



New South Wales

ICAC and Other Independent Commissions Legislation Amendment (Independent Funding) Bill 2021 (No 2)

Explanatory note

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

Overview of Bill

The object of this Bill is to make amendments to various Acts—

- (a) to facilitate the administrative and financial independence of the Independent Commission Against Corruption, the Law Enforcement Conduct Commission, the New South Wales Electoral Commission, the Ombudsman's Office and the Audit Office (*the relevant GSF agencies*), and
- (b) to constitute, by statute, committees to review the Budget information prepared by the Department of the Legislative Council and the Department of Parliamentary Services and to determine amounts of appropriations for inclusion in annual Appropriation Acts, and
- (c) to extend the functions of the existing Public Accounts Committee to the review of Budget information prepared by the Audit Office and to the determination of amounts of appropriations for inclusion in relevant Appropriation Acts, and
- (d) to require the Treasurer to make a statement of explanation if an appropriation made by an Appropriation Act is inconsistent with the determination of a Committee on the appropriation.

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 the date of assent to the proposed Act.

Schedule 1 Amendment of Government Sector Audit Act 1983 No 152

Schedule 1 requires the Public Accounts Committee to—

- (a) review the information for use in Budget preparations prepared by the Audit Office, and
- (b) to determine, and report to Parliament on, the amounts for inclusion in the relevant Appropriation Act.

The Treasurer is required to make a statement of explanation to Parliament, when the relevant Appropriation Act is introduced, if the appropriation made by the relevant Appropriation Act is inconsistent with the amounts determined by the Committee.

Schedule 2 Amendment of Government Sector Finance Act 2018 No 55

Schedule 2[2] specifies the Law Enforcement Conduct Commission as a separate GSF agency. **Schedule 2[1]** makes a consequential amendment.

Schedule 2[3] requires the Treasurer to make a statement of explanation to Parliament, when the annual Appropriation Act is introduced, if the appropriation made by the annual Appropriation Act is inconsistent with the amounts determined by the relevant Committees of the following agencies—

- (a) the Independent Commission Against Corruption,
- (b) the Law Enforcement Conduct Commission,
- (c) the New South Wales Electoral Commission,
- (d) the Ombudsman's Office,
- (e) the Audit Office.

Schedule 2[4] constitutes the Legislative Council Public Accountability Committee and the Joint Committee on Parliamentary Services. The Committees are required to—

- (a) review the information for use in Budget preparations prepared by the Department of the Legislative Council and the Department of Parliamentary Services, and
- (b) to determine, and report to Parliament on, the amounts for inclusion in the annual Appropriation Act.

The Treasurer is required to make a statement of explanation to Parliament, when the annual Appropriation Act is introduced, if the appropriation made by the annual Appropriation Act is inconsistent with the amounts determined by the Committee.

Amendment of other Acts

Schedules 3–6 amend the *Electoral Act 2017*, the *Independent Commission Against Corruption Act 1988*, the *Law Enforcement Conduct Commission Act 2016* and the *Ombudsman Act 1974* respectively, with the effect that the Committee for each agency is required—

- (a) to review the information for use in Budget preparations prepared by the agency for the purpose of the *Government Sector Finance Act 2018*, section 4.5, and
- (b) to determine, and report to Parliament on, the amounts for inclusion in the annual Appropriation Act.