

Statute Law (Miscellaneous Provisions) Act 2015 No 15

[2015-15]



New South Wales

Status Information

Currency of version

Historical version for 9 July 2015 to 15 July 2015 (accessed 21 May 2024 at 11:06)

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Provisions in force

Some, but not all, of the provisions displayed in this version of the legislation have commenced.

Notes—

- **Note**
Amending provisions are subject to automatic repeal pursuant to sec 30C of the [Interpretation Act 1987](#) No 15 once the amendments have taken effect.

Authorisation

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Statute Law (Miscellaneous Provisions) Act 2015 No 15



New South Wales

Contents

Long title	3
1 Name of Act	3
2 Commencement	3
3 Explanatory notes	3
Schedule 1 Minor amendments	3
Schedule 2 (Repealed)	4
Schedule 3 Consequential amendments relating to enactment of Government Sector Employment Act 2013	4
Schedule 4 Amendments consequent on renaming of University of Technology, Sydney	45
Schedules 5, 6 (Repealed)	48
Schedule 7 General savings, transitional and other provisions	48

Statute Law (Miscellaneous Provisions) Act 2015 No 15



New South Wales

An Act to repeal certain Acts and instruments and to amend certain other Acts and instruments in various respects and for the purpose of effecting statute law revision; and to make certain savings.

1 Name of Act

This Act is the *Statute Law (Miscellaneous Provisions) Act 2015*.

2 Commencement

- (1) This Act commences on 8 July 2015, except as provided by this section.
- (2) The amendments made by Schedule 1 commence on the day or days specified in that Schedule in relation to the amendments concerned. If a commencement day is not specified, the amendments commence in accordance with subsection (1).
- (3) Schedule 3 commences on 15 July 2015.
- (4) Schedule 4 commences on 1 August 2015.
- (5) Schedule 7 commences on the date of assent to this Act.

3 Explanatory notes

The matter appearing under the heading “Explanatory note” in any of the Schedules does not form part of this Act.

Schedule 1 Minor amendments

1.1-1.26

(Repealed)

1.27 University of Technology, Sydney, Act 1989 No 69

[1] Long title

Omit “University of Technology, Sydney;”.

Insert instead “University of Technology Sydney;”.

[2] Section 1 Name of Act

Omit “*University of Technology, Sydney, Act 1989*”.

Insert instead “*University of Technology Sydney Act 1989*”.

[3] Section 3 Definitions

Omit “University of Technology, Sydney,” from the definition of **University** in section 3 (1).

Insert instead “University of Technology Sydney”.

[4] Section 5 Incorporation of University

Omit “University of Technology, Sydney”.

Insert instead “University of Technology Sydney”.

Explanatory note

Items [3] and [4] of the proposed amendments remove the comma from the name of the University of Technology, Sydney.

Items [1] and [2] make consequential amendments. Consequential amendments to other Acts and instruments are contained in Schedule 4.

1.28, 1.29

(Repealed)

Schedule 2 (Repealed)

Schedule 3 Consequential amendments relating to enactment of Government Sector Employment Act 2013

Explanatory note

This Schedule contains amendments that update terminology and references relating to Public Service agencies, heads of agencies and Public Service employees as a consequence of the *Government Sector Employment Act 2013*. The Schedule also includes other miscellaneous amendments that are consequential on the enactment of that Act.

3.1 Art Gallery of New South Wales Act 1980 No 65

[1] Section 4 (1), definition of “Director”

Omit the definition. Insert instead:

Director means the person employed in the Public Service as the Director of the Art Gallery.

[2] Section 8 (11), note

Omit the note.

[3] Section 11

Insert before section 12:

11 Staff

Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable the Trust to exercise its functions.

Note—

Section 59 of the *Government Sector Employment Act 2013* provides that the persons so employed (or whose services the Trust makes use of) may be referred to as officers or employees, or members of staff, of the Trust.

[4] Section 13 (6)

Omit the subsection. Insert instead:

(6) In this section, **authorised person** means the Director or a member of staff of the Trust.

[5] Section 14 (2) (a)

Omit the paragraph. Insert instead:

(a) the remuneration of members of staff of the Trust, or

[6] Schedule 1, clause 3

Omit the clause. Insert instead:

3 Application of *Government Sector Employment Act 2013*

The provisions of the *Government Sector Employment Act 2013* relating to the

employment of Public Service employees do not apply to a trustee.

3.2 Australian Jockey and Sydney Turf Clubs Merger Act 2010 No 93

Schedule 4, clause 7 (1)

Omit the subclause. Insert instead:

- (1) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to a Trustee.

3.3 Australian Museum Trust Act 1975 No 95

[1] Section 4 (1), definition of “Director”

Omit the definition. Insert instead:

Director means the person employed in the Public Service as the Director of the Australian Museum.

[2] Section 8 (11), note

Omit the note.

[3] Section 11

Insert before section 12:

11 Staff

Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable the Trust to exercise its functions.

Note—

Section 59 of the *Government Sector Employment Act 2013* provides that the persons so employed (or whose services the Trust makes use of) may be referred to as officers or employees, or members of staff, of the Trust.

[4] Section 13 (6)

Omit the subsection. Insert instead:

- (6) In this section, **authorised person** means the Director or a member of staff of the Trust.

[5] Schedule 1, clause 4

Omit the clause. Insert instead:

4 Application of [Government Sector Employment Act 2013](#)

The provisions of the [Government Sector Employment Act 2013](#) relating to the employment of Public Service employees do not apply to a trustee.

3.4 Bank Integration Act 1992 No 80

Section 5 (1), definition of “authorised person”

Omit paragraph (b) (ii). Insert instead:

(ii) a Public Service senior executive within the meaning of the [Government Sector Employment Act 2013](#),

3.5 Building and Construction Industry Long Service Payments Act 1986 No 19

Schedule 1, clause 6 (1)

Omit “[Public Service Act 1979](#)”.

Insert instead “[Government Sector Employment Act 2013](#)”.

3.6 Centenary Institute of Cancer Medicine and Cell Biology Act 1985 No 192

Schedule 1, clause 8 (1)

Omit “[Public Service Act 1979](#)”.

Insert instead “[Government Sector Employment Act 2013](#)”.

3.7 Centennial Park and Moore Park Trust Act 1983 No 145

[1] Section 4 (1), definition of “Director”

Omit the definition. Insert instead:

Director means the person employed in the Public Service as the Director of Centennial Park and Moore Park.

[2] Section 9 (12)

Omit the subsection including the note.

[3] Section 13

Insert before section 14:

13 Staff

Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable the Trust to exercise its functions.

Note—

Section 59 of the *Government Sector Employment Act 2013* provides that the persons so employed (or whose services the Trust makes use of) may be referred to as officers or employees, or members of staff, of the Trust. Section 47A of the *Constitution Act 1902* precludes the Trust from employing staff.

[4] Schedule 1, clause 4

Omit “*Public Sector Employment and Management Act 2002*”.

Insert instead “*Government Sector Employment Act 2013*”.

3.8 Central Coast Water Corporation Act 2006 No 105

[1] Schedule 3, clause 6 (1) (d)

Omit “Chapter 5 of the *Public Sector Employment and Management Act 2002*”.

Insert instead “Part 6 of the *Government Sector Employment Act 2013*”.

[2] Schedule 3, clause 8 (1)

Omit the subclause. Insert instead:

- (1) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to a director of the Corporation.

[3] Schedule 3, clause 8 (2)

Omit “Chapter 5 of the *Public Sector Employment and Management Act 2002*”.

Insert instead “Part 6 of the *Government Sector Employment Act 2013*”.

[4] Schedule 3, clause 8 (2) (b)

Omit “section 118 (7)”. Insert instead “section 78 (7)”.

[5] Schedule 4, clause 7 (1)

Omit the subclause. Insert instead:

- (1) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to the chief executive officer.

[6] Schedule 4, clause 7 (2)

Omit “Chapter 5 of the *Public Sector Employment and Management Act 2002*”.

Insert instead “Part 6 of the *Government Sector Employment Act 2013*”.

[7] Schedule 4, clause 7 (2) (b)

Omit “section 118 (7)”. Insert instead “section 78 (7)”.

3.9 Children’s Court Act 1987 No 53

[1] Section 10A (1)

Omit “*Public Sector Management Act 1988*”.

Insert instead “*Government Sector Employment Act 2013*”.

[2] Section 11

Omit “*Public Service Act 1979*”.

Insert instead “*Government Sector Employment Act 2013*”.

[3] Schedule 1, clause 4

Omit the clause. Insert instead:

4 Government Sector Employment Act 2013 not to apply

The office of Children’s Magistrate is a statutory office and the *Government Sector Employment Act 2013* does not apply to that office.

3.10 Civil and Administrative Tribunal Act 2013 No 2

[1] Section 66 (4) and clause 9 (3) of Schedule 3

Omit “Director-General” wherever occurring. Insert instead “Secretary”.

[2] Schedule 2, clause 14 (1)

Omit “*Public Sector Employment and Management Act 2002*”.

Insert instead "*Government Sector Employment Act 2013*".

3.11 Coal Innovation Administration Act 2008 No 50

[1] Section 14

Omit "Government". Insert instead "Public".

[2] Schedule 1, clause 7 (1)

Omit the subclause. Insert instead:

- (1) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to a member.

3.12 Community Services (Complaints, Reviews and Monitoring) Act 1993 No 2

[1] Section 4 (1), definition of "relevant Minister"

Omit paragraph (a). Insert instead:

- (a) in the case of a service provider that is a Public Service agency, the Minister to whom that agency is responsible, or

[2] Section 7 (4)

Omit the subsection. Insert instead:

- (4) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to an Official Community Visitor.

[3] Section 34C (4) (e) and (f)

Omit "Attorney General and" wherever occurring.

[4] Section 34K (1) (a)

Omit "the Department Head, chief executive officer or senior member of any department of the government".

Insert instead "head, chief executive officer, senior executive or senior member of any Public Service agency".

[5] Section 34L (1) (d)

Omit “a Department Head, chief executive officer or senior member of any department of the government”.

Insert instead “the head, chief executive officer, senior executive or senior member of any Public Service agency”.

[6] Section 38 (1) (d)

Omit “Department Head, chief executive officer or senior member of any department of the government”.

Insert instead “head, chief executive officer, senior executive or senior member of any Public Service agency”.

[7] Schedule 2, clause 4

Omit “department of the government”. Insert instead “Public Service agency”.

[8] Schedule 2, clause 7 (1)

Omit the subclause. Insert instead:

- (1) The provisions of the [Government Sector Employment Act 2013](#) relating to the employment of Public Service employees do not apply to a member.

3.13 Community Welfare Act 1987 No 52

[1] Section 3 (1), definition of “officer”

Omit the definition. Insert in alphabetical order:

employee means a person employed in the Department.

[2] Section 11 (2)

Omit “officer’s”. Insert instead “employee’s”.

[3] Section 11 (5)

Omit “Board”. Insert instead “Commissioner”.

[4] Sections 75, 76B and 76C and clause 12 of Schedule 2

Omit “officer” wherever occurring. Insert instead “employee”.

3.14 Council of Law Reporting Act 1969 No 59

Section 8 (2) (a)

Omit the paragraph. Insert instead:

- (a) with the approval of the Minister to whom the Public Service agency concerned is responsible and of the Public Service Commissioner, and on such terms as may be arranged, make use of the services of persons employed in a Public Service agency, and

3.15 Crime Commission Act 2012 No 66

[1] Section 4 (1), definition of “government agency”

Omit paragraph (b). Insert instead:

- (b) a government sector agency within the meaning of the *Government Sector Employment Act 2013*,

[2] Section 14 (2)

Omit the subsection including the note.

[3] Section 74 (1)

Omit the subsection. Insert instead:

- (1) The staff of the Commission comprises:
 - (a) those persons who are employed in the Public Service under the *Government Sector Employment Act 2013* to enable the Commission to exercise its functions, and
 - (b) the persons referred to in subsections (2), (3) and (4).

Note—

Section 59 of the *Government Sector Employment Act 2013* provides that the persons so employed (or whose services the Commission makes use of) may be referred to as officers or employees, or members of staff, of the Commission. Section 47A of the *Constitution Act 1902* precludes the Commission from employing staff.

[4] Section 74 (6)

Omit the subsection. Insert instead:

- (6) The regulations may make provision for or with respect to the appointment, conditions of employment, discipline, code of conduct and termination of employment of staff of the Commission (except in so far as provision is made for those matters under the *Government Sector Employment Act 2013*).

[5] Section 78A (2) (d)

Omit “Attorney General and”.

[6] Schedule 1, clause 9

Omit the clause. Insert instead:

9 Public Service employment provisions excluded

The offices of Commissioner and Assistant Commissioner are statutory offices and the *Government Sector Employment Act 2013* does not apply to those offices.

[7] Schedule 2, clause 8 (1)

Omit the subclause. Insert instead:

- (1) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to an appointed member.

[8] Schedule 3, clause 8 (1)

Omit the subclause. Insert instead:

- (1) The office of Inspector is a statutory office and the *Government Sector Employment Act 2013* does not apply to that office.

3.16 Crimes (Administration of Sentences) Act 1999 No 93

[1] Section 3 (1), definitions of “Commissioner” and “Corrective Services NSW”

Omit “and Attorney General” wherever occurring.

[2] Section 3 (1), definition of “law enforcement agency”

Omit “Juvenile” from paragraph (h).

[3] Sections 78 (3) and 193 (3)

Omit “Director-General of the Department of Juvenile Justice” wherever occurring.

Insert instead “Secretary of the Department of Justice”.

[4] Sections 92 (5) and 242 (6)

Omit “and Attorney General” wherever occurring.

[5] Section 128A (2) (b)

Omit “public servant employed within the Department of Juvenile Justice”.

Insert instead “person employed in the Department of Justice”.

[6] Section 193 (4)

Omit “Director-General of the Department of Health”.

Insert instead “Secretary of the Ministry of Health”.

[7] Section 231

Omit “staff are to be appointed or employed under the *Public Sector Management Act 1988*”.

Insert instead “are to be employed in the Public Service under the *Government Sector Employment Act 2013*”.

[8] Section 235B

Omit “*Public Sector Management Act 1988* or the regulations”.

Insert instead “*Government Sector Employment Act 2013* or the regulations or rules”.

[9] Section 236N (1)

Omit “under Chapter 1A of the *Public Sector Employment and Management Act 2002*”.

Insert instead “under Part 4 of the *Government Sector Employment Act 2013*”.

[10] Section 241 (3)

Omit “*Public Sector Management Act 1988*”.

Insert instead “*Government Sector Employment Act 2013*”.

[11] Section 242 (1)

Omit “appointed under the *Public Sector Management Act 1988*”.

Insert instead “employed in the Public Service under the *Government Sector Employment Act 2013*”.

[12] Section 252A (1)

Omit “an officer of the Department of Juvenile Justice”.

Insert instead “a person employed in the Department of Justice”.

[13] Schedule 1, clause 9 (1)

Omit the subclause. Insert instead:

- (1) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to an appointed member.

[14] Schedule 2, clause 9 (1)

Omit the subclause. Insert instead:

- (1) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to an appointed member.

3.17 Crimes (Sentencing Procedure) Act 1999 No 92

[1] Section 3 (1), definition of “juvenile justice officer”

Omit “Juvenile”.

[2] Sections 51A (2) (b) and 100D (1) (b)

Omit “public servant employed within the Department of Juvenile Justice” wherever occurring.

Insert instead “person employed in the Department of Justice”.

[3] Section 60A, definition of “person responsible for the detention of the offender”

Omit “Director-General” wherever occurring. Insert instead “Secretary”.

[4] Section 60A, definition of “person responsible for the detention of the offender”

Omit “Attorney General and” wherever occurring.

[5] Section 63 (4), definition of “correctional officer”

Omit “Corrective Services” from paragraph (b). Insert instead “Justice”.

[6] Sections 100I (2) (h) and 100J (4)

Omit “Attorney General’s Department” wherever occurring.

Insert instead “Department of Justice”.

[7] Section 100L

Omit “government department”. Insert instead “Public Service agency”.

[8] Schedule 1A, clause 8 (1)

Omit the subclause. Insert instead:

- (1) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to a member.

3.18 Crown Advocate Act 1979 No 59

Section 4

Omit the section. Insert instead:

4 Government Sector Employment Act 2013 not to apply

The office of Crown Advocate is a statutory office and the *Government Sector Employment Act 2013* does not apply to that office.

3.19 Crown Prosecutors Act 1986 No 208

[1] Section 11

Omit the section. Insert instead:

11 Government Sector Employment Act 2013 not to apply

The offices of Senior Crown Prosecutor, Deputy Senior Crown Prosecutor and Crown Prosecutor are statutory offices and the *Government Sector Employment Act 2013* (including Part 6) does not apply to those offices.

[2] Schedule 1, clause 2 (1) (a)

Omit the paragraph. Insert instead:

- (a) a Public Service employee,

[3] Schedule 1, clause 3 (1) (b)

Omit the paragraph. Insert instead:

- (b) was, immediately before being appointed as a Crown Prosecutor, a Public Service employee or member of staff of a statutory body,

[4] Schedule 1, clause 3 (1)

Omit “appointed to some position in the Public Service or the service of that statutory

body, as the case may be, not lower in classification and salary than that which the person held”.

Insert instead “employed in the Public Service or as a member of staff of that statutory body, as the case requires, at a work level and salary not lower than the level at which the person was employed”.

[5] Schedule 1, clause 3 (2) (a)

Omit “officer or employee”. Insert instead “employee or member of staff”.

[6] Schedule 1, clause 3 (2)

Omit “appointment as such an officer or employee”.

Insert instead “employment as such an employee or member of staff”.

3.20 Director of Public Prosecutions Act 1986 No 207

[1] Section 9A (1)

Omit “Government Service or”. Insert instead “Public Service or as”.

[2] Section 15A (9), definition of “law enforcement officer”

Omit “an officer”. Insert “a member of staff”.

[3] Section 32

Omit the section. Insert instead:

32 Staff

Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable the Director and Solicitor to exercise their functions.

Note—

Section 59 of the *Government Sector Employment Act 2013* provides that the persons so employed (or whose services the Director or Solicitor makes use of) may be referred to as officers or employees, or members of staff, of the Director or Solicitor. Section 47A of the *Constitution Act 1902* precludes the Director and Solicitor from employing staff.

[4] Schedule 1, clause 7

Omit the clause. Insert instead:

7 Government Sector Employment Act 2013

The office of a Senior Officer is a statutory office and the *Government Sector*

Employment Act 2013 (including Part 6) does not apply to that office.

[5] Schedule 1, clause 9 (1)

Omit the subclause. Insert instead:

- (1) Subject to subclause (2) and to the terms of appointment, if a Senior Officer was, immediately before being appointed as a Senior Officer:
- (a) a Public Service employee, or
 - (b) a contributor to a superannuation scheme, or
 - (c) a member of staff of a statutory body, or
 - (d) a person in respect of whom provision was made by any Act for the retention of any rights accrued or accruing to the person as a Public Service employee or member of staff of a statutory body,

the Senior Officer:

- (e) retains any rights accrued or accruing to the Senior Officer as such an employee, contributor or member of staff, and
 - (f) may continue to contribute to any superannuation scheme to which the Senior Officer was a contributor immediately before being appointed as a Senior Officer, and
 - (g) is entitled to receive any deferred or extended leave and any payment, pension or gratuity,
- as if the Senior Officer had continued to be such an employee, contributor or member of staff during his or her service as a Senior Officer, and:
- (h) his or her service as a Senior Officer is taken to be service as an employee or member of staff for the purpose of any law under which those rights accrued or were accruing, under which the Senior Officer continues to contribute or by which that entitlement is conferred, and
 - (i) the Senior Officer is taken to be an employee or member of staff for the purposes of the superannuation scheme to which the Senior Officer is entitled to contribute under this clause.

[6] Schedule 1, clause 9 (3)

Omit “officer or employee”. Insert instead “employee or member of staff”.

[7] Schedule 1, clause 11 (1) (b)

Omit the paragraph. Insert instead:

(b) was, immediately before being appointed as a Senior Officer, a Public Service employee or member of staff of a statutory body,

[8] Schedule 1, clause 11 (1)

Omit “appointed to some position in the Public Service or the service of that statutory body, as the case may be, not lower in classification and salary than that which the person held”.

Insert instead “employed in the Public Service or as a member of staff of that statutory body, as the case requires, at a work level and salary not lower than the level at which the person was employed”.

[9] Schedule 1, clause 11 (2) (a)

Omit “officer or employee”. Insert instead “employee or member of staff”.

[10] Schedule 1, clause 11 (2)

Omit “appointment as such an officer or employee”.

Insert instead “employment as such an employee or member of staff”.

3.21 Election Funding, Expenditure and Disclosures Act 1981 No 78

[1] Section 110 (1), definition of “inspector”

Omit paragraph (a). Insert instead:

(a) who is employed in the Public Service, or

[2] Section 110A (8) (a)

Omit the paragraph. Insert instead:

(a) who is employed in the Public Service, or

3.22 Electricity Generator Assets (Authorised Transactions) Act 2012 No 35

[1] Section 27

Omit “officer of the Government Service”. Insert instead “Public Service employee”.

[2] Schedule 2, clause 2 (5)

Omit “*Public Sector Employment and Management Act 2002* (Chapter 5 included)”.

Insert instead “*Government Sector Employment Act 2013* (Part 6 included)”.

3.23 Energy and Utilities Administration Act 1987 No 103

[1] Long title

Omit “to establish the Department of Energy;”.

[2] Section 3 (1), definition of “State agency”

Omit paragraph (b). Insert instead:

(b) a Public Service agency, or

[3] Section 9

Insert after section 8:

9 Staff

Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable the Corporation to exercise its functions.

Note—

Section 59 of the *Government Sector Employment Act 2013* provides that the persons so employed (or whose services the Corporation makes use of) may be referred to as officers or employees, or members of staff, of the Corporation. Section 47A of the *Constitution Act 1902* precludes the Corporation from employing staff.

[4] Section 12 (1A)

Omit the subsection including the note.

[5] Section 42 (b)

Omit “officer of the Department or”. Insert instead “member of staff of the”.

[6] Section 45 (5) (b)

Omit the paragraph. Insert instead:

(b) a Public Service employee, or

3.24 Energy Services Corporations Act 1995 No 95

Schedule 2, clause 2 (4)

Omit “*Public Sector Management Act 1988* (Part 8 included)”.

Insert instead “*Government Sector Employment Act 2013* (Part 6 included)”.

3.25 Environmental Planning and Assessment Act 1979 No 203

[1] Section 4 (1), definition of “officer of the Department”

Omit the definition. Insert in alphabetical order:

employee of the Department means a person employed in the Department.

Note—

This includes the Secretary—see section 23 (5) of the *Government Sector Employment Act 2013*.

[2] Section 4 (1), definition of “public authority”

Omit paragraph (b). Insert instead:

(b) a Public Service agency, or

[3] Section 4 (1), definition of “public authority”

Omit paragraph (d). Insert instead:

(d) a Public Service senior executive within the meaning of the *Government Sector Employment Act 2013*, or

[4] Section 4 (3A)

Omit “government Department”. Insert instead “Public Service agency”.

[5] Sections 5B (1), 5C (2) (c), 5D (note), 26 (1B), 34A, 79B, 110C, 112B (2), 112C, 112D, 112E and 115N (5)

Omit “Director-General of the Department of Environment, Climate Change and Water” wherever occurring.

Insert instead “Chief Executive of the Office of Environment and Heritage”.

[6] Sections 5C (2) (c) and 34A (7)

Omit “Director-General of the Department of Industry and Investment” wherever occurring.

Insert instead “Secretary of the Department of Industry, Skills and Regional Development”.

[7] Sections 8 (3), 23 (1) (a) and 150 (1) (b) (i)

Omit “officer” wherever occurring. Insert instead “employee”.

[8] Section 23 (1) (b)

Omit “officer, employee or servant”. Insert instead “person”.

[9] Section 23D (3) and (4)

Omit the subsections. Insert instead:

(3) The Commission may, with the approval of the Secretary:

(a) arrange for the use of the services of any staff or facilities of a public authority,
and

(b) engage such consultants as it requires to exercise its functions.

[10] Sections 34A (5) (a), 79B (4) (b) and 112C (2) (a)

Omit “that Director-General” and “that Director-General’s” wherever occurring.

Insert instead “the Chief Executive” and “the Chief Executive’s”, respectively.

[11] Sections 79B (8A) and (8B) (b) and 112C (4)

Omit “the Director-General” wherever occurring.

Insert instead “the Chief Executive”.

[12] Section 79BA (1) (a)

Omit “of Planning”.

[13] Section 115Z (5) (b)

Omit “Department”. Insert instead “Public Service agency”.

[14] Section 117A

Omit “Director-General” wherever occurring. Insert instead “Secretary”.

[15] Section 117B (1) (a)

Omit “Director-General of the Department”.

Insert instead “Chief Executive of the Office”.

[16] Section 121ZC (6) (b)

Omit “member of staff of New South Wales Fire Brigades”.

Insert instead “person employed in Fire and Rescue NSW”.

[17] Section 145B (4) (c)

Omit the paragraph. Insert instead:

(c) a Public Service employee, and

[18] Section 158 (c)

Omit the paragraph. Insert instead:

(c) an employee of the Department, or

[19] Section 158

Omit “the Secretary, a member of staff, a member, a panel member, a committee member or a”.

Insert instead “Secretary, employee, member or”.

[20] Schedule 3, clause 8 (1) (d) and Schedule 4, clause 9 (1) (e)

Omit “Chapter 5 of the *Public Sector Employment and Management Act 2002*” wherever occurring.

Insert instead “Part 6 of the *Government Sector Employment Act 2013*”.

[21] Schedule 3, clause 12 (1)

Omit the subclause. Insert instead:

(1) The office of a member is a statutory office and the provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to that office.

[22] Schedule 4, clause 13 (1)

Omit the subclause. Insert instead:

(1) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to a member.

[23] Schedule 5B, clause 10 (1)

Omit the subclause. Insert instead:

- (1) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to a member.

3.26 Environmental Planning and Assessment Regulation 2000

[1] The whole Regulation (except Schedules 6 and 7 and where otherwise amended by this subschedule)

Omit “Director-General” and “Director-General’s” wherever occurring.

Insert instead “Secretary” and “Secretary’s”, respectively.

[2] Clause 3 (1), definition of “Director-General”

Omit the definition.

[3] Clauses 68 (1) (b) and 111 (1) (b)

Omit “Director-General” wherever occurring. Insert instead “Chief Executive”.

[4] Clauses 68 (1) (b) and 111 (1) (b) and (2)

Omit “National Parks and Wildlife” wherever occurring.

Insert instead “the Office of Environment and Heritage”.

[5] Clauses 100 (6) (a) (i), 112 (1) (c) and 244 (heading)

Omit “Director-General of National Parks and Wildlife” wherever occurring.

Insert instead “Chief Executive of the Office of Environment and Heritage”.

[6] Clause 100 (6) (b) (i)

Omit “Director of NSW Fisheries”.

Insert instead “Secretary of the Department of Industry, Skills and Regional Development”.

[7] Clause 123 (1)

Omit “Fair Trading”. Insert instead “Finance, Services and Innovation”.

[8] Clause 136E, note 3

Omit “Department of Environment, Climate Change and Water”.

Insert instead “Office of Environment and Heritage”.

[9] Clause 186Q (2) (b) and (c)

Omit “an officer of” wherever occurring. Insert instead “a person employed in”.

[10] Clause 284 (3) (b)

Omit “member of staff of”. Insert instead “person employed in”.

[11] Schedule 4, clause 4

Omit “Services, Technology and Administration”.

Insert instead “Finance, Services and Innovation”.

[12] Schedule 4, clause 10

Omit “Director-General of the Department of Environment, Climate Change and Water”.

Insert instead “Chief Executive of the Office of Environment and Heritage”.

[13] Schedule 4, clauses 15 (a) (ii), 16 (b) and 17 (1) (b)

Omit “of Planning” wherever occurring.

[14] Schedule 4, clause 19 (c)

Omit “of Planning and Infrastructure”.

3.27 Fire Services Joint Standing Committee Act 1998 No 18

[1] Schedule 1, clause 5 (1) (d)

Omit “Part 8 of the *Public Sector Management Act 1988*”.

Insert instead “Part 6 of the *Government Sector Employment Act 2013*”.

[2] Schedule 1, clause 8 (1)

Omit the subclause. Insert instead:

- (1) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to a member.

3.28 Garvan Institute of Medical Research Act 1984 No 106

Schedule 1, clause 9 (1)

Omit “*Public Service Act 1979*”.

Insert instead "*Government Sector Employment Act 2013*".

3.29 Government Information (Information Commissioner) Act 2009 No 53

Section 30 (2)

Omit "Director-General or Deputy Director-General (General Counsel)".

Insert instead "Secretary or General Counsel".

3.30 Government Property NSW Act 2006 No 40

[1] Section 3 (1), definition of "Chief Executive Officer"

Omit the definition. Insert instead:

Chief Executive Officer means the person employed in the Public Service as the Chief Executive Officer of Government Property NSW.

[2] Section 3 (1), definition of "government agency"

Omit paragraph (c). Insert instead:

(c) a Public Service agency,

[3] Section 7A

Insert after section 7:

7A Staff

Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable Government Property NSW to exercise its functions.

Note—

Section 59 of the *Government Sector Employment Act 2013* provides that the persons so employed (or whose services Government Property NSW makes use of) may be referred to as officers or employees, or members of staff, of Government Property NSW. Section 47A of the *Constitution Act 1902* precludes Government Property NSW from employing staff.

[4] Section 8 (4) (a)

Omit the paragraph. Insert instead:

(a) a member of staff of Government Property NSW, or

[5] Section 11 (4)

Omit the subsection including the note.

[6] Section 12 (2)

Omit “officer of”. Insert instead “person employed in or by”.

[7] Section 21A (9)

Omit the subsection. Insert instead:

- (9) A reference in this section to land owned or occupied by a government agency that is a Public Service agency is a reference to land owned or occupied, or under the control of, the agency or the Minister to whom the agency is responsible.

3.31 Greyhound Racing Act 2009 No 19

Sections 13 (3) and 14 (3) and clause 17 (1) of Schedule 1

Omit “*Public Sector Employment and Management Act 2002*” wherever occurring.

Insert instead “*Government Sector Employment Act 2013*”.

3.32 Harness Racing Act 2009 No 20

Sections 13 (3) and 14 (3) and clause 17 (1) of Schedule 1

Omit “*Public Sector Employment and Management Act 2002*” wherever occurring.

Insert instead “*Government Sector Employment Act 2013*”.

3.33 Health Care Complaints Act 1993 No 105

Schedule 2, clause 3 (1) (d)

Omit “Part 8 of the *Public Sector Management Act 1988*”.

Insert instead “Part 6 of the *Government Sector Employment Act 2013*”.

3.34 Historic Houses Act 1980 No 94

[1] Section 4 (1), definition of “Director”

Omit the definition. Insert instead:

Director means the person employed in the Public Service as the Director of Historic Houses.

[2] Section 8 (8)

Omit the subsection including the note.

[3] Section 13

Insert before section 14:

13 Staff

Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable the Trust to exercise its functions.

Note—

Section 59 of the *Government Sector Employment Act 2013* provides that the persons so employed (or whose services the Trust makes use of) may be referred to as officers or employees, or members of staff, of the Trust. Section 47A of the *Constitution Act 1902* precludes the Trust from employing staff.

[4] Section 15 (6)

Omit the subsection. Insert instead:

(6) In this section, **authorised person** means the Director or a member of staff of the Trust.

[5] Schedule 1, clause 4

Omit the clause. Insert instead:

4 Application of Government Sector Employment Act 2013

The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to a trustee.

3.35 Home Building Act 1989 No 147

Schedule 5, clause 9 (1)

Omit "*Public Sector Employment and Management Act 2002*".

Insert instead "*Government Sector Employment Act 2013*".

3.36 Inspector of Custodial Services Act 2012 No 55

[1] Section 5 (1)

Omit the subsection. Insert instead:

(1) Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable the Inspector to exercise his or her functions.

[2] Sections 5 (3) (a) and 14 (2)

Omit “Division of the Government Service” wherever occurring.

Insert instead “Public Service agency”.

[3] Section 5 (4)

Omit the subsection. Insert instead:

(4) The head of the Public Service agency in which staff of the Inspector are employed may delegate to the Inspector or a member of staff of the Inspector any of the agency head’s functions under the *Government Sector Employment Act 2013* with respect to those staff (other than this power of delegation).

[4] Section 5 (5)

Omit “subsections (1)–(4)”. Insert instead “subsection (3)”.

[5] Section 14 (2) (a)

Omit “Division Head”. Insert instead “head of the agency”.

[6] Section 14 (3)

Omit “a Division Head” and “the Division Head”.

Insert instead “an agency head” and “the agency head”, respectively.

[7] Schedule 1, clause 8 (1)

Omit the subclause. Insert instead:

(1) The office of Inspector is a statutory office and the *Government Sector Employment Act 2013* (including Part 6) does not apply to that office.

3.37 Land and Environment Court Act 1979 No 204

[1] Sections 13 (5) and 15 (1)

Omit “*Public Sector Employment and Management Act 2002*” wherever occurring.

Insert instead “*Government Sector Employment Act 2013*”.

[2] Schedule 1, clause 3

Omit the clause. Insert instead:

3 Application of [Government Sector Employment Act 2013](#)

The office of a Commissioner is a statutory office and the provisions of the [Government Sector Employment Act 2013](#) relating to the employment of Public Service employees do not apply to that office.

[3] Schedule 1, clause 8 (2)

Omit the subclause. Insert instead:

- (2) Subject to subclause (3) and to the terms of appointment, if a full-time Commissioner was, immediately before being appointed as full-time Commissioner:
- (a) a Public Service employee, or
 - (b) a contributor to a superannuation scheme, or
 - (c) a member of staff of a statutory body, or
 - (d) a person in respect of whom provision was made by an Act for the retention of any rights accrued or accruing to the person as a Public Service employee or member of staff of a statutory body,
- the Commissioner:
- (e) retains any rights accrued or accruing to the Commissioner as such an employee, contributor or member of staff, and
 - (f) may continue to contribute to any superannuation scheme to which the Commissioner was a contributor immediately before being appointed as Commissioner, and
 - (g) is entitled to receive any deferred or extended leave and any payment, pension or gratuity,
- as if the Commissioner had continued to be such an employee, contributor or member of staff during the Commissioner's service as Commissioner, and:
- (h) the Commissioner's service as Commissioner is taken to be service as an employee or member of staff for the purposes of any law under which those rights accrued or were accruing, under which the Commissioner continues to contribute or by which that entitlement is conferred, and
 - (i) the Commissioner is taken to be an employee or member of staff, and the

Government of New South Wales is taken to be the Commissioner's employer, for the purpose of the superannuation scheme to which the Commissioner is entitled to contribute under this subclause.

[4] Schedule 1, clause 8 (4)

Omit "officer or employee". Insert instead "employee or member of staff".

[5] Schedule 1, clause 9 (1), definition of "retiring age"

Omit the definition. Insert instead:

retiring age means:

- (a) in relation to a person who was, immediately before being appointed as a full-time Commissioner, a person employed in the Public Service—the age of 60 years, and
- (b) in relation to a person who was, immediately before being appointed as a full-time Commissioner, a member of staff of a statutory body and except as provided in paragraph (a)—the age at which members of staff (being members of staff of the class to which that person belonged immediately before being appointed as a full-time Commissioner) of that body are entitled to retire.

[6] Schedule 1, clause 9 (2)

Omit the subclause. Insert instead:

- (2) If a person ceases to be a full-time Commissioner, otherwise than pursuant to clause 7 (paragraph (b) excepted), the person is, if the person has not attained the retiring age, entitled to be employed, if, immediately before being appointed as full-time Commissioner, the person was:
 - (a) a person employed in the Public Service—in the Public Service, or
 - (b) a member of staff of a statutory body—as a member of staff of that body, at a work level and salary not lower than the level at which the person was employed immediately before being appointed as Commissioner.

3.38 Law and Justice Foundation Act 2000 No 97

[1] Section 9 (1)

Omit "Part 2 of the *Public Sector Management Act 1988*".

Insert instead "The *Government Sector Employment Act 2013*".

[2] Section 9 (2)

Omit the subsection. Insert instead:

- (2) The Foundation may, with the approval of the Minister to whom a Public Service agency is responsible, make use of the services of a person employed in that agency on such terms as may be arranged.

[3] Schedule 1, clause 6 (2)

Omit the subclause. Insert instead:

- (2) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to an appointed member.

[4] Schedule 2, clause 1 (2)

Omit the subclause. Insert instead:

- (2) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to the Director.

3.39 Law Reform Commission Act 1967 No 39

[1] Section 8 (6)

Omit "*Public Service Act 1979*".

Insert instead "*Government Sector Employment Act 2013*".

[2] Section 14

Omit the section. Insert instead:

14 Staff

Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable the Commission to exercise its functions.

Note—

Section 59 of the *Government Sector Employment Act 2013* provides that the persons so employed (or whose services the Commission makes use of) may be referred to as officers or employees, or members of staff, of the Commission.

[3] Schedule 1, clause 2

Omit the clause. Insert instead:

2 Preservation of rights—generally

Subject to clause 3 and to the terms of his or her appointment, if a commissioner was, immediately before appointment as a commissioner:

- (a) a Public Service employee, or
- (b) a contributor to a superannuation scheme, or
- (c) a member of staff of a statutory body, or
- (d) a person in respect of whom provision was made by any Act that the person retain any rights accrued or accruing to the person as a Public Service employee or member of staff of a statutory body,

the commissioner:

- (e) retains any rights accrued or accruing to the commissioner as such an employee, contributor or member of staff, and
- (f) may continue to contribute to any superannuation scheme to which the commissioner was a contributor immediately before appointment as a commissioner, and
- (g) is entitled to receive any deferred or extended leave and any payment, pension or gratuity,

as if the commissioner had continued to be such an employee, contributor or member of staff during service as a commissioner, and:

- (h) service as a commissioner is taken to be service as an employee or member of staff for the purpose of any law under which those rights accrued or were accruing, under which the commissioner continues to contribute or by which that entitlement is conferred, and
- (i) the commissioner is taken to be an employee or member of staff, and the Government of New South Wales is taken to be the commissioner's employer, for the purposes of the superannuation scheme to which the commissioner is entitled to contribute under this clause.

[4] Schedule 1, clause 3 (2)

Omit "officer or employee". Insert instead "employee or member of staff".

[5] Schedule 1, clause 5

Omit the clause. Insert instead:

5 Reappointment to former employment in certain cases

- (1) In this clause, **retiring age** means, in relation to a person who was, immediately before appointment as a commissioner:
- (a) a person employed in the Public Service—the age of 60 years, or
 - (b) a member of staff of a statutory body—the age at which members of staff (being members of staff of the class to which that person belonged immediately before appointment as a commissioner) of that statutory body are entitled to retire.
- (2) A person who ceased to be a commissioner, otherwise than pursuant to section 9 (2), is, if the person has not attained the retiring age, entitled to be employed, if, immediately before appointment as a commissioner, the person was:
- (a) a person employed in the Public Service—in the Public Service, or
 - (b) a member of staff of a statutory body—as a member of staff of that body, at a work level and salary not lower than the level at which the person was employed immediately before appointment as a commissioner.

3.40 Library Act 1939 No 40

[1] Section 2 (1), definition of “State Librarian”

Omit the definition. Insert instead:

State Librarian means the person employed in the Public Service as the State Librarian.

[2] Section 4B (12), note

Omit the note.

[3] Section 5A

Insert after section 5:

5A Staff

Persons may be employed in the Public Service under the [Government Sector Employment Act 2013](#) to enable the Council to exercise its functions.

Note—

Section 59 of the [Government Sector Employment Act 2013](#) provides that the persons so employed (or whose services the Council makes use of) may be referred to as officers or employees, or members of staff, of the Council.

[4] Section 7B (6)

Omit the subsection. Insert instead:

- (6) In this section, **authorised person** means the State Librarian or a member of staff of the Council.

[5] Schedule 1, clause 4

Omit the clause. Insert instead:

4 Public Service employment provisions excluded

The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to a member.

3.41 Loan Fund Companies Act 1976 No 94

[1] Section 5 (1) and (2)

Omit the subsections. Insert instead:

- (1) The Supervisor is the person employed in the Public Service as the Supervisor of Loan Fund Companies.

[2] Section 6 (1)

Omit “a person appointed by the Governor as”.

Insert instead “the person employed in the Public Service as the”.

3.42 Mental Health Commission Act 2012 No 13

[1] Section 4 (1), definition of “public sector agency”

Omit paragraph (a). Insert instead:

- (a) a Public Service agency,

[2] Section 5 (5)

Omit the subsection including the note.

[3] Section 14A

Insert after section 14:

14A Staff

Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable the Commission to exercise its functions.

Note—

Section 59 of the *Government Sector Employment Act 2013* provides that the persons so employed (or whose services the Commission makes use of) may be referred to as officers or employees, or members of staff, of the Commission. Section 47A of the *Constitution Act 1902* precludes the Commission from employing staff.

[4] Schedule 1, clause 6 (1)

Omit the subclause. Insert instead:

- (1) The offices of Commissioner and Deputy Commissioner are statutory offices and the provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to those offices.

3.43 Museum of Applied Arts and Sciences Act 1945 No 31

[1] Section 7

Omit the section. Insert instead:

7 Application of Government Sector Employment Act 2013

The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to a trustee.

[2] Section 13

Omit “officers or employees”. Insert instead “members of staff”.

[3] Section 13

Omit “its officers”. Insert instead “its members of staff”.

[4] Section 14 (2), note

Omit the note.

[5] Section 14A

Insert after section 14:

14A Staff

Persons may be employed in the Public Service under the *Government Sector*

Employment Act 2013 to enable the trustees to exercise their functions.

Note—

Section 59 of the *Government Sector Employment Act 2013* provides that the persons so employed (or whose services the trustees make use of) may be referred to as officers or employees, or members of staff, of the trustees.

[6] Section 15

Omit “officers and employees”. Insert instead “members of staff”.

3.44 Natural Resources Commission Act 2003 No 102

[1] Section 4 (1), definition of “government agency”

Omit “government department” from paragraph (a).

Insert instead “Public Service agency”.

[2] Section 10

Insert after section 9:

10 Staff

Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable the Commission to exercise its functions.

Note—

Section 59 of the *Government Sector Employment Act 2013* provides that the persons so employed (or whose services the Commission makes use of) may be referred to as officers or employees, or members of staff, of the Commission. Section 47A of the *Constitution Act 1902* precludes the Commission from employing staff.

[3] Section 13 (2)

Omit the subsection including the note.

[4] Section 19 (2)

Omit “Director-General or Deputy Director-General (General Counsel)”.

Insert instead “Secretary or General Counsel”.

[5] Schedule 1, clause 5 (1) (d)

Omit “Chapter 5 of the *Public Sector Employment and Management Act 2002*”.

Insert instead “Part 6 of the *Government Sector Employment Act 2013*”.

[6] Schedule 1, clause 7 (1)

Omit the subclause. Insert instead:

- (1) The offices of Commissioner and Assistant Commissioner are statutory offices and the provisions of the [Government Sector Employment Act 2013](#) relating to the employment of Public Service employees do not apply to those offices.

3.45 Parramatta Park Trust Act 2001 No 17

[1] Section 3 (1), definition of “Director”

Omit the definition. Insert instead:

Director means the person employed in the Public Service as Director of Parramatta Park.

[2] Section 7 (6)

Omit the subsection including the note.

[3] Section 21

Insert after section 20:

21 Staff

Persons may be employed in the Public Service under the [Government Sector Employment Act 2013](#) to enable the Trust to exercise its functions.

Note—

Section 59 of the [Government Sector Employment Act 2013](#) provides that the persons so employed (or whose services the Trust makes use of) may be referred to as officers or employees, or members of staff, of the Trust. Section 47A of the [Constitution Act 1902](#) precludes the Trust from employing staff.

[4] Schedule 2, clause 8 (1)

Omit the subclause. Insert instead:

- (1) The provisions of the [Government Sector Employment Act 2013](#) relating to the employment of Public Service employees do not apply to a trustee.

3.46 Ports and Maritime Administration Act 1995 No 13

[1] Section 27 (3) (d)

Omit the paragraph. Insert instead:

(d) a Public Service employee, or

[2] Section 41 (4)

Omit the subsection including the note.

3.47 Ports Assets (Authorised Transactions) Act 2012 No 101

[1] Section 33

Omit “officer of the Government Service”. Insert instead “Public Service employee”.

[2] Schedule 2, clause 2 (5)

Omit “*Public Sector Employment and Management Act 2002* (Chapter 5 included)”.

Insert instead “*Government Sector Employment Act 2013* (Part 6 included)”.

3.48 Professional Standards Act 1994 No 81

[1] Section 46

Omit “government department, an administrative office”.

Insert instead “Public Service agency”.

[2] Schedule 2, clause 5 (1) (d)

Omit “Part 8 of the *Public Sector Management Act 1988*”.

Insert instead “Part 6 of the *Government Sector Employment Act 2013*”.

[3] Schedule 2, clause 7 (1)

Omit the subclause. Insert instead:

- (1) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to a member.

3.49 Public Authorities (Financial Arrangements) Act 1987 No 33

Section 33

Omit the section. Insert instead:

33 Staff

Persons may be employed in the Public Service under the *Government Sector*

Employment Act 2013 to enable the Financing Corporation to exercise its functions.

Note—

Section 59 of the *Government Sector Employment Act 2013* provides that the persons so employed (or whose services the Financing Corporation makes use of) may be referred to as officers or employees, or members of staff, of the Financing Corporation. Section 47A of the *Constitution Act 1902* precludes the Financing Corporation from employing staff.

3.50 Public Defenders Act 1995 No 28

[1] Section 13

Omit the section. Insert instead:

13 Staff

Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable the Senior Public Defender to exercise his or her functions.

Note—

Section 59 of the *Government Sector Employment Act 2013* provides that the persons so employed (or whose services the Senior Public Defender makes use of) may be referred to as officers or employees, or members of staff, of the Senior Public Defender. Section 47A of the *Constitution Act 1902* precludes the Senior Public Defender from employing staff.

[2] Schedule 1, clause 1, definition of “public servant”

Omit the definition. Insert instead:

public servant means a person employed in the Public Service or a member of staff of a statutory body.

[3] Schedule 1, clause 7

Omit the clause. Insert instead:

7 Government Sector Employment Act 2013

The office of an Officer is a statutory office and the *Government Sector Employment Act 2013* (including Part 6) does not apply to that office.

[4] Schedule 1, clause 9 (1)

Omit the subclause. Insert instead:

(1) A person who:

- (a) ceases to be an Officer by resignation or who completes a term of office as an Officer and is not reappointed, and
- (b) was, immediately before being appointed as an Officer:
 - (i) a person employed in the Public Service, the Teaching Service or the NSW Health Service, or
 - (ii) a member of staff of a statutory body,is entitled to be employed in the Public Service, the Teaching Service or the NSW Health Service or as a member of staff of that statutory body, as the case requires, at a work level and salary not lower than the level at which the person was employed immediately before being appointed as an Officer.

[5] Schedule 1, clause 9 (2)

Omit “officer or employee” wherever occurring.

Insert instead “employee or member of staff”.

3.51 Racing Appeals Tribunal Act 1983 No 199

[1] Section 14 (1)

Omit “*Public Sector Employment and Management Act 2002*”.

Insert instead “*Government Sector Employment Act 2013*”.

[2] Section 19

Omit “officers or servants” wherever occurring. Insert instead “members of staff”.

[3] Section 19 (1) (b)

Omit the paragraph. Insert instead:

- (b) any person employed in a Public Service agency responsible to the Minister.

3.52 Royal Botanic Gardens and Domain Trust Act 1980 No 19

[1] Section 4 (1), definition of “Executive Director”

Omit the definition. Insert instead:

Executive Director means the person employed in the Public Service as the Executive Director of the Royal Botanic Gardens and Domain.

[2] Section 8 (11)

Omit the subsection including the note.

[3] Section 12

Insert before section 13:

12 Staff

Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable the Trust to exercise its functions.

Note—

Section 59 of the *Government Sector Employment Act 2013* provides that the persons so employed (or whose services the Trust makes use of) may be referred to as officers or employees, or members of staff, of the Trust. Section 47A of the *Constitution Act 1902* precludes the Trust from employing staff.

[4] Section 14 (6)

Omit the subsection. Insert instead:

(6) In this section, **authorised person** means the Executive Director or any other member of staff of the Trust.

[5] Section 15 (2) (a)

Omit the paragraph. Insert instead:

(a) the remuneration of any member of staff of the Trust, or

[6] Schedule 1, clause 4

Omit "*Public Sector Management Act 1988*".

Insert instead "*Government Sector Employment Act 2013*".

3.53 Solicitor General Act 1969 No 80

[1] Section 2 (9)

Omit the subsection. Insert instead:

(9) The office of Solicitor General is a statutory office and the *Government Sector Employment Act 2013* (including Part 6) does not apply to that office.

[2] Schedule 1, clause 2 (1)

Omit the subclause. Insert instead:

- (1) This clause applies to the Solicitor General if the Solicitor General, immediately before being appointed as Solicitor General, was:
 - (a) a person employed in the Public Service, the Teaching Service or the NSW Health Service, or
 - (b) a contributor to a superannuation scheme, or
 - (c) a member of staff of a statutory body, or
 - (d) a person in respect of whom provision was made by any Act for the retention of any rights accrued or accruing to the person as an employee or member of staff.

[3] Schedule 1, clause 2 (2)

Omit “officer, contributor or person” wherever occurring.

Insert instead “employee, contributor or member of staff”.

[4] Schedule 1, clauses 2 (3), (4) and (6) and 3 (2)

Omit “officer or employee” wherever occurring.

Insert instead “employee or member of staff”.

[5] Schedule 1, clause 3 (1)

Omit the subclause. Insert instead:

- (1) A person who:
 - (a) ceases to be Solicitor General by resignation or who completes a term of office as Solicitor General and is not reappointed, and
 - (b) was, immediately before being appointed as Solicitor General:
 - (i) a person employed in the Public Service, the Teaching Service or the NSW Health Service, or
 - (ii) a member of staff of a statutory body,

is entitled to be employed in the Public Service, the Teaching Service or the NSW Health Service or as a member of staff of that statutory body, as the case requires, at a work level and salary not lower than the level at which the person was

employed immediately before being appointed as Solicitor General.

3.54 Standard Instrument (Local Environmental Plans) Order 2006

[1] Clause 8 (2)

Omit “Director-General” wherever occurring. Insert instead “Secretary”.

[2] Standard Instrument, clause 4.6 (4) (b) and (5)

Omit “Director-General” wherever occurring. Insert instead “Secretary”.

[3] Standard Instrument, Dictionary, definition of “heritage conservation management plan”

Omit “Division of the Government Service”. Insert instead “Public Service agency”.

[4] Standard Instrument, Dictionary, definition of “public utility undertaking”

Omit “Government Department” wherever occurring.

Insert instead “Public Service agency”.

3.55 Superannuation Administration Authority Corporatisation Act 1999 No 5

Schedule 3, clause 3 (5)

Omit “*Public Sector Management Act 1988* (Part 8 included)”.

Insert instead “*Government Sector Employment Act 2013* (Part 6 included)”.

3.56 Sydney Opera House Trust Act 1961 No 9

[1] Section 4 (7)

Omit the subsection including the note.

[2] Section 9 Application of [Government Sector Employment Act 2013](#)

Omit section 9 (1). Insert instead:

- (1) The provisions of the [Government Sector Employment Act 2013](#) relating to the employment of Public Service employees do not apply to a trustee.

[3] Section 16

Insert after section 15:

16 Staff

Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable the Trust to exercise its functions.

Note—

Section 59 of the *Government Sector Employment Act 2013* provides that the persons so employed (or whose services the Trust makes use of) may be referred to as officers or employees, or members of staff, of the Trust. Section 47A of the *Constitution Act 1902* precludes the Trust from employing staff.

3.57 Thoroughbred Racing Act 1996 No 37

Section 18 (3)

Omit “*Public Sector Management Act 1988*”.

Insert instead “*Government Sector Employment Act 2013*”.

3.58 Veterinary Practice Act 2003 No 87

[1] Sections 11 (4) (b) and 14 (5) (b)

Omit “government department” wherever occurring.

Insert instead “Public Service agency”.

[2] Section 80 (1)

Omit “Chapter 2 of the *Public Sector Employment and Management Act 2002*”.

Insert instead “Part 4 of the *Government Sector Employment Act 2013*”.

[3] Schedule 2, clause 10 (1)

Omit “*Public Sector Employment and Management Act 2002*”.

Insert instead “*Government Sector Employment Act 2013*”.

Schedule 4 Amendments consequent on renaming of University of Technology, Sydney

Explanatory note

The proposed amendments in this Schedule update references to a university consequent on the amendments made to the *University of Technology, Sydney, Act 1989* by Schedule 1.

4.1 Architects Regulation 2012

Clauses 4 (d), 7 (d) and 8 (c) and (d)

Omit “University of Technology, Sydney” wherever occurring.

Insert instead “University of Technology Sydney”.

4.2 Charitable Fundraising Regulation 2008

Clause 8 (i)

Omit “University of Technology, Sydney”.

Insert instead “University of Technology Sydney”.

4.3 Government Sector Employment Regulation 2014

Clause 34 (h)

Omit “University of Technology, Sydney”.

Insert instead “University of Technology Sydney”.

4.4 Higher Education Act 2001 No 102

Schedule 1, Part 1

Omit “University of Technology, Sydney”.

Insert instead “University of Technology Sydney”.

4.5 Public Finance and Audit Act 1983 No 152

Schedule 2

Omit “University of Technology, Sydney”.

Insert instead “University of Technology Sydney”.

4.6 Road Transport (General) Regulation 2013

Schedule 2, Column 1

Omit “University of Technology, Sydney”.

Insert instead “University of Technology Sydney”.

4.7 State Authorities Non-contributory Superannuation Act 1987 No 212

Schedule 1, Part 1

Omit “University of Technology, Sydney”.

Insert instead “University of Technology Sydney”.

4.8 State Authorities Superannuation Act 1987 No 211

Schedule 1, Part 1

Omit “University of Technology, Sydney”.

Insert instead “University of Technology Sydney”.

4.9 State Public Service Superannuation Act 1985 No 45

Schedule 3

Omit “The University of Technology, Sydney”.

Insert instead “The University of Technology Sydney”.

4.10 Superannuation Act 1916 No 28

Schedule 3, Part 1 and Schedule 26, Part 2

Omit “University of Technology, Sydney” wherever occurring.

Insert instead “University of Technology Sydney”.

4.11 Technical Education Trust Funds Act 1967 No 95

Section 2 (1) (paragraph (b) of definition of “educational establishment”)

Omit “University of Technology, Sydney”.

Insert instead “University of Technology Sydney”.

4.12 Transport Administration Act 1988 No 109

Section 122 (definition of “Parramatta Rail Link”)

Insert “Sydney” after “University of Technology”.

4.13 Universities Governing Bodies Act 2011 No 51

Section 3 (1)

Omit “University of Technology, Sydney” wherever occurring.

Insert instead “University of Technology Sydney”.

4.14 University of Technology, Sydney, By-law 2005

[1] Clause 1

Omit “*University of Technology, Sydney, By-law 2005*”.

Insert instead “*University of Technology Sydney By-law 2005*”.

[2] Clause 2

Omit “*University of Technology, Sydney*” and “*University of Technology, Sydney,*”.

Insert instead “*University of Technology Sydney*” and “*University of Technology Sydney,*”, respectively.

[3] Clause 3 (1) (definition of “the Act”)

Omit “*University of Technology, Sydney,*”.

Insert instead “*University of Technology Sydney*”.

Schedules 5, 6 (Repealed)

Schedule 7 General savings, transitional and other provisions

1 Effect of amendment of amending provisions

(1) An amendment made by Schedule 1 or 2 to an amending provision contained in an Act or instrument is, if the amending provision has commenced before the Schedule 1 or 2 amendment concerned, taken to have effect as from the commencement of the amending provision (whether or not the amending provision has been repealed).

(2) In this clause:

amending provision means a provision of an Act or instrument that makes a direct amendment to an Act or instrument by:

- (a) the repeal or omission of matter contained in the amended Act or instrument without the insertion of any matter instead of the repealed or omitted matter, or
- (b) the omission of matter contained in the amended Act or instrument and the insertion of matter instead of the omitted matter, or
- (c) the insertion into the amended Act or instrument of matter, not being matter inserted instead of matter omitted from the Act or instrument.

Explanatory note

This clause ensures that certain amendments, including amendments correcting errors in technical provisions (for example, headings indicating the section to be amended or directions as to where a new section is to be inserted) and rectifying minor drafting errors (for example, corrections in numbering of provisions, correction or insertion of cross-references, omission of unnecessary matter or insertion of omitted matter), will be taken to have commenced on the date the amendments to which they relate commenced.

2 Effect of amendment or repeal on acts done or decisions made

Except where it is expressly provided to the contrary, if this Act:

- (a) amends a provision of an Act or an instrument, or
- (b) repeals and re-enacts (with or without modification) a provision of an Act or an instrument,

any act done or decision made under the provision amended or repealed has effect after the amendment or repeal as if it had been done or made under the provision as so amended or repealed.

Explanatory note

This clause ensures that the amendment or repeal of a provision will not, unless expressly provided, vitiate any act done or decision made under the provision as in force before the amendment or repeal.

3 Effect of amendment on instruments

Except where expressly provided to the contrary, any instrument made under an Act amended by this Act, that is in force immediately before the commencement of the amendment, is taken to have been made under the Act as amended.

Explanatory note

This clause ensures that, unless expressly provided, any instrument that is in force and made under a provision of an Act that is amended or substituted by the proposed Act will be taken to have been made under the Act as amended.

4 Revocation of repeal

Section 29A of the [Interpretation Act 1987](#) applies to the repeal of Acts or instruments, or provisions of Acts or instruments, by this Act.

Explanatory note

The effect of this clause is to enable the Governor, by proclamation, to revoke the repeal of any Act or instrument, or any provision of any Act or instrument, by the proposed Act. The Act or provision the subject of the revocation of repeal is taken not to be, and never to have been, repealed.

5 Regulations

- (1) The Governor may make regulations containing provisions of a savings or transitional nature consequent on the enactment of this Act.
- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to this Act or a later date.
- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication on the NSW legislation website, the provision does not operate so as:
 - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
 - (b) to impose liabilities on any person (other than the State or an authority of the

State) in respect of anything done or omitted to be done before the date of its publication.

Explanatory note

This clause enables the making of regulations of a savings or transitional nature having a short term effect and relating to incidental matters arising out of the proposed Act with regard to which no specific, or sufficient, provision has been made in the proposed Act.