



New South Wales

Revenue and Other Legislation Amendment Bill 2025

Explanatory note

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

This Bill is cognate with the *Appropriation Bill 2025*.

Overview of Bill

The objects of this Bill are as follows—

- (a) to amend the *First Home Owner Grant and Shared Equity Act 2000* (the **FHOGSE Act**) to allow information obtained during work related to the administration of that Act to be disclosed in connection with the administration of the *Unclaimed Money Act 1995* (the **UM Act**),
- (b) to amend the *Government Sector Finance Act 2018* (the **GSF Act**) to exclude particular statutory funds from the Treasurer's power to make transfers between statutory funds of which the assets are invested directly or indirectly in the NSW Master Fund,
- (c) to amend the *Mining Act 1992* (the **Mining Act**) to—
 - (i) set out ways in which the transfer of an authority can be prohibited as a result of outstanding amounts owed to the Crown in relation to the authority, and
 - (ii) provide for the deferral of the payment of royalties for critical minerals and the imposition of an interest amount owing on the royalties deferred, and
 - (iii) provide for the imposition of fixed charges and caveats on mining leases in circumstances where royalties and security deposits remain unpaid, and
 - (iv) address other miscellaneous matters, including additional matters concerning royalties and the disclosure of information,
- (d) to amend the *Mining Regulation 2016* consequential on the amendments to the Mining Act,

- (e) to amend the *Payroll Tax Act 2007* to make further provision about payroll tax exemptions for wages that are the subject of Jobs Plus agreements and repeal provisions about those exemptions,
- (f) to amend the *State Authorities Non-contributory Superannuation Act 1987* (the **SANCS Act**) to ensure the continued entitlement of particular members of the State Authorities Non-contributory Scheme to the additional employer contribution under the SANCS Act, section 16A following the repeal of the *Industrial Relations Act 1996* (the **IR Act**), section 146C,
- (g) to amend the *State Debt Recovery Act 2018* (the **SDR Act**) to allow personal information obtained in the administration or execution of that Act to be disclosed to a person engaged in the administration or execution of the UM Act in connection with the administration or execution of the UM Act,
- (h) to amend the UM Act to increase the repayment of unclaimed money to the unclaimed money's owners by—
 - (i) enabling unclaimed money to be repaid without an application from the owner, and
 - (ii) enhancing information sharing to help identify owners, and
 - (iii) shortening the time frame by which money held by an enterprise becomes unclaimed money, and
 - (iv) strengthening compliance with the UM Act.

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.

Schedule 1 Amendment of First Home Owner Grant and Shared Equity Act 2000 No 21

Schedule 1 provides that information obtained during work related to the administration of the FHOGSE Act may be disclosed in connection with the administration of the UM Act.

Schedule 2 Amendment of Government Sector Finance Act 2018 No 55

Schedule 2 amends the GSF Act, section 10.3B to add the following statutory funds to the existing list of funds that are excluded from the Treasurer's power to make transfers between statutory funds of which assets are invested directly or indirectly in the NSW Master Fund—

- (a) the Motor Accident Injuries Treatment and Care Benefits Fund established under the *Motor Accident Injuries Act 2017*,
- (b) the Lifetime Care and Support Authority Fund established under the *Motor Accidents (Lifetime Care and Support) Act 2006*,
- (c) the Workers' Compensation (Dust Diseases) Fund established under the *Workers' Compensation (Dust Diseases) Act 1942*.

Schedule 3 Amendment of Mining Act 1992 No 29

Schedule 3[1] enables a decision-maker to give a notice to a proposed transferee and transferor specifying the outstanding royalties payable under, and other amounts payable in connection to, an authority that has been approved to be transferred.

Schedule 3[2] permits the Secretary not to register the transfer of an authority if payment of an amount specified in a notice referred to in proposed section 121(7A) has not been paid or a caveat has been registered under proposed section 292YC.

Schedule 3[3] causes an approval for the transfer of an authority to lapse if an amount specified in a notice referred to in proposed section 121(7A) remains unpaid for the specified period.

Schedule 3[4]–[6] clarify that the liability to pay royalty attaches to the person who is the holder of the mining lease or sublease when the minerals or petroleum, as the case may be, are recovered under the lease or sublease.

Schedule 3[7] provides that the rate of royalty under the Act, Part 14, Division 1 is the rate of royalty payable on coal in coal reject if the Minister has not determined a rate for the royalty payable on coal in coal reject.

Schedule 3[8] extends the requirements under the Act, section 289 about returns for mining leases to mining subleases.

Schedule 3[9] provides that payment of royalty must be paid at the times, and for the periods, as specified in a deferral approval. **Schedule 3[10] and [11]** make consequential amendments.

Schedule 3[12] makes provision for the application for and grant of a deferral approval under proposed section 291AA and the imposition of interest amounts owing on royalty deferred under a deferral approval under proposed section 291AB.

Schedule 3[13] requires the Minister to determine certain matters related to royalties within objections under the *Taxation Administration Act 1996*, Part 10 when referred by the Chief Commissioner as required by the proposed section and provides that certain things are not reviewable by a court or tribunal in certain circumstances.

Schedule 3[14] requires the Chief Commissioner to give certain information about royalties to the Minister and permits the Chief Commissioner to share the information in accordance with an arrangement with the Minister.

Schedule 3[16] makes provision under proposed Part 14B, Division 2 for the imposition of fixed charges on mining leases held by a person on the declaration, by order, that the person has not paid royalty liabilities or security deposit liabilities. The Secretary must record the fixed charges on the register under the Act, section 161. A caveat may also be lodged on a mining lease the subject of a fixed charge under proposed section 292YC. Proposed section 292YD permits the recovery of costs and expenses in relation to the imposition of a fixed charge. **Schedule 3[15]** makes a consequential amendment.

Schedule 3[17] and [18] make statute law revision updates to clarify which provisions are penalty provisions.

Schedule 3[19] inserts savings and transitional provisions.

Schedule 3[20] makes consequential amendments to the Dictionary.

Schedule 4 Amendment of Mining Regulation 2016

Schedule 4[1] is a consequential amendment to Schedule 3[13].

Schedule 4[2] prescribes when returns are due for royalty deferred under a deferral approval.

Schedule 4[3] prescribes when returns in relation to a mining lease are due if an application is made for the transfer of the mining lease.

Schedule 4[4] and [5] make consequential amendments to Schedule 3[9].

Schedule 4[6] prescribes the day and period for which a return in relation to a mining lease must be lodged if an application is made for the transfer of the mining lease.

Schedule 4[7] prescribes certain matters in relation to a deferral approval consequential to Schedule 3[9]. Proposed clause 77A prescribes the eligibility criteria for deferral approval applications. Proposed clause 77B prescribes minerals for the purposes of the definition of *critical minerals*. Proposed clause 77C prescribes the maximum period for which royalty payments can be deferred. Proposed clause 77D prescribes a condition of a deferral approval. Proposed clause 77E prescribes grounds for revocation of deferral approvals. Proposed clause 77F prescribes what occurs in relation to royalties payable when a deferral approval is revoked.

Schedule 4[8] prescribes an application for a deferral approval as an application that may be amended in accordance with the Act, section 382B.

Schedule 4[9] prescribes hafnium as a mineral for the definition of *mineral*.

Schedule 4[10] prescribes hafnium as a mineral within Group 1 (Metallic minerals).

Schedule 4[11] inserts savings and transitional provisions consequent on Schedule 4[9] and [10].

Schedule 5 Amendment of Payroll Tax Act 2007 No 21

Schedule 5[1] provides that Jobs Plus agreements that give rise to an entitlement to a payroll tax exemption must have been entered into before 1 July 2024.

Schedule 5[2] clarifies that a variation, agreed on or after 1 July 2024, of a Jobs Plus agreement entered into before 1 July 2024, must not be regarded as the entry into a new Jobs Plus agreement unless the variation results in an increase in the number of positions that are entitled to a wages exemption under section 66F.

Schedule 5[3] makes it clear that wages are exempt wages only if the wages are paid or payable to a person in relation to a period—

- (a) before 1 October 2028, and
- (b) within the first 4 years of the exemption applying to wages for the person's position.

Schedule 5[4] extends the annual reporting requirement of the Minister by a year to 1 July 2029.

Schedule 5[5] makes it clear that section 66F prevails over the provisions of a Jobs Plus agreement to the extent of an inconsistency. It also repeals section 66F on 2 July 2033.

Schedule 6 Amendment of State Authorities Non-contributory Superannuation Act 1987 No 212

Schedule 6 amends the SANCS Act, section 16A(4), definition of *relevant employee* to ensure that members of the State Authorities Non-contributory Scheme who would be subject to a limitation on wage increases under the IR Act, section 146C if that section or the *Industrial Relations (Public Sector Conditions of Employment) Regulation 2014* had not been repealed continue to be entitled to the additional employer contribution under the SANCS Act, section 16A.

Schedule 7 Amendment of State Debt Recovery Act 2018 No 11

Schedule 7 provides that personal information obtained in the administration or execution of the SDR Act may be disclosed to a person engaged in the administration or execution of the UM Act in connection with the administration or execution of the UM Act.

Schedule 8 Amendment of Unclaimed Money Act 1995 No 75

Schedule 8[2] and [3] amend the definition of *unclaimed money* to mean money held in an account that has not been operated on for at least 2 years or, for a particular enterprise, a shorter

period of at least 12 months approved by the Chief Commissioner at the enterprise's request. The amendments reduce the general minimum period from 6 years and remove the option of a shorter period of at least 2 years from being prescribed by the regulations.

Schedule 8[4] and [5] increase the maximum penalty for the following offences from 50 penalty units to 250 penalty units for an individual and 500 penalty units otherwise—

- (a) failure by an enterprise to make reasonable efforts to ensure an owner is paid money as required by the UM Act, section 8A,
- (b) failure by a licensee of a trust account to make reasonable efforts to ensure an owner is paid money as required by the UM Act, section 9B,
- (c) failure by a former licensee or personal representative of a deceased licensee to lodge a return with the Chief Commissioner and pay unclaimed money as required by the UM Act, section 9C,
- (d) failure by an enterprise to lodge a return with the Chief Commissioner and pay unclaimed money as required by the UM Act, section 10.

Schedule 8[6] increases the maximum penalty for a continuing offence under the UM Act, sections 9C and 10 from 5 penalty units to 50 penalty units.

Schedule 8[7] increases the maximum penalty for offences relating to copies and inspections of returns under the UM Act, sections 11 and 13C from 2 penalty units to 20 penalty units for an individual and 100 penalty units otherwise.

Schedule 8[8]–[10] update language used in the UM Act, sections 15 and 21.

Schedule 8[11] inserts proposed section 22, which authorises the Chief Commissioner to determine, on the Chief Commissioner's own initiative, that a person is the owner of unclaimed money, and to repay to the person unclaimed money paid to the Chief Commissioner under the UM Act. **Schedule 8[12]** makes a consequential amendment.

Schedule 8[13] requires the Chief Commissioner to notify the owner of unclaimed money before applying the amount to offset other debts instead of repaying the money.

Schedule 8[14] inserts proposed Part 4B, which relates to compliance notices. Under the proposed part, the Chief Commissioner may give a person a compliance notice if the Commissioner believes the person is contravening the UM Act, section 8A, 9B, 9C or 10, or has contravened the sections and is likely to continue or repeat the contravention.

Before giving a compliance notice to a person, the Chief Commissioner must notify the person of the Chief Commissioner's intention to give the compliance notice, invite the person to make submissions about the proposed compliance notice and consider submissions made by the person.

The maximum penalty for failing to comply with a compliance notice is 250 penalty units for an individual and 500 penalty units otherwise.

Schedule 8[1] makes a consequential amendment.

Schedule 8[15] excludes the *Taxation Administration Act 1996*, section 122, which relates to the maximum penalty that a court may impose for an offence against a taxation law committed by a corporation, from application to offences under the UM Act.

Schedule 8[16] removes a precondition to the exercise of the Chief Commissioner's power to make an assessment of the liability of an enterprise to pay unclaimed money, or of a public sector superannuation provider to pay unclaimed superannuation benefits, to the Chief Commissioner. The precondition required either failure to lodge a return by the due date or the Commissioner being of the opinion that an incorrect return had been lodged.

Schedule 8[17] increases the maximum penalty, from 5 penalty units to 20 penalty units for an individual and 100 penalty units otherwise, for the offence of an enterprise failing to comply with a direction to annotate a matter in a record of the enterprise relating to unclaimed money with details the Chief Commissioner believes to be correct.

Schedule 8[18] makes it an offence, punishable by a maximum penalty of 100 penalty units, for a person to disclose information obtained in connection with the administration or execution of the UM Act.

Schedule 8[19] provides that an authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed an offence against the UM Act or the regulations that is prescribed by the regulations as a penalty notice offence. The proposed amendment also inserts a double jeopardy provision to make it clear that a person is not liable to be convicted for an offence under more than one provision of the UM Act for essentially the same act or omission.

Schedule 8[20] inserts proposed savings and transitional provisions and gives effect to the *Unclaimed Money Regulation 2025*.

Schedule 8[21] sets out the *Unclaimed Money Regulation 2025*.