



New South Wales

Statute Law (Miscellaneous Provisions) Act (No 2) 2015 No 58

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New South Wales

Statute Law (Miscellaneous Provisions) Act (No 2) 2015 No 58

Act No 58, 2015

An Act to amend certain Acts and instruments in various respects and for the purpose of effecting statute law revision; and to make certain savings. [Assented to 24 November 2015]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Statute Law (Miscellaneous Provisions) Act (No 2) 2015*.

2 Commencement

- (1) This Act commences on 8 January 2016, except as provided by this section.
- (2) The amendments made by the Schedules to this Act commence on the day or days specified in those Schedules 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 January 2016.
- (4) Schedule 4 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 Animal Diseases and Animal Pests (Emergency Outbreaks) Act 1991 No 73

Section 29 Duration of importation order

Omit “30 days” wherever occurring. Insert instead “6 months”.

Explanatory note

The proposed amendment extends, from 30 days to 6 months, the period for which an importation order (which prohibits or restricts the importation of certain animals, vehicles or other things) may be made or extended under the *Animal Diseases and Animal Pests (Emergency Outbreaks) Act 1991*.

1.2 Cemeteries and Crematoria Act 2013 No 105

[1] Section 44 Definitions

Omit “113” from paragraph (a) of the definition of *appropriate fee*. Insert instead “107”.

[2] Section 53 Compensation

Omit “the following” from section 53 (1).

Insert instead “one or other of the following at the election of the cemetery operator”.

[3] Section 53 (4)

Omit the subsection.

[4] Section 53 (6)

Omit “113 (8)” from the note to the subsection. Insert instead “107 (8)”.

[5] Section 56 Grant of interment right

Omit “cemetery operator” from section 56 (2). Insert instead “Cemeteries Agency”.

[6] Section 98 Plan of management for submerged land

Omit “Minister” from section 98 (1) where firstly occurring.

Insert instead “Cemeteries Agency”.

[7] Section 103 Establishment and functions of committees

Omit “Cemeteries Agency” from section 103 (3) (d). Insert instead “trust board”.

Explanatory note

Items [1] and [4] of the proposed amendments correct cross-references to the section under which a Crown cemetery operator sets fees payable with respect to certain matters and under which those fees may be disallowed or varied.

Item [2] clarifies that if a cemetery operator revokes a perpetual interment right, the holder of that right is entitled to only one of the available forms of compensation (being either an alternative interment site or a payment of compensation, as elected by the cemetery operator). Item [3] is a consequential amendment.

Item [5] provides that it is the Cemeteries Agency (rather than a cemetery operator, as is currently the case) that may approve the form in which an application for an interment right must be made.

Item [6] provides that it is the Cemeteries Agency (rather than the Minister, as is currently the case) that must refer a plan of management for submerged land to the Minister administering the *Fisheries Management Act 1994*.

Item [7] provides that it is a trust board (rather than the Cemeteries Agency, as is currently the case) that may confer functions on finance committees and audit and risk committees.

1.3 Combat Sports Act 2013 No 96

Section 7 Serological clearances

Omit “suffering from” from section 7 (1) (a).

Insert instead “capable of transmitting to any other person”.

Explanatory note

The item provides that a serological clearance (which is required for registration under the Act and participation in combat sport contests) is to certify that the person to whom it relates is not capable of transmitting a medical condition or disease (rather than certify that the person is not suffering from the condition or disease, as is currently the case).

1.4 Companion Animals Act 1998 No 87

[1] Section 58H Certificate of compliance required for dangerous and restricted dog enclosures

Omit “, menacing dog” wherever occurring in section 58H (1) and (4) (a).

[2] Section 58H (2)

Omit “, menacing”.

Explanatory note

The proposed amendments change a provision which relates to certificates of compliance concerning enclosures for dangerous or restricted dogs, by removing redundant references to menacing dogs (which are not required by the Act to be kept in such enclosures).

1.5 Electricity Supply Act 1995 No 94

[1] Section 87 Licence auditing functions of Tribunal

Omit “distributors” from section 87 (1) (a). Insert instead “network operators”.

[2] Section 191 Regulations

Insert “(or any person who operates a distribution system for or on behalf of either of those entities)” after “NSW” in section 191 (2A).

[3] Dictionary

Insert “, for or on behalf of” after “operated by” in paragraph (b) of the definition of *distribution system*.

Explanatory note

Item [1] of the proposed amendments extends a licence auditing function of the Independent Pricing and Regulatory Tribunal (which currently applies to licences held by distributors) to licences held by transmission operators, in line with similar amendments made to the *Electricity Supply Act 1995 (the Principal Act)* by the *Electricity Network Assets (Authorised Transactions) Act 2015* (including an amendment to section 88 (1) (a) identical to the proposed amendment to section 87 (1) (a)).

Item [2] extends the classes of electricity distributor that may be exempted from certain requirements of the Principal Act relating to the appointment of customer consultative groups, so as to include any person who operates the rail network electricity system for or on behalf of Rail Corporation New South Wales or Transport for NSW.

Item [3] extends the definition of *distribution system* for the purposes of the Principal Act so as to ensure that any person who operates the rail network electricity system for or on behalf of Rail Corporation New South Wales or Transport for NSW, which are currently treated as distributors for the purposes of the Principal Act, is also treated as a distributor.

1.6 Fisheries Management Act 1994 No 38

[1] Schedule 4 Endangered species, populations and ecological communities

Insert an asterisk before “*Posidonia australis*” (appearing under the heading Marine vegetation) in Part 2.

[2] Schedule 4, Part 4

Insert an asterisk before “*Vanvoorstia bennettiana*” (appearing under the heading Marine vegetation).

[3] Schedule 5 Vulnerable species and ecological communities

Insert an asterisk before “*Bidyanus bidyanus*” and “*Epinephelus daemeli*” (appearing under the heading Fish) in Part 1.

Explanatory note

Items [1] and [2] of the proposed amendments amend a Schedule listing endangered populations and species presumed extinct to indicate that certain species of marine vegetation listed in the Schedule are also listed threatened species under the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth (**the Commonwealth Act**).

Item [3] amends a Schedule listing vulnerable species to indicate that a species of silver perch and a species of black cod listed in the Schedule are also listed threatened species under the Commonwealth Act.

1.7 Health Care Complaints Act 1993 No 105

[1] Part 2, Division 5, note

Omit “unregistered”. Insert instead “non-registered”.

[2] Part 2, Division 6A, heading

Omit “unregistered”. Insert instead “non-registered”.

[3] Section 41AA Interim prohibition orders

Omit “an unregistered” and “the unregistered” from section 41AA (1).

Insert instead “a non-registered” and “the non-registered”, respectively.

[4] Sections 41AA (2) (a) and (6), 41A (1) (b) and (5), 41B (1) (a) and 41C (1) (a)

Omit “unregistered” wherever occurring. Insert instead “non-registered”.

Explanatory note

The proposed amendments change certain terminology used in reference to unregistered health practitioners to better reflect the status of health practitioners who do not fall within the registration requirements of the *Health Practitioner Regulation National Law (NSW)*.

1.8 Independent Pricing and Regulatory Tribunal Act 1992 No 39

Section 15 Matters to be considered by Tribunal under this Act

Insert “or under the applied provisions within the meaning of Part 3B” after “section 12A” in section 15 (3).

Explanatory note

The item makes it clear that certain matters to which the Tribunal is required to have regard in making price determinations and recommendations under the *Independent Pricing and Regulatory Tribunal Act 1992* are not required to be considered by the Tribunal in exercising its functions relating to the approval or determination of charges for the provision of certain water infrastructure services in the Murray-Darling Basin.

1.9 Mental Health Act 2007 No 8

[1] Section 120 Cancellation of licences—generally

Omit “*Private Hospitals and Day Procedure Centres Act 1988*” from section 120 (d).

Insert instead “*Private Health Facilities Act 2007*”.

[2] Section 127 Certain private health facilities to be licensed

Omit “private hospital within the meaning of the *Private Hospitals and Day Procedure Centres Act 1988*” and “the hospital”.

Insert instead “private health facility within the meaning of the *Private Health Facilities Act 2007*” and “the private health facility”, respectively.

Explanatory note

Item [1] of the proposed amendments updates a reference to the *Private Hospitals and Day Procedure Centres Act 1988* (**the repealed Act**), which has been repealed and replaced by the *Private Health Facilities Act 2007* (**the PHF Act**).

Item [2] updates a reference to a private hospital (formerly defined for the purposes of the repealed Act) to make it clear that a person must hold a licence to conduct a private health facility within the meaning of the PHF Act.

1.10 Mental Health (Forensic Provisions) Act 1990 No 10

[1] Sections 46 (4) and 61 (4)

Omit “the primary carer” wherever occurring.

Insert instead “a designated carer or the principal care provider”.

[2] Section 76G Planning for release and leave

Omit “primary carer” wherever occurring in section 76G (1) and (2).

Insert instead “designated carer or the principal care provider”.

Explanatory note

The proposed amendments update terminology used in reference to carers of forensic patients and correctional patients to distinguish between designated carers and principal care providers, consequent on the enactment of the *Mental Health Amendment (Statutory Review) Act 2014*.

1.11 Road Transport Act 2013 No 18

[1] Section 211 Mandatory interlock orders

Insert after section 211 (3):

- (4) A mandatory interlock order made in respect of a person ceases to have effect if, before the person completes the applicable interlock period, another mandatory interlock order is made in respect of the person.

[2] Section 212 Interlock exemption orders

Omit “the interlock exemption” from section 212 (5) (b).

Insert instead “a mandatory interlock”.

[3] Section 213 Conversion of disqualification period of offender to whom interlock exemption order applies into interlock period

Omit “under section 211 (1) (a) (i)” from section 213 (5) (b) (ii).

[4] Section 213 (5A)

Insert after section 213 (5):

- (5A) The minimum interlock period referred to in subsection (5) (b) (ii) commences on the day on which the interlock driver licence is issued and excludes any period of disqualification that would have applied to the offender under section 211 (1) (a) had the mandatory interlock order been made.

[5] Section 215A Effect of completion of interlock period

Insert after section 215A (2):

- (2A) The Authority may, on the grounds prescribed by the statutory rules, refuse an application to vary an interlock driver licence so as to remove an interlock condition to which it is subject.

[6] Section 215A (4) and (5)

Insert after section 215A (3):

- (4) For the purposes of this Division, any period during which a person holds an external interlock driver licence while a mandatory interlock order is in force in respect of the person is taken to be a period during which the person holds an interlock driver licence. Accordingly, that period is to be taken into account in determining whether the person has completed the interlock period applicable to the person (in respect of that mandatory interlock order) for the purposes of this section.
- (5) In this section:
external interlock driver licence means an Australian driver licence of another jurisdiction that is subject to a requirement under a law of that jurisdiction allowing the holder to drive only a motor vehicle fitted with an interlock device (however described).

Explanatory note

Item [1] of the proposed amendments makes it clear that if more than one mandatory interlock order is made under the *Road Transport Act 2013 (the Act)* in respect of a person, any earlier mandatory interlock order made in respect of the person ceases to have effect and the applicable period for which the person must hold an interlock driver licence (*the interlock period*) is the period to which the latest of those orders relates.

Item [2] corrects a reference to an interlock order.

Item [4] makes it clear that if a person against whom an interlock exemption order has been made under the Act is issued with an interlock driver licence, the minimum interlock period used in determining when the applicable interlock period ends commences on the day on which the licence is issued (and does not include any earlier period of disqualification that would have applied to the person if a mandatory interlock order had been made). Item [3] makes a consequential amendment.

Item [5] makes it clear that Roads and Maritime Services may extend the duration of an interlock driver licence (by refusing to vary the licence so as to remove the interlock condition to which it is subject) on the grounds prescribed by the statutory rules made under the Act.

Item [6] provides that any period during which a person holds an interlock driver licence issued in another State or a Territory is counted towards any interlock period applicable to the person under the Act.

1.12 Subordinate Legislation Act 1989 No 146

Schedule 3 Matters not requiring regulatory impact statements

Insert at the end of the Schedule:

11 A regulation under the *Major Events Act 2009*.

Explanatory note

The proposed amendment provides that a regulatory impact statement is not required to be prepared under the *Subordinate Legislation Act 1989* in connection with any regulation made under the *Major Events Act 2009*.

1.13 Sydney Cricket and Sports Ground Act 1978 No 72

Schedule 4 Savings, transitional and other provisions

Insert at the end of the Schedule with appropriate Part and clause numbering:

Part Leases and licences to Australian Rugby Union Limited and University of Technology Sydney

Definition

In this Part, *the site* means that part of the designated land described as the “Site” in the licence granted by the Trust to Australian Rugby Union Limited on 25 September 2015.

Granting of lease or licence to Australian Rugby Union Limited

The Trust may grant a lease or licence in respect of the site, or any part of the site, to Australian Rugby Union Limited for a total period (including any option for the grant of a further term after an initial term has expired) not exceeding 75 years.

Granting of lease or licence to University of Technology Sydney

The Trust may grant a lease or licence in respect of the site, or any part of the site, to the University of Technology Sydney for a total period (including any option for the grant of a further term after an initial term has expired) not exceeding 75 years.

Explanatory note

The proposed amendment will enable the Sydney Cricket and Sports Ground Trust (*the Trust*) to grant a lease or licence for a total period not exceeding 75 years to Australian Rugby Union Limited in respect of land at Moore Park. It is proposed that the lease or licence will be granted to Australian Rugby Union Limited for the purposes of the Australian Rugby Development Centre.

The proposed amendment will also enable the Trust to grant a lease or licence for a total period not exceeding 75 years to the University of Technology Sydney in respect of land at Moore Park. It is proposed that the lease or licence will be granted to the University of Technology Sydney for the purposes of the UTS Sports Campus.

1.14 Water Management Act 2000 No 92

[1] Section 71L How does a dealing take effect?

Omit “dealing in default” from section 71L (3) (c). Insert instead “dealing on default”.

[2] Schedule 1B Provisions relating to exit from co-held access licence

Insert “share” after “majority” wherever occurring in clauses 2 (b), 3 (2) (b) and 4 (b).

[3] Schedule 1B, clause 6

Omit the clause. Insert instead:

6 Nominated water supply work for new access licence

A water supply work nominated in relation to an original access licence is taken to be nominated in relation to the new access licence unless:

- (a) the nomination of the water supply work is withdrawn in accordance with this Act, or
- (b) a different water supply work is nominated in accordance with this Act, or
- (c) an order of the Supreme Court made under section 74 provides otherwise.

Explanatory note

Item [1] of the proposed amendments corrects terminology used in connection with the transfer of a water access licence on the default of payment of a debt secured over the licence.

Item [2] makes it clear that certain allocations under a new water access licence (which replaces an original co-held water access licence) are to be determined according to who holds a majority share of the holdings under the original licence (rather than who holds a majority of those holdings).

Item [3] provides that a nominated water supply work (such as a water pump) under an original co-held water access licence is not taken to be the nominated water supply work under a new water access licence if the nomination of the water supply work is withdrawn.

1.15 Water Management Amendment Act 2010 No 133

Schedule 2 Other amendments to Water Management Act 2000 No 92

Omit “trust” where secondly occurring in proposed section 239S in Schedule 2 [59].

Insert instead “change”.

Explanatory note

The proposed amendment changes a provision of the *Water Management Amendment Act 2010* (which has not yet commenced) relating to the change of name of a private water trust to make it clear that the change of name (rather than the trust itself) must be approved by the members of the trust.

Schedule 2 Amendments by way of statute law revision

2.1 Bega Valley Local Environmental Plan 2013

Clause 4.2D (1) (a)

Omit “alternate”. Insert instead “alternative”.

Explanatory note

The proposed amendment corrects a grammatical error.

2.2 Biosecurity Act 2015 No 24

Schedule 2, Part 2

Omit “Leichardt” from Column 3. Insert instead “Leichhardt”.

Explanatory note

The proposed amendment corrects a spelling error.

2.3 Blacktown Local Environmental Plan 2015

[1] Schedule 1, clause 2 (1)

Omit “Bidwell” wherever occurring. Insert instead “Bidwill”.

[2] Schedule 5, matter relating to item no I113

Omit “Nathai Street”. Insert instead “Nattai Street”.

Explanatory note

The proposed amendments correct typographical errors.

2.4 Child Protection (Working with Children) Act 2012 No 51

Section 26 (1) (a) (x)

Omit “272.11,”.

Explanatory note

The proposed amendment removes a duplicated reference to other legislation.

2.5 Children and Young Persons (Care and Protection) Act 1998 No 157

Section 79B (1A)

Omit “responsibilty”. Insert instead “responsibility”.

Explanatory note

The proposed amendment corrects a typographical error.

2.6 Children and Young Persons (Care and Protection) Regulation 2012

Clause 31A (1), note

Omit “*With*”. Insert instead “*with*”.

Explanatory note

The proposed amendment corrects the citation of an Act.

2.7 Children (Criminal Proceedings) Act 1987 No 55

Section 33A (5)

Omit “*Procedures*”. Insert instead “*Procedure*”.

Explanatory note

The proposed amendment corrects a cross-reference.

2.8 Electricity Network Assets (Authorised Transactions) Act 2015 No 5

Schedule 7, clause 1 (3)

Omit “provision)”. Insert instead “provision”.

Explanatory note

The proposed amendment corrects a typographical error.

2.9 Environmental Planning and Assessment Regulation 2000

[1] Clause 277 (4) (h)

Omit “University of Technology, Sydney”.

Insert instead “University of Technology Sydney”.

[2] Schedule 4

Omit the following from the end of Schedule 4:

Note. Section 26 of the *Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009* provides that a planning certificate must include advice about any exemption under section 23 or authorisation under section 24 of that Act if the council is provided with a copy of the exemption or authorisation by the Co-ordinator General under that Act.

Explanatory note

Item [1] of the proposed amendments updates a reference to a university. Item [2] omits a redundant note.

2.10 Eurobodalla Local Environmental Plan 2012

Clause 4.2B (1) (a)

Omit “alternate”. Insert instead “alternative”.

Explanatory note

The proposed amendment corrects a grammatical error.

2.11 Health Administration Regulation 2015

Clause 17 (3) (d)

Omit “Records”. Insert instead “Record”.

Explanatory note

The proposed amendment corrects the name of an organisation.

2.12 Home Care Service Act 1988 No 6

Section 17A (1)

Omit “*Appeals*”. Insert instead “*Reviews*”.

Explanatory note

The proposed amendment updates a cross-reference.

2.13 Human Tissue Act 1983 No 164

Section 37A (1), paragraph (a) of definition of “approved health provider”

Omit the paragraph.

Explanatory note

The proposed amendment repeals a redundant provision consequentially on the repeal and replacement of the *Private Hospitals and Day Procedure Centres Act 1988* by the *Private Health Facilities Act 2007*.

2.14 Infants’ Home, Ashfield, Act 1924 No 13

Section 5 (1) (a) (ii) and (iii)

Omit “childrens” wherever occurring. Insert instead “children’s”.

Explanatory note

The proposed amendment corrects use of apostrophes.

2.15 Lake Macquarie Local Environmental Plan 2014

[1] Clause 4.1A (2)

Renumber paragraphs (b) and (a) as paragraphs (a) and (b), respectively.

[2] Schedule 5, Part 1

Omit “minenwerfer (or german mortar)” from the matter relating to item no 149.

Insert instead “Minenwerfer (or German mortar)”.

[3] Schedule 5, Part 3

Omit “forest0” from the matter relating to item no A8. Insert instead “forest”.

Explanatory note

Item [1] of the proposed amendments corrects numbering. Items [2] and [3] correct typographical errors.

2.16 Law Enforcement (Powers and Responsibilities) Act 2002 No 103

[1] Schedule 2

Insert in alphabetical order:

Aboriginal Land Rights Act 1983, section 248A

Local Land Services Act 2013, section 178

[2] Schedule 2

Omit “*First Home Owner Grant Act 2000*”.

Insert instead “*First Home Owner Grant (New Homes) Act 2000*”.

[3] Schedule 2

Omit “*Payroll Tax Rebate Scheme (Disability Employment) Act 2011*, section 42” and “*Road Transport (Vehicle and Driver Management) Act 2005*, section 157”.

Explanatory note

Item [1] of the proposed amendments inserts references to provisions dealing with search warrants in the list of search warrants to which Division 4 of Part 5 of the *Law Enforcement (Powers and Responsibilities) Act 2002* applies. Item [2] updates a reference to a renamed Act. Item [3] removes references to repealed Acts.

2.17 Lismore Local Environmental Plan 2012

Clause 4.2C (1) (a)

Omit “alternate”. Insert instead “alternative”.

Explanatory note

The proposed amendment corrects a grammatical error.

2.18 Lord Howe Island Local Environmental Plan 2010

Clause 40 (2) (e)

Omit “curtilages”. Insert instead “curtilages”.

Explanatory note

The proposed amendment corrects a spelling error.

2.19 Lotteries and Art Unions Act 1901 No 34

Section 4D (1), definition of “prescribed organisation”

Omit “*Greyhound Racing Act 2002*” and “*Harness Racing Act 2002*”.

Insert instead “*Greyhound Racing Act 2009*” and “*Harness Racing Act 2009*”, respectively.

Explanatory note

The proposed amendment updates references to repealed Acts.

2.20 Marine Safety Act 1998 No 121

Schedule 1, clause 1 (1), paragraph (c) of definition of “hospital”

Omit “private hospital within the meaning of the *Private Hospitals and Day Procedure Centres Act 1988*”.

Insert instead “private health facility within the meaning of the *Private Health Facilities Act 2007*”.

Explanatory note

The proposed amendment updates terminology and a cross-reference consequentially on the repeal and replacement of the *Private Hospitals and Day Procedure Centres Act 1988* by the *Private Health Facilities Act 2007*.

2.21 Mosman Local Environmental Plan 2012

Schedule 5, Part 1, matters relating to item no I458–I468 in the suburb of Mosman

Relocate the matters to appropriate street address order.

Explanatory note

The proposed amendment corrects the ordering of heritage items.

2.22 Oaths Regulation 2011

Clause 3 (1), definition of “identification document”

Omit “*Real Property Regulation 2008*” wherever occurring.

Insert instead “*Real Property Regulation 2014*”.

Explanatory note

The proposed amendment updates references to a repealed regulation.

2.23 Public Finance and Audit Act 1983 No 152

Schedule 2

Omit “WestConnex Delivery Authority”.

Explanatory note

The proposed amendment removes a reference to a body that has been dissolved.

2.24 Racing Administration Amendment (Sports Betting National Operational Model) Act 2014 No 25

Schedule 1, proposed section 17A (1)

Omit “sport” wherever occurring in the definition of *sports controlling body*.

Insert instead “sporting event”.

Explanatory note

The proposed amendment corrects terminology.

2.25 Real Property Act 1900 No 25

Section 12C (2)

Omit “Register-General”. Insert instead “Registrar-General”.

Explanatory note

The proposed amendment corrects a typographical error.

2.26 State Environmental Planning Policy (Three Ports) 2013

Schedule 1, clause 18A (2) (d) (ii) and Schedule 2, clause 21 (1) (e) (v)

Omit “permitted to be re-used under an exemption in force under the *Protection of the Environment Operations (Waste) Regulation 2005*” wherever occurring.

Insert instead “re-used in accordance with a resource recovery exemption in force under the *Protection of the Environment Operations (Waste) Regulation 2014*”.

Explanatory note

The proposed amendment updates terminology consequent on the replacement of a regulation.

2.27 State Insurance and Care Governance Act 2015 No 19

Section 18 (1)

Omit “and”.

Explanatory note

The proposed amendment corrects a typographical error.

2.28 Sutherland Shire Local Environmental Plan 2015

[1] Clause 4.1D

Re-number clause 4.1D (1) (where secondly occurring) and (2) as subclauses (2) and (3), respectively.

[2] Schedule 5, Part 1, item no 1603

Omit “Coonong”. Insert instead “Coonong”.

Explanatory note

Item [1] of the proposed amendments corrects numbering. Item [2] corrects a typographical error.

2.29 Woollahra Local Environmental Plan 2014

Schedule 5, matter relating to item no 583, Queen Street, Woollahra

Omit “4/153/A”. Insert instead “4/153A”.

Explanatory note

The proposed amendment corrects a typographical error.

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 and the making of past administrative changes orders.

3.1 Aboriginal Housing Act 1998 No 47

[1] Section 4, definition of “Director-General”

Omit the definition. Insert in alphabetical order:

agency head means the head of the Public Service agency in which persons are employed to enable the AHO to exercise its functions.

[2] Section 4, definition of “government agency”

Omit paragraph (a). Insert instead:

(a) a Public Service agency, or

[3] Section 4, definition of “relevant Government Service Division”

Omit the definition.

[4] Section 15

Omit “Department of Housing”.

Insert instead “Department of Family and Community Services”.

[5] Section 16 (2)

Omit the subsection including the note.

[6] Sections 17 (3), 35 (3) and 40

Omit “relevant Government Service Division” wherever occurring.

Insert instead “AHO”.

[7] Section 30 (2) (a)

Omit the paragraph. Insert instead:

(a) the agency head or a member of staff of the AHO nominated by the agency head,

[8] Sections 33, 38 and 40 and clause 12 (1) of Schedule 1

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

Insert instead “agency head” and “agency head’s”, respectively.

[9] Section 34

Insert after section 33:

34 Staff

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

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

[10] 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 an appointed member.

3.2 Adoption Act 2000 No 75

Sections 75 (2) and 136A (7)

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

3.3 Agricultural Industry Services Act 1998 No 45

[1] Whole Act (except Schedule 4 and where otherwise amended by this subschedule)

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

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

[2] Section 3, definitions of “Department” and “Director-General”

Omit the definitions. Insert in alphabetical order:

Department means the Department of Industry, Skills and Regional Development.

Secretary means the Secretary of the Department.

[3] 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.

3.4 Agricultural Livestock (Disease Control Funding) Act 1998 No 139

[1] Whole Act (except Schedule 2 and where otherwise amended by this subschedule)

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

[2] Section 3, definitions of “Department” and “Director-General”

Omit the definitions. Insert in alphabetical order:

Department means the Department of Industry, Skills and Regional Development.

Secretary means the Secretary of the Department.

[3] 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.

3.5 Agricultural Scientific Collections Trust Act 1983 No 148

[1] Section 4 (1), definitions of “Department” and “Director”

Omit the definitions. Insert instead:

Department means the Department of Industry, Skills and Regional Development.

Director means the person employed in the Public Service as the Director of the Agricultural Scientific Collections.

[2] Section 12

Omit the section. Insert instead:

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.

[3] Section 14 (1) (a)–(c)

Omit the paragraphs. Insert instead:

- (a) a trustee, or
(b) a member of staff of the Trust (including the Director),

[4] Schedule 1, clause 3 (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 office of a prescribed person.

[5] Schedule 1, clause 5 (a) and (b)

Omit the paragraphs. Insert instead:

- (a) if the person is a Public Service employee (other than a person employed in the Department)—such travelling and subsistence allowances, and
(b) if the person is not a Public Service employee—such remuneration (including travelling and subsistence allowances),

3.6 Air Transport Act 1964 No 36

[1] Whole Act (except where otherwise amended by this subschedule)

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

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

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

Omit the definition. Insert in alphabetical order:

Secretary means the Secretary of the Department of Transport.

[3] Section 12A (1) (a)–(d)

Omit the paragraphs. Insert instead:

- (a) a person employed in the Transport Service who is appointed by the Secretary,
- (b) a person employed in the Department of Planning and Environment who is appointed by the Secretary of that Department,
- (c) a member of staff of Destination NSW who is appointed by the Chief Executive Officer of Destination NSW,
- (d) a person employed in the Department of Industry, Skills and Regional Development who is appointed by the Secretary of that Department,

[4] 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*”.

[5] 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 Ministerial appointee.

3.7 Animal Research Act 1985 No 123

[1] Whole Act (except where otherwise amended by this subschedule)

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

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

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

Omit paragraph (a). Insert instead:

- (a) a Public Service agency, and

[3] Section 3 (1), definitions of “Department” and “Director-General”

Omit the definitions. Insert in alphabetical order:

Department means the Department of Industry, Skills and Regional Development.

Secretary means the Secretary of the Department.

[4] Section 7

Omit the section. Insert instead:

7 Staff

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

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

[5] Section 49 (1)

Omit the subsection. Insert instead:

- (1) The Secretary may appoint a Public Service employee to be an inspector for the purposes of this Act.

[6] Schedule 1, clause 9 (1)

Omit “*Public Service Act 1979*”.

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

3.8 Anti-Discrimination Act 1977 No 48

[1] Section 4 (1), definitions of “Department” and “Department Head”

Omit the definitions. Insert in alphabetical order:

head of a Public Service agency has the same meaning as in the *Government Sector Employment Act 2013*.

Public Service agency has the same meaning as in the *Government Sector Employment Act 2013*.

[2] Section 4B (1) (a)

Omit the paragraph. Insert instead:

- (a) in relation to employment in a Public Service agency, is a reference to the head of the agency, and

[3] Section 4B (1) (c)

Omit “Director-General of the Department of Education and Training”.

Insert instead “Secretary of the Department of Education”.

[4] Section 4B (2)

Omit the subsection. Insert instead:

- (2) Any thing determined or done with respect to any matter concerning any such employment by a person who is employed in any Public Service agency, the NSW Police Force or the Teaching Service and who is authorised to determine and do things in that respect is taken to have been determined or done by the head of the agency, the Commissioner of Police or the Secretary of the Department of Education, respectively.

[5] Section 78

Omit “The provisions of Part 2 of the *Public Sector Management Act 1988*”.

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

[6] Section 84 (2)

Omit the subsection. Insert instead:

- (2) Subject to subsection (3) and to the terms of appointment, if the President was, immediately before appointment as the President:
- (a) a Public Service employee, or
 - (b) a contributor to a superannuation scheme,
- the President:
- (c) retains any rights accrued or accruing to the President as such an employee or contributor, and
 - (d) may continue to contribute to any superannuation scheme to which the President was a contributor immediately before appointment as the President, and
 - (e) is entitled to receive any deferred or extended leave and any payment, pension or gratuity,
- as if the President had continued to be such an employee or contributor during his or her service as the President, and:
- (f) his or her service as the President is taken to be service as an employee for the purpose of any law under which those rights accrued or were accruing, under which the President continues to contribute or by which that entitlement is conferred, and
 - (g) the President is taken to be an employee, and the Board is taken to be the President’s employer, for the purpose of the superannuation scheme to which the President is entitled to contribute under this subsection.

[7] Section 84 (4)

Omit “officer or”.

[8] Section 86

Omit the section. Insert instead:

86 Staff

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

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

[9] Sections 94C (2), 99, 122T (3), 122V–122X, 124 (a) and 124A (1) (b) and (c)

Omit “an officer”, “An officer” and “any officer”, wherever occurring.

Insert instead “a member of staff”, “A member of staff” and “any member of staff”, respectively.

3.9 Architects Act 2003 No 89

[1] Section 36 (2) (d)

Omit the paragraph. Insert instead:

(d) the Secretary of the Department of Finance, Services and Innovation, or

[2] Section 63 (b)

Omit “government department, an administrative office”.

Insert instead “Public Service agency”.

[3] 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.

3.10 Barangaroo Delivery Authority Act 2009 No 2

[1] Section 4 (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 the Authority.

[2] Section 11A

Insert after section 11:

11A Staff

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

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

[3] Section 14 (2)

Omit the subsection including the note.

[4] Section 29 (6), definition of “public authority”

Omit paragraph (a). Insert instead:

(a) a Public Service agency, and

[5] Section 43 (6) (c)

Omit “officer”. Insert instead “employee”.

[6] Section 43 (6) (e)

Insert “and Environment” after “Planning”.

[7] Schedule 1, clause 11 (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.

3.11 Biofuels Act 2007 No 23

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

Omit the definition. Insert instead:

Department means the Department of Industry, Skills and Regional Development.

[2] Section 24 (1) (a) and (a1)

Omit the paragraphs. Insert instead:

- (a) the Secretary or the Secretary’s nominee,
(a1) a person employed in the Department with expertise in regional industry development nominated by the Secretary,

[3] Section 24 (1) (a3)

Insert “within the Department of Industry, Skills and Regional Development” after “Industries”.

[4] Section 24 (1) (a5)

Omit the paragraph. Insert instead:

- (a5) the Secretary of the Department of Finance, Services and Innovation or the Secretary’s nominee,

[5] Section 24 (2)

Omit “of the Department”.

[6] 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 an appointed member.

3.12 Building Professionals Act 2005 No 115

[1] Section 45

Omit “Director-General of the Department of Local Government” wherever occurring.

Insert instead “Chief Executive of the Office of Local Government”.

[2] Section 78 (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 Board to exercise its functions.

Note. Section 59 of the *Government Sector Employment Act 2013* provides that the persons so employed (or whose services the Board makes use of) may be referred to

as officers or employees, or members of staff, of the Board. Section 47A of the *Constitution Act 1902* precludes the Board from employing staff.

[3] Schedule 1, clause 11 (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 Cancer Institute (NSW) Act 2003 No 14

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

Omit the definition. Insert in alphabetical order:

Secretary means the Secretary of the Ministry of Health.

[2] Sections 12 (2) (i) and 13 (2)

Omit “Department” wherever occurring. Insert instead “Ministry”.

[3] Sections 12 (2) (k) and (l) and 13 (2)

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

[4] 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.

3.14 Child Protection (Working with Children) Act 2012 No 51

Section 35 (4), definition of “reporting body”

Omit paragraph (b). Insert instead:

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

3.15 Children and Young Persons (Care and Protection) Act 1998 No 157

[1] Section 27A (1), definition of “relevant agency”

Omit “and Training” from paragraph (e).

[2] Section 185 (2) and (2A)

Omit “Department of the Public Service” wherever occurring.

Insert instead “Public Service agency”.

3.16 Children (Community Service Orders) Act 1987 No 56

[1] Whole Act (except Schedule 1 and where otherwise amended by this subschedule)

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

[2] Section 3 (1), definitions of “Department” and “Director-General”

Omit the definitions. Insert in alphabetical order:

Department means the Department of Justice.

Secretary means the Secretary of the Department.

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

Omit the definition. Insert instead:

officer means a person employed in the Department.

3.17 Children (Detention Centres) Act 1987 No 57

[1] Whole Act (except where otherwise amended by this subschedule)

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

[2] Section 3 (1), definitions of “Department” and “Director-General”

Omit the definitions. Insert in alphabetical order:

Department means the Department of Justice.

Secretary means the Secretary of the Department.

[3] Section 14 (2)

Omit “Department”. Insert instead “Ministry”.

[4] Schedule 1A, 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.

3.18 City of Sydney Act 1988 No 48

[1] Section 34 (3)

Omit the subsection. Insert instead:

- (3) At least one of the senior State government employees appointed under subsection (1) (c) must be either the Secretary of the Department of Planning and Environment or another Public Service senior executive (within the meaning of the *Government Sector Employment Act 2013*) employed in the Department of Planning and Environment.

[2] Section 51G (1) (a) and clause 2 (1) of Schedule 2

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

[3] Schedule 2, 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 an appointed member.

3.19 Coastal Protection Act 1979 No 13

[1] Section 4 (1), definitions of “Department” and “Director-General”

Omit the definitions. Insert in alphabetical order:

Chief Executive means the Chief Executive of the Office.

Office means the Office of Environment and Heritage.

[2] Section 4A (4)

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

[3] Sections 4B (1) and 12 (2) (b)

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

Insert instead “Secretary of the Department of Planning and Environment”.

[4] Section 12 (2) (a)

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

[5] Section 12 (2) (d)

Omit the paragraph. Insert instead:

(d) one is to be a person nominated by the Secretary of the Department of Industry, Skills and Regional Development, and

[6] Sections 13 (3) (a), 55D (4) and 63

Omit “Department” wherever occurring. Insert instead “Office”.

[7] Sections 55T (2) and (8), 55V (a) and (b) and 55ZG (5)

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

[8] Section 55V (c)

Omit “Chief Executive of the Land and Property Management Authority”.

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

[9] 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 member.

3.20 Commons Management Act 1989 No 13

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

Omit the definition. Insert in alphabetical order:

Secretary means the Secretary of the Department of Industry, Skills and Regional Development.

[2] Sections 51 (1) (b), 52 and 53 (1)

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

[3] Schedule 1, clause 4 (1)

Omit “*Public Sector Management Act 1988*”.

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

[4] Schedule 2, clause 3 (6)

Omit “Director-General constituted for the land district in which the common for which the trust is established is located”.

Insert instead “Secretary”.

[5] Schedule 2, clause 3 (7)

Omit “Director-General concerned”. Insert instead “Secretary”.

3.21 Community Justice Centres Act 1983 No 127

[1] Section 4 (1), definitions of “Director” and “Director-General”

Omit the definitions. Insert in alphabetical order:

Director means the Director of Community Justice Centres.

Secretary means the Secretary of the Department of Justice.

[2] Sections 5 (1), 7 and 8

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

[3] Section 5 (2)

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

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

[4] Section 11

Omit the section. Insert instead:

11 Staff

The Director and the staff of Community Justice Centres are to be employed under the *Government Sector Employment Act 2013*.

[5] Section 18

Omit “Attorney General’s Department”. Insert instead “Department of Justice”.

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

Section 34C (4) (d)

Omit “and Communities”.

3.23 Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010 No 122

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

Omit the definition. Insert in alphabetical order:

Secretary means the Secretary of the Treasury.

[2] Sections 9 (2) (a), 97, 107 and 115

Omit “Chief Executive Officer” wherever occurring. Insert instead “Secretary”.

[3] 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.

3.24 Co-operative Housing and Starr-Bowkett Societies Act 1998 No 11

[1] Sections 29 (1) and 43 (14)

Omit “officer of the Department of Fair Trading” wherever occurring.

Insert instead “employee of the Department of Finance, Services and Innovation”.

[2] Section 29 (2), (4) and (6)

Omit “officer” and “officer’s” wherever occurring.

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

[3] Section 47A

Omit “Director-General of the Department of Fair Trading” wherever occurring.

Insert instead “Secretary of the Department of Finance, Services and Innovation”.

[4] Section 191 (1) (a)

Omit “an officer”. Insert instead “a person”.

[5] Section 191 (1) (b) and (c)

Omit the paragraphs. Insert instead:

- (b) the Secretary of the Department of Family and Community Services or his or her nominee (being a person employed in the Department of Family and Community Services or a member of staff of the New South Wales Land and Housing Corporation),
- (c) the Secretary of the Department of Finance, Services and Innovation or his or her nominee (being a person employed in the Department of Finance, Services and Innovation),

[6] 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 an appointed member.

3.25 Co-operatives (Adoption of National Law) Act 2012 No 29

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

Omit the definition. Insert in alphabetical order:

Secretary means:

- (a) the Commissioner for Fair Trading, Department of Finance, Services and Innovation, or
- (b) if there is no person employed as Commissioner for Fair Trading—the Secretary of the Department of Finance, Services and Innovation.

[2] Section 5, definition of “public sector official”

Omit the definition. Insert instead:

public sector official means a person employed in the Public Service.

[3] Sections 5, 7 (1) (b) and 24

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

3.26 Coroners Act 2009 No 41

[1] Section 13 (1)

Omit “any member of staff of the Attorney General’s Department”.

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

[2] Section 24 (3), definition of “child in care”

Omit “Director-General of the Department of Community Services” from paragraph (b).

Insert instead “Secretary of the Department of Family and Community Services”.

[3] Section 51 (3)

Omit “Director-General of the Attorney General’s Department”.

Insert instead “Secretary of the Department of Justice”.

[4] Section 92

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

Insert instead “Secretary of the Ministry of Health” and “the Secretary”, respectively.

[5] Section 101E (3)

Omit “and Communities” wherever occurring.

[6] Section 101E (3)

Omit “Attorney General and” wherever occurring.

[7] Section 101L (1) (a)

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”.

- [8] **Section 101M (1) (c) (ii)**
Omit “Director-General”. Insert instead “Secretary”.
- [9] **Section 101M (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”.
- [10] **Schedule 1, clause 1**
Omit the clause. Insert instead:
1 Public Service employment provisions excluded
The offices of State Coroner and Deputy State Coroner are statutory offices and the *Government Sector Employment Act 2013* (including Part 6) does not apply to those offices.
- [11] **Schedule 1, clause 5 (1) (g) (ii)**
Omit “a member of staff of the Attorney General’s Department”.
Insert instead “employed in the Department of Justice”.
- [12] **Schedule 1, clause 7 (3), definition of “public servant”**
Omit the definition. Insert instead:
public servant means a person employed in the Public Service.
- [13] **Schedule 3, clause 3**
Omit “department of the Government”. Insert instead “Public Service agency”.
- [14] **Schedule 3, 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.

3.27 Crown Lands Act 1989 No 6

- [1] **Whole Act (except Schedule 8 and where otherwise amended by this subschedule)**
Omit “Director-General” and “Director-General’s” wherever occurring.
Insert instead “Secretary” and “Secretary’s”, respectively.
- [2] **Section 3 (1), definitions of “Department” and “Director-General”**
Omit the definitions. Insert in alphabetical order:
Department means the Department of Industry, Skills and Regional Development.
Secretary means the Secretary of the Department.
- [3] **Section 3 (1), definition of “government agency”**
Omit “government department” from paragraph (a). Insert instead “Public Service agency”.

[4] Section 16 (b)

Omit “government department or of an administrative office or”.

Insert instead “Public Service agency or of a”.

[5] Section 33 (1) (d)

Omit “government department, administrative office”.

Insert instead “Public Service agency”.

3.28 District Court Act 1973 No 9

[1] Section 18E (1)–(3)

Omit the subsections. Insert instead:

- (1) A person may be employed in the Public Service under the *Government Sector Employment Act 2013* as the Secretary to the Rule Committee.
- (2) The employment of a person as Secretary is subject to the prior approval of the Chief Judge.
- (3) A person may be employed as Secretary in conjunction with some other office or role in the Public Service, including the office of registrar.

[2] Section 18FA (4)

Omit the subsection. Insert instead:

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

[3] Section 18G (2)

Omit “shall be appointed subject to and in accordance with the *Public Service Act 1979*”.

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

[4] Section 18I (1)

Omit the subsection. Insert instead:

- (1) One or more assistant registrars may be employed in the Public Service under the *Government Sector Employment Act 2013* for a proclaimed place.

[5] Section 18K (2)

Omit “Director-General of the Attorney General’s Department”.

Insert instead “Secretary of the Department of Justice”.

3.29 Drug and Alcohol Treatment Act 2007 No 7

[1] Whole Act (except where otherwise amended by this subschedule)

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

[2] Section 5 (1), definition of “Director-General”

Omit the definition. Insert in alphabetical order:

Secretary means the Secretary of the Ministry of Health.

[3] Schedule 3, clause 4 (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*”.

[4] Schedule 3, clause 6 (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 official visitor.

3.30 Education (School Administrative and Support Staff) Act 1987 No 240

[1] Whole Act (except where otherwise amended by this subschedule)

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

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

[2] Long title

Omit “and Training”.

[3] Section 3 (1), definitions of “Department” and “Director-General”

Omit the definitions. Insert in alphabetical order:

Department means the Department of Education.

Secretary means the Secretary of the Department.

[4] Section 4 (2)

Omit the subsection. Insert instead:

- (2) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to a member of the school administrative and support staff.

[5] Sections 33 and 37

Omit the sections.

3.31 Electricity (Consumer Safety) Regulation 2015

Clause 3 (1)

Omit the definition of *Secretary*.

3.32 Environmental Trust Act 1998 No 82

[1] Section 6 (2) (c)

Omit the paragraph. Insert instead:

- (c) the Chief Executive of the Office of Environment and Heritage, and

[2] Schedule 1, clause 5 (2)

Omit “public servant”. Insert instead “Public Service employee”.

[3] 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.

3.33 Exhibited Animals Protection Act 1986 No 123

[1] Whole Act (except where otherwise amended by this subschedule)

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

[2] Section 5 (1), definitions of “Department” and “Director-General”

Omit the definitions. Insert in alphabetical order:

Department means the Department of Industry, Skills and Regional Development.

Secretary means the Secretary of the Department.

[3] Section 7 (1) (b)

Omit “Board”. Insert instead “Commissioner”.

[4] Section 7 (1)

Omit “government department, administrative office”.

Insert instead “Public Service agency”.

[5] Section 38 Inspectors

Omit section 38 (1). Insert instead:

- (1) The Secretary may appoint a Public Service employee to be an inspector for the purposes of this Act.

[6] Section 49A

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

[7] Schedule 1, clause 8 (1)

Omit “*Public Service Act 1979*”.

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

3.34 First State Superannuation Act 1992 No 100

[1] Schedule 1

Omit “A Government Department or Administrative Office”.

Insert instead “A Public Service agency within the meaning of the *Government Sector Employment Act 2013*”.

[2] Dictionary, definitions of “chief executive officer” and “senior executive officer”

Omit the definitions.

[3] Dictionary, definition of “executive officer”

Omit paragraphs (a) and (b). Insert instead:

- (a) a Public Service senior executive within the meaning of the *Government Sector Employment Act 2013*, or
- (b) an employee (not being a Public Service senior executive) of an employer specified in Schedule 1 and who holds an office designated by the Secretary of the Treasury as the office of an executive officer, or

3.35 Food Act 2003 No 43

[1] Section 4 (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 the Food Authority.

[2] Section 4 (1), definition of “member of staff of the Food Authority”

Omit the definition.

[3] Section 108 (3)

Omit the subsection including the note.

[4] Section 109A

Insert after section 109:

109A Staff

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

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

[5] Section 110, definition of “relevant body”

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

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

[6] Section 136A (4) (a)

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

Insert instead “Secretary of the Ministry of Health”.

3.36 Forestry Act 2012 No 96

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

Omit “public sector agency within the meaning of the *Public Sector Employment and Management Act 2002*”.

Insert instead “government sector agency within the meaning of the *Government Sector Employment Act 2013*”.

Secretary means:

- (a) the Commissioner for Fair Trading, Department of Finance, Services and Innovation, or
- (b) if there is no person employed as Commissioner for Fair Trading—the Secretary of the Department of Finance, Services and Innovation.

[3] Section 8 (2)

Omit “appointed and employed under the *Public Sector Employment and Management Act 2002*”.

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

[4] Section 8 (2) (a)

Omit the paragraph. Insert instead:

- (a) with the approval of the Public Service Commissioner and on such terms and conditions as may be approved by the Commissioner, and

[5] Section 8 (3)

Omit the subsection. Insert instead:

- (3) A person, other than a person employed under the *Government Sector Employment Act 2013*, who is appointed as an inspector under subsection (1) is not, in his or her capacity as an inspector, a Public Service employee within the meaning of that Act but, if the terms and conditions on which the person is appointed so provide, any specified provisions of that Act or the regulations or rules under that Act, whether with or without specified modifications, apply to and in respect of the person as if the person were a Public Service employee within the meaning of that Act.

[6] Section 9 (1)

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

3.38 Geographical Names Act 1966 No 13

[1] Section 2, definitions of “Department” and “Director-General”

Omit the definitions. Insert in alphabetical order:

Department means the Department of Finance, Services and Innovation.

Secretary means the Secretary of the Department.

[2] Section 3 (2) (b)–(d)

Omit the paragraphs. Insert instead:

- (b) one is to be the Secretary of the Department of Planning and Environment or an employee of that Department nominated by the Secretary,
- (c) one is to be the person employed in the Public Service as the State Librarian or a member of staff of the Library Council of New South Wales nominated by the State Librarian,
- (d) one is to be a person employed in the Department nominated by the Secretary, and

[3] Section 3 (14)

Omit “a member of”. Insert instead “employed in”.

[4] Section 3 (16)

Omit “provisions of the *Public Service Act 1902*, as amended by subsequent Acts,”.
Insert instead “*Government Sector Employment Act 2013*”.

[5] Section 4

Omit the section. Insert instead:

4 Staff

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

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

[6] Section 18 (2)

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

[7] Section 18 (2) (a)

Omit “other officer of”. Insert instead “person employed in”.

[8] Section 18 (2) (c)

Omit “officer”. Insert instead “other person”.

3.39 Guardianship Act 1987 No 257

[1] Sections 3 (1) (definition of “authorised officer”) and (3), 12 (2) and 102 (2)

Omit “an officer”, “class of officers” and “any officer” wherever occurring.
Insert instead “an employee”, “class of employees” and “any employee”, respectively.

[2] Section 3 (1), definitions of “Department” and “Director-General”

Omit the definitions. Insert in alphabetical order:

Department means the Department of Family and Community Services.

Secretary means the Secretary of the Department.

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

Omit the definition. Insert in alphabetical order:

employee means a Public Service employee who is employed to enable the Tribunal to exercise its functions in the Guardianship Division of the Tribunal.

[4] Sections 12 (1) and (5) and 102 (1)

Omit “An officer” and “the officer” wherever occurring.
Insert instead “An employee” and “the employee”, respectively.

[5] Sections 12 (4), 13 (1), 100, 102 (4), 105 and 107

Omit “officer” and “officer’s” wherever occurring.
Insert instead “employee” and “employee’s”, respectively.

[6] Sections 13, 33A, 98 (1), 100 and 107 (1)

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

[7] Section 77 (2)

Omit the subsection. Insert instead:

- (2) The Public Guardian is to be the person employed in the Public Service as the Public Guardian.

[8] Section 78 (1) (a)

Omit the paragraph. Insert instead:

- (a) to any person employed in the Department, or

[9] Section 78 (2)

Omit “member of the staff of the office of the Public Guardian”.

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

[10] Section 104

Omit the section. Insert instead:

104 Person falsely representing to be an employee

A person who is not an employee must not:

- (a) assume or use the designation of an employee or falsely represent himself or herself to be officially associated in any capacity with the Tribunal, or
- (b) use, for any fraudulent purpose, any designation which that person previously held as an employee.

Maximum penalty: 10 penalty units or imprisonment for 12 months, or both.

**3.40 Health Practitioner Regulation (Adoption of National Law) Act
2009 No 86**

[1] Section 7 (1) (j)

Omit the paragraph. Insert instead:

- (j) the *Government Sector Employment Act 2013*,

[2] Schedule 1 [13]

Omit the definition of *Director-General* from section 138 (1).

Insert in alphabetical order:

Secretary means the Secretary of the Ministry of Health.

[3] Schedule 1 [15]

Omit “Director-General” wherever occurring in sections 144B (2), 144D (1) and 164.

Insert instead “Secretary”.

[4] Schedule 1 [25]

Omit “an officer of” wherever occurring in clauses 2 (2) (a), 3 (2) (a), 6 (2) (i), 7 (2) (a), 8 (2) (a) and 9 (2) (a) of Schedule 5C and clause 10 of Schedule 5D.

Insert instead “a person employed in”.

[5] Schedule 1 [25]

Omit “Chapter 2 of the *Public Sector Employment and Management Act 2002*” from clause 17 (1) of Schedule 5C.

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

[6] Schedule 1 [25]

Omit “Director-General” wherever occurring in clause 10 of Schedule 5D.

Insert instead “Secretary”.

3.41 Health Services Act 1997 No 154

[1] Section 5, note

Omit the note.

[2] Section 10 (h) (i) and Schedule 3

Omit “Department” wherever occurring. Insert instead “Ministry”.

3.42 Heritage Act 1977 No 136

[1] Sections 8 (2), 36 (1) (e) and 121 (5) (c)

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

[2] Sections 8 (2) and 121 (5) (c)

Omit “Infrastructure” wherever occurring. Insert instead “Environment”.

[3] Sections 23 (4) and 151 (2) (b) and (3)

Insert “and Environment” after “Planning” wherever occurring.

[4] Section 151 (2) (b)

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

[5] Schedule 2, 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 an appointed member.

3.43 Home Care Service Act 1988 No 6

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

Omit the definition. Insert in alphabetical order:

Secretary means the Secretary of the Department.

[2] Sections 3 (3), 4 and 5 and clause 7 of Schedule 1

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

[3] Section 7 (3)

Omit the subsection including the note.

[4] Section 8

Insert before section 9:

8 Staff

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

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

[5] Section 10 (1)

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

[6] Section 10 (2)

Omit the subsection. Insert instead:

(2) In this section, *authorised person* means a member of staff of the Service.

[7] Schedule 1, clause 6 (1)

Omit “*Public Service Act 1979*”.

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

3.44 Housing Act 2001 No 52

[1] Section 3, definitions of “Department” and “Director-General”

Omit the definitions. Insert in alphabetical order:

Department means the Department of Family and Community Services.

Secretary means the Secretary of the Department.

[2] Sections 6, 15, 58B–58D and 58F

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

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

[3] Section 7 (3)

Omit the subsection including the note.

[4] Section 14

Insert before section 15:

14 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.

[5] Section 15 (2) and (2A)

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

[6] Section 31 (1) (b)

Omit “Government Department of the State of New South Wales”.
Insert instead “Public Service agency”.

[7] Section 31 (2) and (3)

Omit “Department” wherever occurring. Insert instead “agency”.

[8] Section 69 (1) (b)

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

[9] Section 70 (6) (a)

Omit the paragraph. Insert instead:

- (a) if the person is employed in the Department or a member of staff of the Corporation, or

[10] Section 70 (6) (b)

Omit “officer or”.

[11] Section 70 (6) (b) and (d)

Omit “Urban Affairs and Planning” wherever occurring.
Insert instead “Planning and Environment”.

3.45 Hunter Water Act 1991 No 53

[1] Sections 52, 54–56, 58 (3), 59 and 60

Omit “Director” and “Director’s” wherever occurring.
Insert instead “Secretary” and “Secretary’s”, respectively.

[2] Section 52

Omit “Water Resources”. Insert instead “Industry, Skills and Regional Development”.

3.46 Impounding Act 1993 No 31

[1] Section 11 (4A) (a)

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

Insert instead “in the Public Service”.

[2] Dictionary, definition of “impounding authority”

Omit “Director of National Parks and Wildlife”.

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

3.47 Independent Pricing and Regulatory Tribunal Act 1992 No 39

[1] Section 5 (3)

Omit the subsection including the note.

[2] Section 8

Insert after section 7:

8 Staff

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

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

[3] Section 24G (1)

Omit “Department”. Insert instead “Office”.

[4] Section 25A (2)

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

Insert instead “Secretary or General Counsel”.

[5] Schedule 1

Omit “Department of Housing”.

Insert instead “Department of Family and Community Services”.

[6] 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*”.

[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 a member.

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

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

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

[9] Schedule 3A, 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 a member.

3.48 Industrial Relations Act 1996 No 17

[1] Section 28A, definition of “State award”

Omit paragraph (c). Insert instead:

- (c) a determination under section 52 of the *Government Sector Employment Act 2013*, or any similar determination relating to employment in the public sector (including employment with a local health district), and

[2] Section 91 (1), definition of “public sector employer”

Omit paragraphs (b)–(c1). Insert instead:

- (b) for a public sector employee of the class referred to in paragraph (b) of that definition—the Secretary of the Ministry of Health,
- (c) for a public sector employee of the class referred to in paragraph (c) of that definition—the Secretary of the Department of Education,
- (c1) for a public sector employee of the class referred to in paragraph (c1) of that definition—the Secretary of the Department of Transport,

[3] Section 207

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

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

[4] Section 210 (1) (ib)

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

[5] Section 270A

Omit “Director-General of the Department of Finance and Services”.

Insert instead “Secretary of the Treasury”.

[6] Section 369 (1) (b)

Omit “an officer of a Government Department”.

Insert instead “a person employed in a Public Service agency”.

[7] Section 384 (2) (a)

Omit the paragraph. Insert instead:

- (a) Public Service employees,

[8] Section 384 (8)

Omit “Departmental Head of any Department”.

Insert instead “head of any Public Service agency”.

[9] Section 389 (1) and clause 13 (1) of Schedule 2 (definition of “eligible member”)

Omit “public servant” wherever occurring.

Insert instead “Public Service employee”.

3.49 Industrial Relations (Ethical Clothing Trades) Act 2001 No 128

[1] Section 10

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

[2] Section 12 (6)

Omit “Department of Industrial Relations”. Insert instead “Treasury”.

[3] 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.

3.50 Infrastructure NSW Act 2011 No 23

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

Omit paragraph (c). Insert instead:

- (c) a Public Service agency, or

[2] Section 8 (2) (d)

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

[3] Section 8 (2) (f) and (g)

Omit the paragraphs. Insert instead:

- (f) the Secretary of the Department of Industry, Skills and Regional Development,
(g) the Secretary of the Department of Planning and Environment.

[4] Section 9 (1)

Omit the subsection. Insert instead:

- (1) The Chief Executive Officer and Co-ordinator General, Infrastructure NSW, is the person employed in the Public Service as the Chief Executive Officer and Co-ordinator General, Infrastructure NSW.

[5] Section 10

Omit the section. Insert instead:

10 Staff

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

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

[6] Schedule 1, clause 6 (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.

3.51 Innovation and Productivity Council Act 1996 No 77

[1] Section 3, definition of “Department”

Omit the definition. Insert instead:

Department means the Department of Industry, Skills and Regional Development.

[2] Section 3, definition of “public authority”

Omit paragraph (b). Insert instead:

(b) any Public Service agency, or

[3] Section 6 (3) and clauses 6 (1) (i) and 7 (2) of Schedule 1

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

[4] Section 8 (3)

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

[5] Schedule 1, 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*”.

[6] 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.

3.52 Inspector of Custodial Services Act 2012 No 55

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

Omit “Attorney General and”.

[2] Section 3 (1), definition of “member of staff”

Omit the definition.

[3] Section 9 (1)

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

3.53 Institute of Sport Act 1995 No 52

[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 the Institute.

[2] Section 6 (2) (b)

Omit the paragraph. Insert instead:

(b) the Chief Executive of the Office of Sport or a person employed in the Office of Sport nominated by the Chief Executive.

[3] Section 14 (4)

Omit the subsection including the note.

[4] Section 17A

Insert after section 17:

17A Staff

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

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

[5] Section 18 (1)

Omit the subsection.

[6] 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*”.

[7] 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 an appointed member.

3.54 Judicial Officers Act 1986 No 100

[1] Section 6 (2) and (4)

Omit “Board” wherever occurring. Insert instead “Commissioner”.

[2] Section 6 (3)

Omit the subsection. Insert instead:

- (3) The Commission may:
 - (a) with the approval of the Minister to whom the agency or authority concerned is responsible, and
 - (b) on such terms and conditions as may be approved by the Public Service Commissioner,
arrange for the use of the services of any employees or facilities of a Public Service agency or public authority.

[3] Section 53 (1)

Omit “*Public Service Act 1979*”.

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

[4] Schedule 5, clause 2 (1)

Omit the subclause. Insert instead:

- (1) If a member of staff was, immediately before being employed as a member of staff:
 - (a) a Public Service employee or officer of the Teaching 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 such an employee, officer or member of staff of a statutory body,

the member of staff:

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

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

- (h) his or her service as a member of staff is taken to be service as an employee, officer or member of staff for the purposes of any law under which those rights accrued or were accruing, under which the member of staff continues to contribute or by which that entitlement is conferred, and
- (i) the member of staff is taken to be an employee, officer or member of staff, and the Commission is taken to be the employer, for the purposes of the superannuation scheme to which the member of staff is entitled to contribute under this clause.

[5] Schedule 5, clause 3

Omit the clause. Insert instead:

3 Staff entitled to re-appointment to former employment in certain cases

A person who:

- (a) being a member of staff, ceases to be employed by the Commission (except through dismissal on the ground of misbehaviour), and
- (b) was, immediately before being employed as a member of staff:
 - (i) a Public Service employee or officer of the Teaching Service, or
 - (ii) a member of staff of a statutory body, and
- (c) has not reached the age at which the person would have been entitled to retire had the person continued to be such an employee, officer or member of staff,

is entitled to be employed in the Public Service, as an officer of the Teaching 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 employed as a member of staff.

3.55 Landcom Corporation Act 2001 No 129

Sections 8 (6) and 9 (6)

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

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

3.56 Local Court Act 2007 No 93

[1] Section 3 (1), definition of “public sector service”

Omit the definition. Insert in alphabetical order:

government sector has the same meaning as it has in the *Government Sector Employment Act 2013*.

[2] Section 18 (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*”.

[3] Sections 19 and 25 (2) (f) and clause 2 (1) (c) of Schedule 3

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

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

[4] Sections 19 and 25 (2) (f) and clause 2 (1) (c) of Schedule 3

Omit “Attorney General’s Department” wherever occurring.

Insert instead “Department of Justice”.

[5] Schedule 1, clause 2

Omit the clause. Insert instead:

2 Government Sector Employment Act 2013 not to apply

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

[6] Schedule 1, clause 7 (1), definition of “eligible member”

Omit “member of the Government Service”.

Insert instead “person employed in the Public Service”.

[7] Schedule 1, clause 8

Omit “a public sector service” wherever occurring. Insert instead “the government sector”.

[8] Schedule 1, clause 9A (4)

Omit “public sector service”. Insert instead “government sector”.

[9] Schedule 2, clause 6 (1)

Omit the subclause. Insert instead:

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

3.57 Local Land Services Act 2013 No 51

[1] Sections 12, 18, 63, 99 (1), 125 (2) (a), 127, 132 (2), 192 (3) and 205 and Dictionary (definition of “authorising authority”)

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

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

[2] Section 13

Omit the section. Insert instead:

13 Staff of Local Land Services

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

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

[3] Section 15 (1)

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

[4] Section 17 (4) (e)

Omit the paragraph. Insert instead:

(e) a person employed in the Department, or

[5] Section 18 (3) (e)

Omit the paragraph. Insert instead:

(e) a person employed in the Department, or

[6] Section 99 (2)

Omit “Director-General concerned”. Insert instead “Secretary”.

[7] Section 197 (h)

Omit “the Government Service employed to enable Local Land Services to carry out its functions”.

Insert instead “staff of Local Land Services”.

[8] Schedule 2, clause 9

Omit “appointed under Part 1.3 of the *Public Sector Employment and Management Act 2002*”.

[9] Schedule 2, 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 of the Board or a local board.

[10] Schedule 4, clause 3 (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 administrator.

[11] Dictionary, definition of “Chair of the Board of Chairs”

Omit the definition. Insert instead:

Chair of the Board of Chairs means the person employed in the Public Service as the Chair of the Board of Chairs.

[12] Dictionary, definitions of “Department” and “Director-General”

Omit the definitions. Insert in alphabetical order:

Department means the Department of Industry, Skills and Regional Development.

Secretary means the Secretary of the Department.

[13] Dictionary, definition of “government agency”

Omit “government department” from paragraph (a). Insert instead “Public Service agency”.

[14] Dictionary, definition of “public authority”

Omit paragraph (c). Insert instead:

(c) a Public Service agency, or

3.58 Long Service Corporation Act 2010 No 123

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

Omit the definition. Insert in alphabetical order:

Secretary means the Secretary of the Treasury.

[2] Sections 7 and 18

Omit “Chief Executive Officer” wherever occurring. Insert instead “Secretary”.

[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 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 9 (2)

Omit the subsection including the note.

[5] Section 18

Omit “public servant” wherever occurring. Insert instead “Public Service employee”.

3.59 Lord Howe Island Act 1953 No 39

[1] Section 4 (3) (d)

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

[2] Section 6

Insert after section 5:

6 Staff

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

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

[3] Section 12 (1) (g)

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

[4] Section 12 (3)

Omit the subsection including the note.

[5] Section 14

Omit “officer, employee or” wherever occurring.

[6] Section 38 (2A) (o)

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

[7] Schedule 1A, clause 6 (1) (f)

Omit “an officer of”. Insert instead “employed in”.

[8] Schedule 1A, 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 a member.

3.60 Mental Health Act 2007 No 8

[1] Section 107 (1) (a)

Omit the paragraph. Insert instead:

- (a) any person employed in the Ministry of Health, or

[2] Section 142 Registrar and other staff of the Tribunal

Omit section 142 (1). Insert instead:

- (1) A Registrar and such persons as may be necessary to enable the Tribunal to exercise its functions may be employed in the Public Service under the *Government Sector Employment Act 2013*.

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

[3] Section 162A (1)

Omit “Juvenile”.

[4] Schedule 4, clause 4 (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*”.

[5] Schedule 4, clause 6 (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 official visitor.

[6] Schedule 5, clause 8 (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*”.

[7] Schedule 5, 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.

[8] Schedule 5, clause 11 (2) and (3)

Omit the subclauses. Insert instead:

- (2) This clause applies to a member who, immediately before being appointed as a member, was:
 - (a) a Public Service employee, an officer of the Teaching Service or a member of staff of 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 such an employee, officer or member of staff.
- (3) Subject to the terms of the member’s appointment, the member:
 - (a) is to retain any rights accrued or accruing to the member as such an employee, officer, contributor or member of staff, and
 - (b) may continue to contribute to any superannuation scheme to which the member was a contributor immediately before being appointed as a member, and
 - (c) is entitled to receive any deferred or extended leave and any payment, pension or gratuity,

as if the member had continued to be such an employee, officer, contributor or member of staff during his or her service as a member.

[9] Schedule 5, clause 11 (4), (5) and (7)

Omit “officer or employee” wherever occurring.

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

3.61 Mine Subsidence Compensation Act 1961 No 22

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

Omit the definition. Insert instead:

Department means the Department of Industry, Skills and Regional Development.

[2] Section 5 (2) (a)

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

[3] Section 5 (2) (c) (ii)

Insert “and Environment” after “Planning”.

[4] Section 5 (2) (c) (iv)

Omit “an officer of the Department of Public Works”.

Insert instead “a person employed in the Department of Finance, Services and Innovation”.

[5] Section 5 (2) (c) (iv)

Omit “Minister for Public Works”.

Insert instead “Minister for Finance, Services and Property”.

[6] Section 5 (3)

Omit “*Public Sector Management Act 1988*”.

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

[7] Section 5 (10)

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

[8] Section 6 (2)

Omit the subsection.

[9] Section 6A

Insert after section 6:

6A Staff

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

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

[10] Section 12 (2) (b)

Omit “, an officer of the Board or some other officer in the Public Service acting for the Board”.

Insert instead “or a member of staff of the Board”.

[11] Section 16 Powers of members and staff

Omit “officer or person employed by” wherever occurring in section 16 (1) and (1D).
Insert instead “member of staff”.

[12] Section 16 (1A)

Omit “the Board by its officers, servants and agents”.
Insert instead “a member of staff of the Board”.

[13] Section 16 (1B) and (1C)

Insert “a member of staff of” after “upon” wherever occurring.

3.62 Motor Accidents Compensation Act 1999 No 41

[1] Sections 57A (2) and 98 (2)

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

[2] Section 65 (3)

Omit “public servant” wherever occurring. Insert instead “Public Service employee”.

[3] Section 105 (2) and (3)

Omit “member of staff of any Division of the Government Service” wherever occurring.
Insert instead “Public Service employee”.

[4] Section 105 (3)

Omit “who is a member of staff”.
Insert instead “who is a member of staff of the Authority”.

[5] Section 105 (5)

Omit “*Public Sector Employment and Management Act 2002*”.
Insert instead “*Government Sector Employment Act 2013*”.

[6] Schedule 3, clause 4 (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*”.

[7] Schedule 3, clause 7

Omit the clause. Insert instead:

7 Effect of certain other Acts

The office of Principal Claims Assessor 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.

3.63 National Parks and Wildlife Act 1974 No 80

[1] Whole Act (except Schedule 3 and where otherwise amended by this subschedule)

Omit “Director-General” and “Director-General’s” wherever occurring.
Insert instead “Chief Executive” and “Chief Executive’s”, respectively.

- [2] **Section 5 (1), definitions of “Department” and “Director-General”**
Omit the definitions. Insert in alphabetical order:
Chief Executive means the Chief Executive of the Office.
Office means the Office of Environment and Heritage.
- [3] **Section 5 (1), definition of “public authority”**
Omit “Government Department”. Insert instead “Public Service agency”.
- [4] **Section 6 (b)**
Omit “members of staff of the Department”.
Insert instead “persons employed in the Office”.
- [5] **Section 9 (4) (c) and (e)**
Omit “a member of” wherever occurring. Insert instead “a person employed in”.
- [6] **Section 11 (1)**
Omit the subsection.
- [7] **Sections 21 (1) (b) and (2) (a), 29 (2) (a) and 71AO (7) (b)**
Omit “member of staff of the Department” wherever occurring.
Insert instead “person employed in the Office”.
- [8] **Sections 21 (1) (c3) and (2) (b2) and 192 (1)**
Omit “the Office of” wherever occurring.
- [9] **Section 69A (1), definition of “statutory authority”**
Omit paragraph (a). Insert instead:
(a) a Public Service agency,
- [10] **Section 69B (1C) (a) and (b)**
Omit “Government Department” wherever occurring.
Insert instead “Public Service agency”.
- [11] **Section 69B (1C) (b)**
Omit “, the responsible Minister”.
Insert instead “—the Minister to whom the agency is responsible”.
- [12] **Sections 71Q (b), 71AA (b) and 71AD (1) (h)**
Omit “the Service and the officers, employees and contractors of the Minister, the Director-General and the Service” wherever occurring.
Insert instead “officers of the Service”.
- [13] **Sections 74 (2) (b) and 185 (5)**
Omit “Director-General of the Department of Land and Water Conservation” wherever occurring.
Insert instead “Secretary of the Department of Industry, Skills and Regional Development”.

- [14] Sections 151B (4), 151D (2) (b) (ii), 151F (1) and 188G (1)**
Omit “Department” and “Department’s” wherever occurring.
Insert instead “Office” and “Office’s”, respectively.
- [15] Sections 169 and 170**
Omit “, honorary ranger or officer of the Jenolan Caves Reserve Trust” wherever occurring.
Insert instead “or honorary ranger”.
- [16] Section 185 (4) (b)**
Omit “Director-General”.
Insert instead “Secretary of the Department of Industry, Skills and Regional Development”.
- [17] Clauses 5 and 11 (1) of Schedule 1 and clause 13 (1) of Schedule 2**
Omit “, Department of Premier and Cabinet” wherever occurring.
- [18] Schedule 2, clause 7 (1)**
Omit “Department of Environment, Climate Change and Water”.
Insert instead “Office of Environment and Heritage”.
- [19] Schedule 14A, 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.

3.64 Nature Conservation Trust Act 2001 No 10

- [1] Section 18 (1) (a)**
Omit the paragraph. Insert instead:
(a) one is to be a person employed in the Office of Environment and Heritage, and
- [2] Section 20 (3)**
Omit the subsection. Insert instead:
(3) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to the staff of the Trust.
- [3] 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 a member.

3.65 New South Wales Institute of Psychiatry Act 1964 No 44

- [1] Section 2 (1), definition of “Director”**
Omit the definition. Insert instead:
Director means the person employed in the Public Service as the Director of the Institute.

[2] Section 3 (3)

Omit the note.

[3] Section 5 (2) (c)

Omit “officer of the Department”.

Insert instead “executive employed in the Ministry”.

[4] Section 7

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

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

[5] Section 20

Insert after section 19:

20 Staff

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

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

3.66 Ombudsman Act 1974 No 68

[1] Section 22 (2)

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

Insert instead “Secretary or General Counsel”.

[2] Section 25A (1), definition of “designated government agency”

Omit paragraph (a). Insert instead:

- (a) the Department of Education (including a government school) or the Ministry of Health,

[3] Section 33 (2)

Omit the subsection. Insert instead:

- (2) Subject to subsection (3) and to the terms of appointment, if the Ombudsman was, immediately before being appointed Ombudsman, a Public Service employee or a contributor to a superannuation scheme, the Ombudsman:

- (a) retains any rights accrued or accruing to the Ombudsman as such an employee or contributor, and
- (b) may continue to contribute to any superannuation scheme to which the Ombudsman was a contributor immediately before being appointed Ombudsman, and
- (c) is entitled to receive any deferred or extended leave and any payment, pension or gratuity under the superannuation scheme,

as if the Ombudsman had continued to be such an employee or contributor during his or her service as Ombudsman and:

- (d) the Ombudsman’s service as Ombudsman is taken to be service as an employee for the purpose of any law under which those rights accrued

or were accruing, under which the Ombudsman continues to contribute or by which that entitlement is conferred, and

- (e) the Ombudsman is taken to be an employee, and the Minister is taken to be the Ombudsman's employer, for the purposes of the superannuation scheme to which the Ombudsman is entitled to contribute under this subsection.

[4] Section 33 (4)

Omit "officer or".

[5] Section 33 (5)

Omit the subsection. Insert instead:

- (5) Subject to the terms of appointment, if the Ombudsman was, immediately before being appointed Ombudsman, a Public Service employee, the Ombudsman is:
- (a) if he or she ceases to hold office as Ombudsman otherwise than pursuant to section 6 (5), and
- (b) if he or she is under the age of sixty years,
- entitled to be employed at a work level and salary not lower than the level at which he or she was employed immediately before being appointed Ombudsman.

[6] Section 34 (1) (b1)

Insert "Family and" before "Community".

[7] Schedule 1A

Omit "Community Services Commission".

[8] Schedule 1A

Omit "Department of Local Government". Insert instead "Office of Local Government".

3.67 Parliamentary Electorates and Elections Act 1912 No 41

[1] Section 3 (1), definition of "Member of the staff of the Commission"

Omit the definition.

[2] Section 6 (2) (c)

Omit the paragraph. Insert instead:

- (c) one must be the person employed in the Public Service as the Surveyor-General.

[3] Section 6A

Omit "of the department concerned, make use of the services of any of the officers and employees of the Public Service including police officers".

Insert instead "to whom the agency concerned is responsible, make use of the services of any Public Service employee or police officer".

[4] Section 21AC (1)

Omit the subsection. Insert instead:

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

[5] Section 47 (1) (a)

Omit the paragraph. Insert instead:

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

[6] Section 81NA (4), definition of “prescribed person”

Omit paragraph (d). Insert instead:

- (d) any person employed in the Public Service and assigned to a role, or holding an office, prescribed by the regulations.

[7] Section 81O (1) (f)

Omit “Director-General of the Department of Community Services”.

Insert instead “Secretary of the Department of Family and Community Services”.

[8] Section 126A (3)

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

3.68 Pesticides Act 1999 No 80

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

Omit paragraph (a). Insert instead:

- (a) a Public Service agency, or

3.69 Poisons and Therapeutic Goods Act 1966 No 31

[1] Whole Act (except otherwise amended by this subschedule)

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

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

Omit the definition. Insert in alphabetical order:

Secretary means the Secretary of the Ministry of Health.

[3] Section 4 (1), definition of “Public institution”

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

[4] Sections 6 (2) (a) and 39

Omit “an officer of the Department” wherever occurring.

Insert instead “a person employed in the Ministry”.

[5] Section 6 (2) (d)

Omit the paragraph. Insert instead:

- (d) 1 is to be a person employed in the Department of Industry, Skills and Regional Development for the time being nominated by the Minister for Primary Industries,

[6] Section 6 (2) (e)

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

[7] Sections 37A (4) and 42 (3)

Omit “Part 2 of the *Public Sector Management Act 1988*” wherever occurring.

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

[8] Schedule 1, clause 8 (1)

Omit “*Public Service Act 1979*”.

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

3.70 Police Integrity Commission Act 1996 No 28

[1] Section 10 (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 (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.

[2] Sections 10 (4) (a) and 92 (4) (a)

Omit “government department” wherever occurring.

Insert instead “Public Service agency”.

[3] Section 22 (2)

Omit the subsection including the note.

[4] Section 40 (3)

Omit “disciplinary action under Part 2.7 of the *Public Sector Employment and Management Act 2002*”.

Insert instead “action under section 69 of the *Government Sector Employment Act 2013*”.

[5] Section 43 (5)

Omit “Director-General of the Attorney General’s Department”.

Insert instead “Secretary of the Department of Justice”.

[6] Section 136A (2) (d)

Omit “Attorney General and”.

[7] Section 143 (2) (a)

Omit “public servants, provision is made for these matters by or under the *Public Sector Employment and Management Act 2002*”.

Insert instead “Public Service employees, provision is made for these matters by or under the *Government Sector Employment Act 2013*”.

[8] Schedule 1, clause 9

Omit the clause. Insert instead:

9 Government Sector Employment Act 2013

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

[9] Schedule 2, clause 9

Omit “*Public Sector Management Act 1988*” wherever occurring.

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

3.71 Police Regulation (Superannuation) Act 1906 No 28

[1] Section 1 (2), definition of “executive officer”

Omit paragraphs (c) and (d). Insert instead:

(c) a Public Service senior executive within the meaning of the *Government Sector Employment Act 2013*.

[2] Section 1AA (10) (a)

Omit the paragraph. Insert instead:

(a) if the officer is a Public Service senior executive, within the meaning of the *Government Sector Employment Act 2013*, or a police executive officer, the monetary remuneration payable in accordance with the *Government Sector Employment Act 2013* or the *Police Act 1990*, as the case requires, or

[3] Schedule 4, clause 7 (1)

Omit “*Public Service Act 1979*”.

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

3.72 Prevention of Cruelty to Animals Act 1979 No 200

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

Omit the definition. Insert instead:

Department means the Department of Industry, Skills and Regional Development.

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

Omit paragraph (c). Insert instead:

- (c) a Public Service employee who is appointed by the Minister, or by a person employed in the Department authorised by the Minister, as an officer for the purposes of this Act.

[3] Section 24J (4) (c)

Omit the paragraph. Insert instead:

- (c) an inspector who is a Public Service employee (within the meaning of the *Government Sector Employment Act 2013*) or another person on behalf of the Crown,

[4] Section 24T (1) (b)

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

[5] Section 34C

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

[6] Section 35A (2) (a)

Omit “officers of the Department of Corrective Services”.

Insert instead “persons employed in Corrective Services NSW, Department of Justice”.

3.73 Privacy and Personal Information Protection Act 1998 No 133

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

Omit paragraphs (f) and (g). Insert instead:

- (f) the Department of Justice,

[2] Section 24 (5)

Omit “Department of Local Government, or any officer of that Department”.

Insert instead “Office of Local Government, or any person employed in that Office”.

[3] Section 43 (2)

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

Insert instead “Secretary or General Counsel”.

3.74 Private Health Facilities Act 2007 No 9

[1] Whole Act (except Schedule 4 and where otherwise amended by this subschedule)

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

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

[2] Section 4 (1), definitions of “Department” and “Director-General”

Omit the definitions. Insert in alphabetical order:

Secretary means the Secretary of the Ministry of Health.

[3] Sections 50 (1), 54 (3) (a) and 64 (a)

Omit “member of staff of the Department” wherever occurring.
Insert instead “person employed in the Ministry of Health”.

[4] Schedule 1, clause 6 (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 Chairperson.

[5] Schedule 3, 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.

3.75 Radiation Control Act 1990 No 13

[1] Section 5A (2)

Omit “Trade and Investment, Regional Infrastructure and Services”.
Insert instead “Industry, Skills and Regional Development”.

[2] Section 5A (2A) (a)

Omit the paragraph. Insert instead:

- (a) a person employed in the Department of Industry, Skills and Regional Development,

[3] Section 29 (2) (n)

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

[4] 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*”.

[5] 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.

3.76 Rice Marketing Act 1983 No 176

[1] Whole Act (except where otherwise amended by this subschedule)

Omit “Director-General” and “Director-General’s” wherever occurring.
Insert instead “Secretary” and “Secretary’s”, respectively.

[2] Section 4 (1), definitions of “Department” and “Director-General”

Omit the definitions. Insert in alphabetical order:

Department means the Department of Industry, Skills and Regional Development.

Secretary means the Secretary of the Department.

[3] Section 5 (1)

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

[4] Sections 15 (2) and 70 (2)

Omit “of the staff of” wherever occurring.

Insert instead “person employed in”.

[5] Sections 128 (4) (b), 152 (3) (a), 153 (3) (a), 154 (3) (a) and 160 (a)

Omit “members of the staff of” and “member of the staff of” wherever occurring.

Insert instead “persons employed in” and “person employed in”, respectively.

[6] Schedule 2, clause 9 (1)

Omit “*Public Service Act 1979*”.

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

3.77 Rural Fires Act 1997 No 65

[1] Part 2, note

Omit “*Public Sector Management Act 1988*”.

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

[2] Section 10 (1)

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

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

[3] Section 10 (3)

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

[4] Section 44 (2)

Omit the subsection. Insert instead:

- (2) The Commissioner may delegate the Commissioner’s functions under this Division (other than this power of delegation) to an officer or member of a rural fire brigade, a person employed in Fire and Rescue NSW, a person employed in the Department of Industry, Skills and Regional Development, a person employed in the Office of Environment and Heritage or any other person.

[5] Section 47 (1) (c)

Omit “Trade and Investment, Regional Infrastructure and Services”.

Insert instead “Industry, Skills and Regional Development”.

[6] Section 55 (1) (b)

Omit “Director-General of the Department of Environment, Climate Change and Water”.
Insert instead “Chief Executive of the Office of Environment and Heritage”.

[7] Section 64 (2) (b) (iii) and (iv)

Omit the subparagraphs. Insert instead:

- (iii) employee of the Department of Industry, Skills and Regional Development, or
- (iv) employee of the Office of Environment and Heritage.

[8] Section 100K (1) (a) and (b)

Omit the paragraphs. Insert instead:

- (a) the Secretary of the Department of Planning and Environment,
- (b) the Chief Executive of the Office of Environment and Heritage,

[9] Section 100K (1) (f)

Omit the paragraph. Insert instead:

- (f) the Secretary of the Department of Industry, Skills and Regional Development,

[10] Section 128 (2)

Omit “Director-General of the Department of Premier and Cabinet”.

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

[11] 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*”.

[12] 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 a member.

[13] Dictionary, definition of “fire fighting authority”

Omit paragraph (c). Insert instead:

- (c) the Office of Environment and Heritage,

[14] Dictionary, definition of “public authority”

Omit paragraph (b). Insert instead:

- (b) a Public Service agency, or

3.78 Skills Board Act 2013 No 99

[1] Section 5 (1) (b)

Omit the paragraph. Insert instead:

- (b) the Secretary of the Department of Industry, Skills and Regional Development or a nominee of the Secretary.

[2] Section 9 (1)

Omit “Education and Communities”.

Insert instead “Industry, Skills and Regional Development”.

3.79 Small Business Commissioner Act 2013 No 22

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

Omit paragraph (c). Insert instead:

- (c) a Public Service agency within the meaning of the *Government Sector Employment Act 2013*, or

[2] Section 4 (2)

Omit the subsection. Insert instead:

- (2) The office of 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] Section 12

Omit the section. Insert instead:

12 Staff

Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable the Commissioner 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 Commissioner makes use of) may be referred to as officers or employees, or members of staff, of the Commissioner. Section 47A of the *Constitution Act 1902* precludes the Commissioner from employing staff.

[4] Section 20

Omit “Director-General of the Department of Finance and Services”.

Insert instead “Secretary of the Department of Finance, Services and Innovation”.

3.80 State Authorities Non-contributory Superannuation Act 1987 No 212

[1] Section 3 (1), definitions of “chief executive officer” and “senior executive officer”

Omit the definitions.

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

Omit paragraphs (a) and (b). Insert instead:

- (a) a Public Service senior executive within the meaning of the *Government Sector Employment Act 2013*, or
- (b) an employee (not being a Public Service senior executive) of an employer specified in Schedule 1 and who holds an office designated by the Secretary of the Treasury as the office of an executive officer, or

[3] Section 4A (10) (a)

Omit the paragraph. Insert instead:

- (a) if the officer is a Public Service senior executive or a police executive officer, the monetary remuneration payable in accordance with the *Government Sector Employment Act 2013* or the *Police Act 1990*, as the case requires, or

[4] Section 19 (1) (c)

Omit “Departments in the Public Service”. Insert instead “Public Service agencies”.

[5] Schedule 1

Omit “A Government Department or Administrative Office”.

Insert instead “A Public Service agency within the meaning of the *Government Sector Employment Act 2013*”.

3.81 State Authorities Superannuation Act 1987 No 211

[1] Section 3 (1), definitions of “chief executive officer” and “senior executive officer”

Omit the definitions.

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

Omit paragraphs (a) and (b). Insert instead:

- (a) a Public Service senior executive within the meaning of the *Government Sector Employment Act 2013*, or
- (b) an employee (not being a Public Service senior executive) of an employer specified in Schedule 1 and who holds an office designated by the Secretary of the Treasury as the office of an executive officer, or

[3] Section 4A (10) (a)

Omit the paragraph. Insert instead:

- (a) if the officer is a Public Service senior executive or a police executive officer, the monetary remuneration payable in accordance with the *Government Sector Employment Act 2013* or the *Police Act 1990*, as the case requires, or

[4] Schedule 1

Omit “A Government Department or Administrative Office”.

Insert instead “A Public Service agency within the meaning of the *Government Sector Employment Act 2013*”.

3.82 State Emergency Service Act 1989 No 164

[1] Section 3 (1), definitions of “Commissioner” and “Deputy Commissioner”

Omit the definitions. Insert in alphabetical order:

Commissioner means the person employed in the Public Service as the Commissioner of the State Emergency Service.

Deputy Commissioner means the person employed in the Public Service as the Deputy Commissioner of the State Emergency Service.

[2] Section 9 (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] Section 9 (3)

Omit “government department, an administrative office”.

Insert instead “Public Service agency”.

[4] Section 9A

Omit the section.

[5] Schedule 3, 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 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 member.

3.83 State Owned Corporations Act 1989 No 134

[1] Section 7 (1)

Omit “, Department or Administrative Office”. Insert instead “or a Public Service agency”.

[2] Section 7 (3) (b)

Omit the paragraph. Insert instead:

- (b) (without limiting the above) a Minister, a Public Service agency or a person employed in a Public Service agency,

[3] Section 20T (10), definition of “authorised person”

Omit “an officer of the Department of Finance and Services”.

Insert instead “a person employed in the Department of Finance, Services and Innovation”.

[4] Schedule 4, clause 1, definition of “Department”

Omit the definition.

[5] Schedule 4, clause 1, definition of “eligible employee”

Omit “public servant”. Insert instead “Public Service employee”.

[6] Schedule 4, clause 5

Omit the clause. Insert instead:

5 Former Public Service employees may apply for employment in the Public Service

- (1) An eligible employee who, immediately before becoming an employee of the State owned corporation, was a Public Service employee may, within the following period of 3 years, apply for employment in the Public Service as if the employee were still a Public Service employee.

- (2) An eligible employee who applies for such employment is, for the purposes of the *Government Sector Employment Act 2013* and the *Industrial Relations Act 1996*, to be taken to be a Public Service employee in relation to the employment.
- (3) There is no right of appeal under Part 7 of Chapter 2 of the *Industrial Relations Act 1996*:
 - (a) for a person against the employment in the Public Service by an eligible employee, or
 - (b) for an eligible employee against the employment in the Public Service by another person.

[7] Schedule 8, clause 7 (1) (d)

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

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

[8] Schedule 8, 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 a director of the SOC.

3.84 State Records Act 1998 No 17

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

Omit the definition. Insert instead:

Director means the person employed in the Public Service as the Director of the Authority.

[2] Section 16 (1)

Omit “Director-General of The Cabinet Office”.

Insert instead “Secretary of the Department of Premier and Cabinet”.

[3] Section 25

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

[4] Section 25 (1)

Omit “National Parks and Wildlife”.

Insert instead “the Office of Environment and Heritage”.

[5] Section 66 (2A)

Omit the subsection including the note.

[6] Section 67 (3) (a)

Omit the paragraph. Insert instead:

- (a) a member of staff of the Authority, or

[7] Section 68

Insert after section 67:

68 Staff

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

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

[8] Section 69 (2) (b)

Omit the paragraph. Insert instead:

- (b) 2 are to be persons nominated by the Minister who administers the *Government Sector Employment Act 2013*, to represent Public Service agencies, and

[9] Schedule 2, 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*”.

[10] Schedule 2, 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.

3.85 Superannuation Act 1916 No 28

[1] Section 3 (1), definitions of “Chief executive officer” and “Senior executive officer”

Omit the definitions.

[2] Section 3 (1), definition of “Civil Service Acts”

Omit the definition.

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

Omit paragraphs (a) and (b). Insert instead:

- (a) a Public Service senior executive within the meaning of the *Government Sector Employment Act 2013*, or
- (b) an employee (not being a Public Service senior executive) of an employer specified in Schedule 3 and who holds an office designated by the Secretary of the Treasury as the office of an executive officer, or

[4] Section 3AA (10) (a)

Omit the paragraph. Insert instead:

- (a) if the officer is a Public Service senior executive, within the meaning of the *Government Sector Employment Act 2013*, or a police executive officer, the monetary remuneration payable in accordance with the *Government Sector Employment Act 2013* or the *Police Act 1990*, as the case requires, or

[5] Part 4, Division 4

Omit the Division.

[6] Section 84A

Omit the section.

[7] Schedule 3, Part 1

Omit “A Government Department or Administrative Office”.

Insert instead “A Public Service agency within the meaning of the *Government Sector Employment Act 2013*”.

3.86 Superannuation Administration Act 1996 No 39

[1] Section 50 (3)

Omit the subsection including the note to the subsection.

[2] Section 75

Insert after section 74:

75 Staff

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

Note. Section 59 of the *Government Sector Employment Act 2013* provides that the persons so employed (or whose services STC makes use of) may be referred to as officers or employees, or members of staff, of STC. Section 47A of the *Constitution Act 1902* precludes STC from employing staff (other than the chief executive officer of STC—see section 74 (1)).

[3] 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 a member.

3.87 Surveying and Spatial Information Act 2002 No 83

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

Omit the definition. Insert instead:

Department means the Department of Finance, Services and Innovation.

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

Omit “any Government Department”. Insert instead “a Public Service agency”.

[3] Section 3 (1), definition of “Registrar of the Board”

Omit the definition. Insert instead:

Registrar of the Board means the person employed in the Public Service as the Registrar of the Board.

[4] Section 3 (1), definition of “Surveyor-General”

Omit the definition. Insert instead:

Surveyor-General means the person employed in the Public Service as the Surveyor-General.

[5] Section 27 (2) (b)

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

[6] Section 28 (3)

Omit the subsection including the note.

[7] Section 28A

Insert after section 28:

28A Staff

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

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

[8] Section 33A (1) (a)

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

[9] 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 an appointed member and the office of such a member is not, for the purposes of any Act, an office or place of profit under the Crown.

3.88 Sydney Harbour Foreshore Authority Act 1998 No 170

[1] Section 3, 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 the Authority.

[2] Section 12 (3)

Omit the subsection including the note.

[3] Section 29 (2) (b)

Omit the paragraph. Insert instead:

- (b) the Secretary of the Department of Planning and Environment or a person nominated by the Secretary,

[4] Section 29 (4)

Omit the subsection.

[5] Section 31

Insert after section 30:

31 Staff

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

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

[6] Section 32 (1)

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

Insert instead “in the Public Service”.

[7] Section 38 (6) (c)

Omit “officer”. Insert instead “employee”.

[8] Section 38 (6) (e)

Omit “Urban Affairs and Planning”. Insert instead “Planning and Environment”.

[9] 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.

3.89 Sydney Olympic Park Authority Act 2001 No 57

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

Omit the definition. Insert in alphabetical order:

Chief Executive means the Chief Executive of the Office of Sport.

[2] Section 4 (1), definition of “relevant Government Service Division”

Omit the definition.

[3] Section 13 (2)

Omit the subsection including the note.

[4] Section 21

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

Insert instead “Secretary of the Department of Planning and Environment”.

[5] Section 34

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

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

[6] Sections 57 (3) (a), 61 (2) (a), 71 (6) (a), 74 and 82 (2) (a)

Omit “relevant Government Service Division” wherever occurring.

Insert instead “Authority”.

[7] Sections 61 (2) (a), 63, 65, 72 and 74

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

[8] Section 64

Insert after section 63:

64 Staff

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

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

[9] Section 65 (1)

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

Insert instead “in the Public Service”.

[10] Section 68 (3), definition of “public authority”

Omit paragraph (a). Insert instead:

(a) a Public Service agency, or

[11] Section 71 (6) (b)

Omit “officer”. Insert instead “employee”.

[12] Section 71 (6) (d)

Insert “and Environment” after “Planning”.

[13] Schedule 4, 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.

3.90 Teacher Housing Authority Act 1975 No 27

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

Omit “Department of Youth and Community Services” from paragraph (b).

Insert instead “Public Service”.

[2] Section 7 (1) (a1)–(c)

Omit the paragraphs. Insert instead:

(a1) one is to be a person employed in the Department of Education nominated by the Secretary of that Department,

- (b) one is to be the Secretary of the Department of Finance, Services and Innovation or a person employed in that Department nominated by the Secretary,
- (c) one is to be a person employed in the Public Service whose principal duty is the management of the Authority's activities.

[3] Section 7 (2) (a)

Omit "Director-General of the Department of Education and Training".

Insert instead "Secretary of the Department of Education".

[4] Section 7 (7)

Omit "Director-General of the Department of Services, Technology and Administration".

Insert instead "Secretary of the Department of Finance, Services and Innovation".

[5] Section 10 (5)

Omit "*Public Service Act 1979* and the *Teaching Services Act 1980* do not apply to or in respect of the appointment of a member".

Insert instead "*Government Sector Employment Act 2013* and the *Teaching Service Act 1980* do not apply to or in respect of a member who is appointed under this Act".

[6] Section 12

Insert after section 11:

12 Staff

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

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

[7] Section 13 (2) (l)

Omit "Government Department". Insert instead "Public Service agency".

[8] Section 13 (3)

Omit the subsection including the note.

[9] Section 17 (1)

Omit "an officer or employee appointed under the *Public Service Act 1979*".

Insert instead "a member of staff of the Authority".

[10] Section 38 (c)

Omit "any officer or employee". Insert instead "the employment of any member of staff".

[11] Section 40

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

3.91 Threatened Species Conservation Act 1995 No 101

[1] Whole Act (except Schedule 7 and where otherwise amended by this subschedule)

Omit “Director-General” and “Director-General’s” wherever occurring.
Insert instead “Chief Executive” and “Chief Executive’s”, respectively.

[2] Section 4 (1), definitions of “Department” and “Director-General”

Omit the definitions. Insert in alphabetical order:

Chief Executive means the Chief Executive of the Office.

Office means the Office of Environment and Heritage.

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

Omit “government department” and “, department”.

Insert instead “Public Service agency” and “, agency”, respectively.

[4] Sections 24 (3) (a), 90C (1) (b), 126F (1) (b), 126Q (3), 126V, 126X (1), 126ZU (1) (a), 127C (1), 127ZZB (4), 127ZZC (4), 127ZZD (4), 141L (1) and 142A

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

Insert instead “Office”.

[5] Section 54 (a) and (b)

Omit the paragraphs. Insert instead:

(a) the Secretary of the Department of Industry, Skills and Regional Development,

(b) the Secretary of the Department of Planning and Environment,

[6] Sections 126F (1) (a), 126G (definition of “planning authority”), 126ZU (1) (b), 127ZL (5) (b) and 127ZM

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

Insert instead “Secretary of the Department of Planning and Environment”.

[7] Section 127F (2) and (3)

Omit “Department of the Public Service” wherever occurring.

Insert instead “Public Service agency”.

[8] Section 127ZM (3), (5) and (6)

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

Insert instead “Chief Executive of the Office”.

[9] Section 130 (3) (d)

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

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

[10] Section 130 (5)

Omit the subsection. Insert instead:

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

[11] Section 141A

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

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

[12] Sections 141L (1) and 142A

Omit “member of staff of” wherever occurring.

Insert instead “person employed in”.

3.92 Valuation of Land Act 1916 No 2

[1] Section 4 (1), definitions of “Department” and “Director-General”

Omit the definitions. Insert in alphabetical order:

Department means the Department of Finance, Services and Innovation.

Secretary means the Secretary of the Department.

[2] Section 10

Omit the section. Insert instead:

10 Staff

Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable the Valuer-General 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 Valuer-General makes use of) may be referred to as officers or employees, or members of staff, of the Valuer-General. Section 47A of the *Constitution Act 1902* precludes the Valuer-General from employing staff.

[3] Section 13G

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

[4] Section 13G (3)

Omit “public servant employed within”. Insert instead “person employed in”.

[5] Part 6, heading

Omit “government departments”. Insert instead “Public Service agencies”.

[6] Section 67 (1)

Omit “NSW Fire Brigades”. Insert instead “Fire and Rescue NSW”.

[7] Section 76 (1)

Omit “Government department” and “Department Head”.

Insert instead “Public Service agency” and “head of the Public Service agency”, respectively.

[8] Section 79

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

[9] Section 81 (1) (a)

Omit “members of the staff of”. Insert instead “persons employed in”.

[10] Schedule 1, clause 5

Omit the clause. Insert instead:

5 Application of Government Sector Employment Act 2013

The office of Valuer-General 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.

[11] Schedule 1, clause 10 (2)

Omit the subclause. Insert instead:

(2) Subject to subclause (3) and to the terms of appointment, if the Valuer-General was, immediately before appointment as the Valuer-General:

- (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 Valuer-General:

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

as if the Valuer-General had continued to be such an employee, contributor or member of staff during his or her service as the Valuer-General, and:

- (h) his or her service as the Valuer-General 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 Valuer-General continues to contribute or by which that entitlement is conferred, and
- (i) the Valuer-General is taken to be an employee or member of staff, and the Government of New South Wales is taken to be the Valuer-General’s employer, for the purpose of the superannuation scheme to which the Valuer-General is entitled to contribute under this clause.

[12] Schedule 1, clause 10 (4)

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

[13] Schedule 1, clause 11 (2)

Omit the subclause. Insert instead:

- (2) A person who ceases to be the Valuer-General, otherwise than pursuant to clause 7 (paragraph (g) excepted), is entitled to be employed, if, immediately before appointment as the Valuer-General, 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 the Valuer-General.

3.93 Victims Rights and Support Act 2013 No 37

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

Omit the definition. Insert in alphabetical order:

Secretary means the Secretary of the Department of Justice.

[2] Section 8 (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*”.

[3] Sections 8 (2), 14, 42 (2) and 73 (4) (definition of “relevant custodial officer”)

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

[4] Section 10 (2)

Omit “Director-General under the *Public Sector Employment and Management Act 2002*”.

Insert instead “Secretary under the *Government Sector Employment Act 2013*”.

[5] Sections 13 (5), 14 (3) (b) and 110 (c)

Omit “Attorney General and” wherever occurring.

[6] Section 42 (2)

Omit “public servant”. Insert instead “Public Service employee”.

[7] 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.

3.94 Water Management Act 2000 No 92

[1] Sections 47 (8) (definition of “designated person”), 359 (3) (b), 389 (2) and 397 (1)

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

[2] Section 285 (3)

Omit the subsection including the note.

[3] Section 290

Insert after section 289:

290 Staff

Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable a corporation listed in Part 1 of Schedule 3 to exercise its functions.

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

[4] Sections 376 and 382 (1)

Omit “government department” wherever occurring.

Insert instead “Public Service agency”.

[5] Schedule 5, clause 1

Omit the clause.

[6] Schedule 5, 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 a member and the office of a member is not, for the purposes of any Act, an office or place of profit under the Crown.

[7] Schedule 6, 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 of a management committee and the office of such a member is not, for the purposes of any Act, an office or place of profit under the Crown.

[8] Dictionary, definitions of “Department” and “Director-General”

Omit the definitions. Insert in alphabetical order:

Department means the Department of Industry, Skills and Regional Development.

Secretary means the Secretary of the Department.

[9] Dictionary, definition of “public authority”

Omit paragraph (b). Insert instead:

- (b) a Public Service agency, or

3.95 Western Lands Act 1901 No 70

[1] Section 3 (1), definitions of “Assistant Commissioner” and “Commissioner”

Omit the definitions. Insert in alphabetical order:

Assistant Commissioner means a person employed in the Public Service as an Assistant Western Lands Commissioner.

Commissioner means the person employed in the Public Service as the Western Lands Commissioner.

[2] **Section 3 (1), definitions of “Department” and “Director-General”**

Omit the definitions. Insert in alphabetical order:

Department means the Department of Industry, Skills and Regional Development.

Secretary means the Secretary of the Department.

[3] **Section 8A (a)**

Omit the paragraph. Insert instead:

(a) any person employed in the Department, or

[4] **Section 11**

Omit the section. Insert instead:

11 Staff

Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable the Commissioner 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 Commissioner makes use of) may be referred to as officers or employees, or members of staff, of the Commissioner. Section 47A of the *Constitution Act 1902* precludes the Commissioner from employing staff.

[5] **Section 12A (a)**

Omit the paragraph. Insert instead:

(a) any person employed in the Department, or

[6] **Sections 18E and 35A and Part 2 of Schedule 2**

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

[7] **Section 18E (2) (c) (iii)**

Omit “of the Department of Industry and Investment”.

[8] **Schedule 1**

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

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

[9] **Schedule 5, 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 of the Western Lands Advisory Council and the office of such a member is not, for the purposes of any Act, an office or place of profit under the Crown.

3.96 Western Sydney Parklands Act 2006 No 92

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

Omit the definition. Insert instead:

Director means the person employed in the Public Service as the Director of the Trust.

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

Omit paragraph (c). Insert instead:

(c) a Public Service agency within the meaning of the *Government Sector Employment Act 2013*,

[3] Section 3 (1), definition of “member of staff of the Trust”

Omit the definition.

[4] Section 7 (2) (a1)–(c)

Omit the paragraphs. Insert instead:

- (a1) the Secretary of the Department of Premier and Cabinet or his or her nominee,
- (b) the Secretary of the Department of Planning and Environment or his or her nominee,
- (c) the Chief Executive of the Office of Environment and Heritage or his or her nominee,

[5] Section 9A

Insert after section 9:

9A 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.

[6] Section 12 (4)

Omit the subsection including the note.

[7] Sections 31 and 37 (2)

Omit “Director-General” and “Department of Environment and Conservation” wherever occurring.

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

[8] Section 31 (7)

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

[9] Section 47 (1)

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

Insert instead “in the Public Service”.

[10] 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.

3.97 Young Offenders Act 1997 No 54

[1] Section 4, definition of “Director-General”

Omit the definition. Insert in alphabetical order:

Secretary means the Secretary of the Department of Justice.

[2] Sections 46 (1), 47 (2) (e), 62A and 66

Omit “Attorney General and” wherever occurring.

[3] Sections 48 (2), 49, 60 (1), 62A, 66 (4), 72 (1) and 73 (2) and clause 3 of Schedule 1

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

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

[4] Section 61

Omit “appointed under Part 2 of the *Public Sector Management Act 1988*”.

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

[5] Section 66 (4), definition of “authorised officer of the Department of Justice”

Omit “officers of”. Insert instead “persons employed in”.

[6] Section 66 (4), definition of “authorised officer of the Department of Justice”

Omit paragraph (e). Insert instead:

- (e) such other persons employed in the Department (or persons belonging to a class of employee) as may be prescribed by the regulations.

[7] Schedule 1, clause 4 (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 conference convenor.

Schedule 4 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 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.

[Second reading speech made in—
Legislative Council on 21 October 2015
Legislative Assembly on 18 November 2015]