

Passed by both Houses



New South Wales

Treasury Legislation Amendment (Miscellaneous) Bill 2022

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2022



New South Wales

Treasury Legislation Amendment (Miscellaneous) Bill 2022

Act No _____, 2022

An Act to make miscellaneous amendments to legislation administered by the Treasurer.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Treasury Legislation Amendment (Miscellaneous) Act 2022*.

2 Commencement

This Act commences, or is taken to have commenced, on 1 July 2022.

3 Repeal of parts of Government Sector Finance Legislation (Repeal and Amendment) Act 2018 No 70

The following provisions of the *Government Sector Finance Legislation (Repeal and Amendment) Act 2018* are repealed—

- (a) Schedule 4.6,
- (b) Schedule 4.7,
- (c) Schedule 4.9,
- (d) Schedule 4.19[1],
- (e) Schedule 4.37,
- (f) Schedule 4.43[2],
- (g) Schedule 4.106,
- (h) Schedule 4.119.

Schedule 1 Amendments

1.1 General Government Liability Management Fund Act 2002 No 60

[1] Section 3 Definitions

Omit the definition of *Crown Entity* from section 3(1).

[2] Sections 5(a) and 12(1)

Omit “Entity” wherever occurring.

[3] Section 6 Payments out of the Fund

Omit “Crown Entity’s” from section 6(6). Insert instead “Crown’s”.

[4] Section 9 Financial provisions relating to Ministerial Corporation

Omit section 9(2). Insert instead—

- (2) The annual report of the Ministerial Corporation must be published as part of the Treasury’s annual report.

1.2 Government Sector Audit Act 1983 No 152

[1] Section 4 Definitions

Omit the definition of *General Government Sector Financial Statements* from section 4(1).

[2] Section 27B The Auditor-General

Omit “, the General Government Sector Financial Statements” from section 27B(3)(a).

[3] Section 49

Omit the section. Insert instead—

49 Examination of Consolidated State Financial Statements

- (1) The Auditor-General must—
 - (a) examine the Consolidated State Financial Statements given to the Auditor-General by the Treasurer under the *Government Sector Finance Act 2018*, section 7.17(2), and
 - (b) prepare and sign an opinion as to whether the statements comply with the *Government Sector Finance Act 2018*, section 7.17(3).
- (2) As soon as practicable after receiving the Consolidated State Financial Statements from the Treasurer under the *Government Sector Finance Act 2018*, section 7.17(2), the Auditor-General must give the statements and the opinion prepared under this section to the Treasurer.
- (3) Nothing in this section prevents the alteration of the Consolidated State Financial Statements, with the approval of the Auditor-General, after being received by the Auditor-General and before being given to the Treasurer.

[4] Section 51 Presentation of financial statements and opinions to Legislative Assembly

Omit section 51.

[5] Sections 52(1) and 57(1)(a)

Omit “and General Government Sector Financial Statements” wherever occurring.

[6] Section 52 Auditor-General’s reports

Omit “, the General Government Sector Financial Statements” from section 52(3).

[7] Section 52A Auditor-General’s report to be presented to Parliament

Omit “not later than 31 October in the year following that to which the report relates” from section 52A(1)

Insert instead “as soon as practicable after giving the statements and the opinion to the Treasurer under section 49(2)”.

[8] Section 57 Functions of Committee

Omit “and general government sector financial statements” from section 57(1)(c).

[9] Section 64 Regulations

Omit section 64(1A).

1.3 Government Sector Finance Act 2018 No 55

[1] Section 7.6 Annual GSF financial statements

Omit section 7.6(4). Insert instead—

- (4) The accountable authority must prepare a statement as to whether the annual GSF financial statements comply with subsection (3).
- (4A) The statement must be given to the Auditor-General before the Auditor-General prepares the audit report for the annual GSF financial statements.
- (4B) The statement is taken to be part of the annual GSF financial statements after it is given to the Auditor-General.

[2] Section 7.17 Consolidated State Financial Statements

Omit section 7.17(4). Insert instead—

- (4) The Treasurer must prepare a statement as to whether the Consolidated State Financial Statements comply with subsection (3).
- (4A) The statement must be given to the Auditor-General before the Auditor-General prepares the audit report for the Consolidated State Financial Statements.
- (4B) The statement is taken to be part of the Consolidated State Financial Statements after it is given to the Auditor-General.

[3] Section 7.18 Tabling of Consolidated State Financial Statements

Insert after section 7.18(1)—

- (1A) The statements, commentaries and reports referred to in subsection (1)(a)–(c) must be tabled in the Legislative Assembly at the same time.

[4] Schedule 1 Savings, transitional and other provisions

Insert at the end of the Schedule—

Part 4 Provision consequent on enactment of Treasury Legislation Amendment (Miscellaneous) Act 2022

31 Duty to comply with Grants Administration Guide

- (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) 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.

1.4 NSW Self Insurance Corporation Act 2004 No 106

[1] Section 11 Self Insurance Fund

Omit “Finance Entity” from section 11(5).

[2] Section 11(6)

Omit the subsection.

1.5 Parliamentary Contributory Superannuation Act 1971 No 53

[1] Section 14

Omit the section. Insert instead—

14 Trustees of the Fund

- (1) The trustees of the Fund are—
 - (a) 7 members of the Parliamentary Contributory Superannuation Scheme appointed by the trustees (an **appointed trustee**), and
 - (b) the Secretary of the Treasury.
- (2) An appointed trustee vacates office on ceasing to be a member of the Parliamentary Contributory Superannuation Scheme.
- (3) On a vacancy occurring in the office of appointed trustee, for any reason, the trustees must appoint a member of the Parliamentary Contributory Superannuation Scheme to replace the vacating trustee.
- (4) An appointed trustee may be removed by—
 - (a) the trustees, or
 - (b) after consultation with the trustees, the Treasurer on reasonable grounds.

- (5) Subject to this section, an appointed trustee holds office for the period specified in the trustee's instrument of appointment, which must not exceed 4 years.
- (6) An appointed trustee is eligible for reappointment.

[2] Section 16 Meetings of trustees

Omit section 16(1A).

[3] Section 16(5)

Omit "by reason of the dissolution or expiry of the Legislative Assembly or".

[4] Schedule 1 Savings, transitional and other provisions

Insert at the end of clause 1(1)—

an Act that amends this Act

[5] Schedule 1, clause 13

Insert after clause 12—

13 Existing trustees continue in office

- (1) The trustees of the Fund referred to in section 14(1)(a) and (b), as in force immediately before the commencement of the amending Act, continue in office until the earlier of the following—
 - (a) the expiry of the period of 4 years beginning on the commencement of the amending Act, or
 - (b) another date determined by the trustees.
- (2) A trustee referred to in this clause—
 - (a) may be removed under section 14(4), as inserted by the amending Act, and
 - (b) is eligible for reappointment.
- (3) In this clause—

amending Act means the *Treasury Legislation (Miscellaneous) Act 2022*, Schedule 1.6.

Schedule 2 Law revision amendments relating to Aware Super

2.1 First State Superannuation Act 1992 No 100

[1] Section 1 Name of Act

Omit “*First State Superannuation Act 1992*”. Insert instead “*Aware Super Act 1992*”.

[2] Schedule 3 Savings, transitional and other provisions

Insert at the end of the Schedule, with appropriate numbering—

Part Provision consequent on enactment of Treasury Legislation Amendment (Miscellaneous) Act 2022

References to First State Superannuation

On and from the commencement of the *Treasury Legislation Amendment (Miscellaneous) Act 2022*, Schedule 2.1, a reference in an Act, instrument or other document to First State Superannuation or the *First State Superannuation Act 1992* is taken to include a reference to Aware Super or the *Aware Super Act 1992*, respectively.

[3] Dictionary

Omit the definition of *FTC*.

Insert instead—

FTC means the following companies, taken to be registered under the *Corporations Act 2001* of the Commonwealth by reason of the operation of the *Superannuation Administration Act 1996*, Schedule 2A, clause 3—

- (a) until 6 September 2020—the company called FSS Trustee Corporation,
- (b) from 7 September 2020—the company called Aware Super Pty Ltd.

[4] Dictionary, definition of “Fund”

Omit “First State Superannuation”. Insert instead “Aware Super”.

2.2 First State Superannuation Regulation 2018

[1] Clause 1 Name of Regulation

Omit “*First State Superannuation Regulation 2018*”.

Insert instead “*Aware Super Regulation 2018*”.

[2] Clause 3 Definition

Omit the definition of *the Act* from clause 3(1). Insert instead—

the Act means the *Aware Super Act 1992*.

2.3 Parliamentary Contributory Superannuation Act 1971 No 53

[1] Section 29A Definitions

Insert in alphabetical order—

Aware Super Fund means the Aware Super Fund established under the *Aware Super Act 1992*.

[2] Section 29A, definition of “complying superannuation fund”

Omit “First State Superannuation” from paragraph (b).

Insert instead “Aware Super”.

[3] Section 29A, definition of “First State Superannuation Fund”

Omit the definition.

[4] Section 29C Payment splits

Omit “First State Superannuation” from section 29C(5). Insert instead “Aware Super”.

2.4 Parliamentary Contributory Superannuation Regulation 2018

Clauses 17(4)(d) and 18(2)(b)

Omit “First State Superannuation” wherever occurring.

Insert instead “Aware Super”.

2.5 Police Regulation (Superannuation) Act 1906 No 28

[1] Section 1 Name of Act, commencement and definitions

Insert in alphabetical order in section 1(2)—

Aware Super Fund has the same meaning as *Fund* has in the *Aware Super Act 1992*.

[2] Section 1(2), definition of “First State Superannuation Fund”

Omit the definition.

[3] Sections 5B, 5C(5)(e), 5D(2), 14N, definition of “complying superannuation fund”, paragraph (b) and 14P(5)

Omit “First State Superannuation” wherever occurring. Insert instead “Aware Super”.

[4] Sections 5D(3) and 14P(8), definition of “FTC”

Omit “*First State Superannuation Act 1992*” wherever occurring.

Insert instead “*Aware Super Act 1992*”.

[5] Section 5J Payment of conversion benefit

Omit “First State Superannuation Fund established under the *First State Superannuation Act 1992*” from section 5J(4).

Insert instead “Aware Super Fund under the *Aware Super Act 1992*”.

2.6 Police Superannuation Regulation 2020

Clauses 23(4)(d) and 24(2)(b)

Omit “First State Superannuation” wherever occurring. Insert instead “Aware Super”.

2.7 State Authorities Superannuation Act 1987 No 211

[1] Section 3 Definitions

Insert in alphabetical order in section 3(1)—

Aware Super Fund has the same meaning as *Fund* has in the *Aware Super Act 1992*.

[2] Section 3(1), definition of “First State Superannuation Fund”

Omit the definition.

[3] Sections 30A, 45F, definition of “complying superannuation fund”, paragraph (b), 45I(5) and 46AE(2)(b)

Omit “First State Superannuation” wherever occurring. Insert instead “Aware Super”.

[4] Section 45F Definitions

Omit “*First State Superannuation Act 1992*” from the definition of *FTC*.

Insert instead “*Aware Super Act 1992*”.

2.8 State Authorities Superannuation Regulation 2020

Clauses 22(4)(d) and 23(2)(b)

Omit “First State Superannuation” wherever occurring.

Insert instead “Aware Super”.

2.9 Superannuation Act 1916 No 28

[1] Section 3 Definitions

Insert in alphabetical order in section 3(1)—

Aware Super Fund has the same meaning as *Fund* has in the *Aware Super Act 1992*.

[2] Section 3(1), definition of “First State Superannuation Fund”

Omit the definition.

[3] Sections 20AB(3) and (5)(e), 20F(5)(e), 20M(4), 61W, definition of “complying superannuation fund”, paragraph (b) and 61WB(5)

Omit “First State Superannuation” wherever occurring. Insert instead “Aware Super”.

[4] Sections 20G(3), 20M(1)(a) and section 61W, definition of “FTC”

Omit “*First State Superannuation Act 1992*” wherever occurring.

Insert instead “*Aware Super Act 1992*”.

2.10 Superannuation (Axiom Funds Management Corporation) Act 1996 No 40

Section 4 Definitions

Omit paragraph (a) of the definition of *FTC fund* or *FTC scheme* in section 4.

Insert instead—

(a) *Aware Super Act 1992*,

2.11 Superannuation Regulation 2016

Clauses 13(4)(d) and 14(2)(b)

Omit “First State Superannuation” wherever occurring.

Insert instead “Aware Super”.