

Passed by both Houses



New South Wales

Government Sector Finance Amendment (Grants) Bill 2023

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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Legislative Council
2023*

Clerk of the Parliaments



New South Wales

Government Sector Finance Amendment (Grants) Bill 2023

Act No _____, 2023

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.

The Legislature of New South Wales enacts—

1 Name of Act

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

2 Commencement

This Act commences on 1 July 2023.

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

[1] **Section 10.3A**

Insert after section 10.3—

10.3A Administration of government grants

- (1) The following persons must not knowingly breach a mandatory requirement contained in a Grants Administration Guide—
 - (a) a Minister,
 - (b) a person employed by a Minister under the *Members of Parliament Staff Act 2013*,
 - (c) an employee of a government sector agency within the meaning of the *Government Sector Employment Act 2013*, other than a person employed in or by a State owned corporation.
- (2) A Minister must not approve a grant to which the Grants Administration Guide applies unless satisfied that the grant—
 - (a) is an efficient, effective, economical and ethical use of money, and
 - (b) achieves value for money.
- (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.

Note— 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.

- (4) In this section—

Grants Administration Guide means a Grants Administration Guide issued from time to time by the Premier and published in the Gazette.

mandatory requirement, of a Grants Administration Guide, means a requirement contained in the Guide that is expressly identified by the Guide to be a mandatory requirement.

[2] **Schedule 1 Savings, transitional and other provisions**

Omit Part 4.

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

[1] Section 6 Mandatory proactive release of certain government information

Omit “a website maintained by the agency” from section 6(2).

Insert instead “a relevant website”.

[2] Section 6(7)

Insert after section 6(6)—

(7) In this section—

relevant website means—

- (a) a website maintained by the agency, or
- (b) for open access information prescribed under section 18(g) for which a website is prescribed by the regulations—the website.

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

Clause 6A

Insert after clause 6—

6A Additional open access information about grants administration

- (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.
- (2) For the Act, section 6(7), definition of *relevant website*, paragraph (b), the website specified in the Grants Administration Guide is prescribed.
- (3) In this clause—

Grants Administration Guide has the same meaning as in the *Government Sector Finance Act 2018*, section 10.3A.

mandatory requirement has the same meaning as in the *Government Sector Finance Act 2018*, section 10.3A.