



New South Wales

Service NSW (One-stop Access to Government Services) Bill 2013

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are as follows:

- (a) to enable Service NSW (by conferring functions on its Chief Executive Officer (the *CEO*)) to provide one-stop access to customer services for NSW government agencies and for other agencies or persons,
- (b) to facilitate the provision of information by and about customers for that purpose,
- (c) to enact consequential provisions relating to access to government information and State records.

Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Clause 3 defines certain words and expressions used in the proposed Act. Among other things, it defines *Government agency* as including State government agencies (such as the Government Service, the NSW Police Force and the NSW Health Service) as well as statutory bodies representing the Crown and councils and county councils.

Part 2 One-stop access to Government services

Clause 4 confers on the CEO customer service functions that are delegated to the CEO under other Acts or given to the CEO under agreements.

Clause 5 lists the functions that are *customer service functions*. They include functions relating to applications for and the issue of licences and other authorities, giving information about Government services or legislation, receiving and making payments, the provision of other Government services, acting as an agent for agencies of other Governments and persons and other ancillary functions.

Clause 6 enables the CEO to disclose information about a person to a Government agency other than the agency for which a customer service is being provided to the person if the person consents to that disclosure.

Clause 7 extends the operation of a power to delegate a customer service function that is conferred on a Government agency under another Act or an instrument so that it is taken to confer a power to also delegate that function to the CEO. That other Act or instrument will also be extended so as to authorise the CEO to sub-delegate that function.

Clause 8 empowers the CEO to enter into agreements with Government agencies to exercise non-statutory customer service functions of the agency concerned and with respect to the exercise of customer service functions delegated or sub-delegated to the CEO. The CEO is given the power to exercise any such function. The proposed section expressly permits the CEO, under an agreement, to exercise penalty notice functions of the State Debt Recovery Office.

Clause 9 empowers the CEO to exercise customer service functions delegated or sub-delegated to the CEO under legislation of the Commonwealth or another State or Territory and to sub-delegate such a function if otherwise permitted to do so. The functions must be functions prescribed by the regulations. The proposed section also empowers the CEO to enter into agreements with agencies of the Commonwealth Government, Governments of other States or Territories or Governments of other countries to exercise customer service functions of the agency concerned. The CEO is given the power to exercise any such function.

Clause 10 empowers the CEO to enter into agreements with non-government entities to exercise customer service functions of the entities concerned. The CEO is given the power to exercise any such function.

Clause 11 enables the CEO to collect, maintain and use records of information about customer transactions and preferences and other information about customers for whom services are provided for the internal administrative purposes of Service NSW, including for the purposes of its interactions with those customers.

Clause 12 empowers the CEO to appoint persons to act as agents for the CEO for the provision of customer service functions.

Part 3 Privacy and access to and disclosure of information

Clause 13 defines *service agency*, for the purposes of the proposed Part, to mean a Government agency and any other agency or person for whom the CEO is exercising customer service functions.

Clause 14 authorises the CEO to disclose information that is obtained while exercising customer service functions to the relevant Government agency, the customer, any person to whom the Government agency may disclose the information or other persons or classes of persons prescribed by the regulations. A Government agency is authorised to disclose information to the CEO for customer service function purposes and also for purposes related to certain statutory obligations. The CEO may also disclose information obtained in connection with the exercise of customer service functions for a service agency (other than a Government agency). The disclosure of information by and to the CEO for the purpose of updating, with consent, a person's information is also authorised. The use of the information for the purpose for which it is disclosed is also authorised. The purpose of the proposed section is to overcome restrictions contained in other Acts on the disclosure and use of the information.

Clause 15 modifies the application of one of the information protection principles under the *Privacy and Personal Information Protection Act 1998* to the CEO. The CEO will be permitted to give a general notice alerting a customer to information provided by the service agency about the collection of personal or health information instead of having to give the customer the more detailed information that would otherwise be required when collecting information for customer service purposes. In the case of collecting information for updating purposes or for internal records purposes, the CEO will be permitted to give a general notice that refers to information on the Service NSW website or held at the relevant service centre.

Clause 16 enables a delegation or sub-delegation, or an agreement, that confers customer service functions on the CEO to also provide for the CEO to exercise, and for the CEO to exercise, associated statutory functions relating to access to government information and State records. Any such delegation, sub-delegation or agreement may also authorise a Government agency to exercise such functions for the CEO.

Clause 17 makes it clear that the proposed Act does not restrict or prevent any other lawful collection, disclosure or use of information.

Part 4 Miscellaneous

Clause 18 enables the CEO to delegate functions under the proposed Act.

Clause 19 enables a Government agency to transfer assets, rights or liabilities to the Crown if the transfer is for the purpose of enabling the CEO to exercise customer service functions for the Government agency. Such a transfer must be consented to by the Minister administering the proposed Act and the Minister responsible for the Government agency. The proposed section also contains provisions relating to the operation and effect of any such transfer, including a provision providing that the transfer does not constitute a breach of any contractual provision.

Clause 20 exempts the CEO, a member of staff of Service NSW, or a person acting under the direction of the CEO or such a member of staff, from personal liability for acts or omissions done or omitted to be done in good faith for the purposes of executing the proposed Act. Any such liability will instead attach to the Crown.

Clause 21 enables the Governor to make regulations for the purposes of the proposed Act.

Clause 22 provides for the review of the proposed Act after 5 years from the date of assent to the proposed Act.

Schedule 1 Savings, transitional and other provisions

Schedule 1 contains savings, transitional and other provisions consequent on the enactment of the proposed Act.

Schedule 2 Amendment of Acts and instrument

Schedule 2 amends the Acts and instrument specified in the Schedule.