



New South Wales

# Government Sector Finance Amendment (Grants) Bill 2023

## Explanatory note

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

## Overview of Bill

The objects of this Bill are—

- (a) to amend the *Government Sector Finance Act 2018* to impose certain duties on Ministers and other government officials when approving or declining government grants, and
- (b) to amend the *Government Information (Public Access) Act 2009* and the *Government Information (Public Access) Regulation 2018* to provide that certain information about government grants is open access information that must be made publicly available.

## Outline of provisions

**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 1 July 2023.

## Schedule 1      **Amendment of Government Sector Finance Act 2018 No 55**

**Schedule 1[1]** transfers the *Government Sector Finance Act 2018*, Schedule 1, clause 31 to proposed section 10.3A. The proposed section sets out a duty to comply with the Grants Administration Guide, which is issued by the Premier and published in the Gazette. The current Grants Administration Guide was published in the Gazette on 19 September 2022.

**Schedule 1[1]** also sets out the following further duties in relation to approving or declining grants—

- (a) a Minister must not approve a grant unless satisfied that the grant—
  - (i) is an efficient, effective, economical and ethical use of money, and
  - (ii) achieves value for money,
- (b) when approving or declining a grant to which the Grants Administration Guide applies, a person must have regard to the key principles of grants administration specified in the Guide.

Schedule 1[2] makes a consequential amendment.

## **Schedule 2      Amendment of Government Information (Public Access) Act 2009 No 52**

Schedule 2[1] and [2] provide that open access information prescribed by the regulations under the *Government Information (Public Access) Act 2009*, section 18(g) may be required to be made publicly available on a website prescribed by the regulations instead of a website maintained by the agency.

## **Schedule 3      Amendment of Government Information (Public Access) Regulation 2018**

Schedule 3 prescribes information relating to grants administered by an agency as open access information if the information is required, under a mandatory requirement of the Grants Administration Guide, to be published by the agency on a website specified in the Guide.

Schedule 3 also prescribes the website specified in the Grants Administration Guide as the website on which the information must be made publicly available for the purposes of the *Government Information (Public Access) Act 2009*.



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# Government Sector Finance Amendment (Grants) Bill 2023

No. \_\_\_\_\_, 2023

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## **A Bill for**

An Act to amend the *Government Sector Finance Act 2018*, the *Government Information (Public Access) Act 2009* and the *Government Information (Public Access) Regulation 2018* in relation to the administration of government grants.

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**The Legislature of New South Wales enacts—**

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**1 Name of Act**

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This Act is the *Government Sector Finance Amendment (Grants) Act 2023*.

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**2 Commencement**

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This Act commences on 1 July 2023.

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<b>Schedule 1</b>	<b>Amendment of Government Sector Finance Act 2018 No 55</b>	1
		2
<b>[1] Section 10.3A</b>		3
	Insert after section 10.3—	4
<b>10.3A Administration of government grants</b>		5
(1)	The following persons must not knowingly breach a mandatory requirement contained in a Grants Administration Guide—	6
	(a) a Minister,	7
	(b) a person employed by a Minister under the <i>Members of Parliament Staff Act 2013</i> ,	8
	(c) an employee of a government sector agency within the meaning of the <i>Government Sector Employment Act 2013</i> , other than a person employed in or by a State owned corporation.	9
		10
(2)	A Minister must not approve a grant to which the Grants Administration Guide applies unless satisfied that the grant—	11
	(a) is an efficient, effective, economical and ethical use of money, and	12
	(b) achieves value for money.	13
(3)	When approving or declining a grant to which the Grants Administration Guide applies, a person must have regard to the key principles of grants administration specified in the Guide.	14
	<b>Note—</b> The key principles specified in the Grants Administration Guide published in the Gazette on 19 September 2022 are robust planning and design, collaboration and partnership, proportionality, an outcomes orientation, achieving value with relevant money, governance and accountability and probity and transparency.	15
		16
(4)	In this section—	17
	<b>Grants Administration Guide</b> means a Grants Administration Guide issued from time to time by the Premier and published in the Gazette.	18
	<b>mandatory requirement</b> , of a Grants Administration Guide, means a requirement contained in the Guide that is expressly identified by the Guide to be a mandatory requirement.	19
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<b>[2] Schedule 1 Savings, transitional and other provisions</b>		31
	Omit Part 4.	32

<b>Schedule 2</b>	<b>Amendment of Government Information (Public Access) Act 2009 No 52</b>	1
		2
<b>[1] Section 6 Mandatory proactive release of certain government information</b>		3
Omit “a website maintained by the agency” from section 6(2).		4
Insert instead “a relevant website”.		5
<b>[2] Section 6(7)</b>		6
Insert after section 6(6)—		7
(7) In this section—		8
<i>relevant website</i> means—		9
(a) a website maintained by the agency, or		10
(b) for open access information prescribed under section 18(g) for which a website is prescribed by the regulations—the website.		11
		12

<b>Schedule 3</b>	<b>Amendment of Government Information (Public Access) Regulation 2018</b>	1
		2
<b>Clause 6A</b>		3
Insert after clause 6—		4
<b>6A</b>	<b>Additional open access information about grants administration</b>	5
(1)	For the Act, section 18(g), information relating to grants administered, or proposed to be administered, by an agency is prescribed as open access information of the agency if the information is required, under a mandatory requirement of the Grants Administration Guide, to be published by the agency on a website specified in the Guide.	6 7 8 9 10
(2)	For the Act, section 6(7), definition of <i>relevant website</i> , paragraph (b), the website specified in the Grants Administration Guide is prescribed.	11 12
(3)	In this clause—	13
	<i>Grants Administration Guide</i> has the same meaning as in the <i>Government Sector Finance Act 2018</i> , section 10.3A.	14 15
	<i>mandatory requirement</i> has the same meaning as in the <i>Government Sector Finance Act 2018</i> , section 10.3A.	16 17