

Government Sector Finance Amendment (Integrity Agencies) Bill 2024

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This PUBLIC BILL, originated in the LEGISLATIVE COUNCIL and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

Clerk of the Parliaments,

Legislative Council

2024



Government Sector Finance Amendment (Integrity Agencies) Bill 2024

Act No , 2024

An Act to amend the *Government Sector Finance Act 2018* to make provision about the funding of integrity agencies; to make consequential amendments to other Acts; and for other purposes.

The Legislature of New South Wales enacts—		
1	Name of Act	2
	This Act is the Government Sector Finance Amendment (Integrity Agencies) Act 2024.	3
2	Commencement	5
	This Act commences on a day or days to be appointed by proclamation.	6

Sch	edu	le 1		mendment of Government Sector Finance Act 018 No 55	1	
[1]	Sect	ion 2.4	GSF	agencies	3	
	Omit section 2.4(1)(e).				4	
[2]	Sect	Section 2.5 Separate GSF agency				
L-J			-	n 2.5(1)(c)—	5 6	
	111501		(c1)	the Law Enforcement Conduct Commission,	7	
.	Dant		,			
[3]		4, Divis			8	
	Insei	Insert after Division 4.2—				
	Divi	ision 4	1.2A	Appropriations for integrity agencies	10	
4	.14A	Defin	itions		11	
			In thi	s division—	12	
			integ	rity agency means the following—	13	
			(a)	the Audit Office,	14	
			(b)	the Independent Commission Against Corruption,	15	
			(c)	the Law Enforcement Conduct Commission,	16	
			(d)	the New South Wales Electoral Commission,	17	
			(e)	the Ombudsman's Office.	18	
			relev	ant parliamentary oversight committee means the following—	19	
			(a)	for the Audit Office—the Public Accounts Committee,	20	
			(b)	for the Independent Commission Against Corruption—the Committee on the Independent Commission Against Corruption,	21 22	
			(c)	for the Law Enforcement Conduct Commission or the Ombudsman's Office—the Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission,	23 24 25	
			(d)	for the New South Wales Electoral Commission—the Joint Standing Committee on Electoral Matters or a committee of Parliament designated by the Parliament for this division.	26 27 28	
4	.14B	Notifi	cation	n of proposed budget allocation	29	
		(1)	the a	Treasurer must give written notice to the head of an integrity agency of mount proposed to be appropriated for the services of the agency in the annual Appropriation Act.	30 31 32	
		(2)		amount is different from the amount sought for the integrity agency in a et proposal, the notice must include reasons for the variation.	33 34	
		(3)		Treasurer must also give a copy of the notice to the relevant parliamentary sight committee.	35 36	
		(4)	notice	Treasurer must give the notice under subsection (1) and the copy of the e under subsection (3) within 7 days after the Bill for the Act is introduced he Legislative Assembly.	37 38 39	

	(5)	The relevant parliamentary oversight committee must, within 3 months after receiving the notice under subsection (4), examine and report on the appropriation to—	1 2 3
		(a) either—	4
		(i) the Legislative Assembly, if the report is prepared by the Public Accounts Committee, or	5 6
		(ii) both Houses of Parliament, if the report is prepared by another parliamentary oversight committee, and	7 8
		(b) the Treasurer.	9
	(6)	The Treasurer must respond in writing to the relevant parliamentary oversight committee within 3 months after receiving the report.	10 11
4.14C	App	cation for contingency funding	12
	(1)	The Treasurer must consider the following before deciding an application for funding to an integrity agency from a sum appropriated to the Treasurer for contingencies in relation to integrity agencies (the <i>contingency fund</i>)—	13 14 15
		(a) the independence of the integrity agency from the direction or control of the executive government,	16 17
		(b) whether the expenditure or reduction in revenue to which the contingency relates is urgent and unforeseen,	18 19
		(c) whether refusing the application would cause the integrity agency to be unable to fulfil a statutory function,	20 21
		(d) the availability of the funding from the contingency fund.	22
	(2)	The Treasurer must decide the application as soon as reasonably practicable after receiving the application.	23 24
	(3)	The Treasurer must give written notice of the decision on the application to—	25
		(a) the head of an integrity agency, and	26
		(b) the relevant parliamentary oversight committee.	27
Divi	ision	4.2B Appropriations for the Legislature	28
4.14D	Noti	cation of proposed budget allocation	29
	(1)	The Treasurer must give written notice to the following of the amount proposed to be appropriated for the services of the Legislature in the next annual Appropriation Act—	30 31 32
		(a) the Presiding Officer of each House of Parliament,	33
		(b) any committee of Parliament, or a House of Parliament, designated by the Parliament or the House for this section.	34 35
	(2)	If the amount is different from the amount sought for the services of the Legislature in a budget proposal, the notice must include reasons for the variation.	36 37 38
	(3)	The Treasurer must give the notice within 7 days after the Bill for the annual Appropriation Act is introduced into the Legislative Assembly.	39 40

Sch	nedule 2	Consequential amendments of other Acts	1		
2.1	Appropriatio	on Act 2024 No 36	2		
	Section 37 Con	ntingencies in relation to integrity agencies	3		
	Omit the section	1.	4		
2.2	Electoral Ac	t 2017 No 66	5		
	Section 267A		6		
	Insert after secti	on 267—	7		
2	267A Addition	al functions of relevant parliamentary oversight committee	8		
	Ele <i>Aci</i> Ho	the functions of the relevant parliamentary oversight committee for the extoral Commission, within the meaning of the <i>Government Sector Finance</i> of 2018, Part 4, Division 4.2A, include examining and reporting to both uses of Parliament about the annual appropriation for the services of the extoral Commission.	9 10 11 12 13		
2.3	Government	Sector Audit Act 1983 No 152	14		
	Section 57 Fun	ctions of Committee	15		
	Insert after secti	on 57(1)(c1)—	16		
	(c2)	to examine and report to the Legislative Assembly about the annual appropriation for the services of the Auditor-General,	17 18		
		Note— See the <i>Government Sector Finance Act 2018</i> , section 4.14B(5) which provides for the Committee to examine and report within 3 months after receiving notice under that section of the amount proposed to be appropriated.	19 20 21		
2.4	Independent	Commission Against Corruption Act 1988 No 35	22		
[1]	Section 64 Functions				
	Insert after section 64(1)(a)—				
	(a1)	to examine and report to both Houses of Parliament about the annual appropriation for the services of the Commission,	25 26		
		Note— See the <i>Government Sector Finance Act 2018</i> , section 4.14B(5) which provides for the Joint Committee to examine and report within 3 months after receiving notice under that section of the amount proposed to be appropriated.	27 28 29		
[2]	Section 64(1)(b	o)	30		
	Insert "other" af	fter "any".	31		
2.5	Law Enforce	ment Conduct Commission Act 2016 No 61	32		
[1]	Section 131 Fu	nctions	33		
	Insert after secti	on 131(1)(a)—	34		
	(a1)	to examine and report to both Houses of Parliament about the annual appropriation for the services of the Commission,	35 36		
		Note — See the <i>Government Sector Finance Act 2018</i> , section 4.14B(5) which provides for the Joint Committee to examine and report within 3 months after receiving notice under that section of the amount proposed to be appropriated.	37 38 39		

[2]	Section 131(1)(b)		
	Insert "other" after	er "any".	2
2.6	Ombudsman	Act 1974 No 68	3
[1]	Section 31B Functions		
	Insert after section 31B(1)(a)—		
	(a1)	to examine and report to both Houses of Parliament about the annual appropriation for the services of the Ombudsman,	6
		Note— See the <i>Government Sector Finance Act 2018</i> , section 4.14B(5) which provides for the Joint Committee to examine and report within 3 months after receiving notice under that section of the amount proposed to be appropriated.	8 9 10
[2]	Section 31B(1)(b)	11
	Insert "other" afte	er "any".	12