i> , section 7(2)(d) | Secretary of the Department of Planning, Industry and Environment | Secretary of the Department of Planning, Housing and Infrastructure |
| <i>Plantations and Reforestation Act 1999</i> , section 15(4)(a) and (5) | Secretary of the Department of Planning and Environment | Secretary of the Department of Climate Change, Energy, the Environment and Water |
| <i>Plastic Reduction and Circular Economy Act 2021</i> , section 62(a) | Department of Planning, Industry and Environment | Department of Climate Change, Energy, the Environment and Water |
| <i>Water Supply (Critical Needs) Act 2019</i> , section 16(1)(a) | Department of Planning, Industry and Environment | Department of Planning, Housing and Infrastructure |

23 Construction of references to Treasury and Secretary of Treasury

- (1) If used in relation to the Office of Energy and Climate Change, a reference in a document to the Treasury must be read as a reference to the Department of Climate Change, Energy, the Environment and Water.
- (2) If used in relation to the Office of Energy and Climate Change, a reference in a document to the Secretary of the Treasury must be read as a reference to the

Secretary of the Department of Climate Change, Energy, the Environment and Water.

24 Construction of references in Appropriation Act 2023

- (1) A reference in the *Appropriation Act 2023*, section 10 to the Department of Planning and Environment must be read as a reference to—
 - (a) if used in relation to a relevant amount—the Department of Climate Change, Energy, the Environment and Water, or
 - (b) otherwise—the Department of Planning, Housing and Infrastructure.
- (2) A reference in the *Appropriation Act 2023*, section 10 to the Minister for Climate Change must be read as a reference to the Minister for Planning and Public Spaces, other than in relation to a relevant amount.
- (3) In this section—

relevant amount means an amount that may, in accordance with a determination made by the Treasurer under the *Government Sector Finance Act 2018*, section 4.9, be applied to a service, function or program transferred from the Department of Planning and Environment to one or more of the following—

 - (a) the Department of Climate Change, Energy, the Environment and Water,
 - (b) the Environment Protection Authority.

25 Transfer of part of Department of Customer Service to Premier's Department

- (1) The NSW Government Strategic Communications team is transferred from the Department of Customer Service to the Premier's Department.
- (2) If used in relation to the NSW Government Strategic Communications team, a reference in a document to the Department of Customer Service must be read as a reference to the Premier's Department.
- (3) If used in relation to the NSW Government Strategic Communications team, a reference in a document to the Secretary of the Department of Customer Service must be read as a reference to the Secretary of the Premier's Department.

Schedule 2 Amendment of Administrative Arrangements (58th Parliament) Order 2023—commencing 1 February 2024

[1] Part 7, Division 1

Insert after Part 7, heading, as inserted by Schedule 1—

Division 1 Transfers to Department of Climate Change, Energy, the Environment and Water

[2] Part 7, Division 2

Insert at the end of Part 7, as inserted by Schedule 1—

Division 2 Transfers to Department of Communities and Justice

**26 Transfer of parts of Department of Planning, Housing and Infrastructure to
Department of Communities and Justice**

The following parts of the Department of Planning, Housing and Infrastructure
(a *transferred DCJ part*) are transferred to the Department of Communities
and Justice—

- (a) the part that enables the Aboriginal Housing Office to exercise its functions,
- (b) the part that enables the New South Wales Land and Housing Corporation to exercise its functions,
- (c) the Housing Services team of the Homes, Property and Development Group.

**27 Construction of references to Planning, Housing and Infrastructure and
Secretary of Planning, Housing and Infrastructure**

- (1) A reference in a document to the Department of Planning, Housing and Infrastructure in relation to a transferred DCJ part must be read as a reference to the Department of Communities and Justice.
- (2) A reference in a document to the Secretary of the Department of Planning, Housing and Infrastructure in relation to a transferred DCJ part must be read as a reference to the Secretary of the Department of Communities and Justice.
- (3) The reference in the *Housing Act 2001*, section 6(2) and (3) to the Secretary of the Department of Planning, Industry and Environment must be read as a reference to the Secretary of the Department of Communities and Justice.
- (4) In this section—
transferred DCJ part has the same meaning as in section 26.

Schedule 3 Amendment of Administrative Arrangements (Minns Ministry—Administration of Acts) Order 2023

[1] Schedule 1 Allocation of the administration of Acts

Omit “and the Minister for Customer Service and Digital Government” from the matter relating to the *Government Advertising Act 2011* under the heading **Premier**.

[2] Schedule 1, Special Minister of State

Insert in alphabetical order—

| | |
|---|---|
| <i>Crown Land Management Act 2016</i> No 58 | in so far as it relates to the Crown land known as Government House Sydney, reserve number 1037869 |
|---|---|

[3] Schedule 1, Special Minister of State

Omit “and the Minister for Customer Service and Digital Government” from the matter relating to the *Government Advertising Act 2011*.

[4] Schedule 1, Minister for Planning and Public Spaces

Omit “Minister for Finance” from the matter relating to the *Public Works and Procurement Act 1912*.

Insert instead “Minister for Domestic Manufacturing and Government Procurement”.

[5] Schedule 1, Minister for Customer Service and Digital Government

Omit the matter relating to the *Government Advertising Act 2011*.

[6] Schedule 1, Attorney General

Omit the matter relating to the *Crown Land Management Act 2016*.

[7] Schedule 1, Minister for Regional New South Wales

Omit “Minister for Finance” from the matter relating to the *Public Works and Procurement Act 1912*.

Insert instead “Minister for Domestic Manufacturing and Government Procurement”.

[8] Schedule 1, Minister for Lands and Property

Omit “Attorney General” from the matter relating to the *Crown Land Management Act 2016*.

Insert instead “Special Minister of State”.

Schedule 4 Amendment of Administrative Arrangements (Public Service agencies and Ministers) Order 2023

[1] Schedule 1 Ministers to whom Public Service agencies responsible

Omit the matter relating to the Department of Planning and Environment from section 1.

Insert instead—

| | |
|--|---|
| Department of Climate Change, Energy, the Environment and Water | Minister for Climate Change Minister for Energy Minister for the Environment Minister for Heritage Minister for Water |
|--|---|

[2] Schedule 1, section 1

Omit “Minister for Climate Change” and “Minister for Energy” from the matter relating to the Treasury.

[3] Schedule 1, section 1

Insert after the matter relating to the Treasury—

| | |
|---|--|
| Department of Planning, Housing and Infrastructure | Minister for Planning and Public Spaces Minister for Local Government Minister for Lands and Property Minister for Housing Minister for Western Sydney |
|---|--|

[4] Schedule 1, section 1

Insert “Minister for the Arts” at the end of the matter relating to the Department of Customer Service.

Schedule 5 Amendment of Government Sector Employment Act 2013 No 40

[1] Schedule 1 Public Service agencies

Omit “Department of Planning and Environment” from Part 1.

Insert instead—

Department of Climate Change, Energy, the Environment and Water

Department of Planning, Housing and Infrastructure

[2] Schedule 1, Part 2

Omit “Department of Planning and Environment” from the matter relating to the NSW Reconstruction Authority Staff Agency.

Insert instead “Department of Planning, Housing and Infrastructure”.