



New South Wales

# Government Sector Finance Amendment (Government Grants) Bill 2021

## Explanatory note

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

## Overview of Bill

The object of this Bill is to enable members of Parliament to be informed about applications for grants of money by the Government that are made by applicants located in the electorates of the members of Parliament.

## 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 Finance Act 2018 No 55**

**Schedule 1[2]** inserts proposed section 10.6 in the *Government Sector Finance Act 2018* to provide for the following—

- (a) the entity responsible for deciding an application for a grant of money by the Government—
  - (i) must not limit communication between the applicant for the grant and the member of the Legislative Assembly for the electorate within which the address provided by the applicant is located (the *relevant member of Parliament*), and
  - (ii) must notify the relevant member of Parliament of certain information relating to the application,

- (b) the relevant member of Parliament must not, without consent from the entity responsible for deciding the application, disclose information received from the entity.

**Schedule 1[1]** provides that proposed section 10.6 is a paramount provision of the *Government Sector Finance Act 2018*, which has the effect that—

- (a) the section prevails over the provisions of other legislation to the extent of any inconsistency, and
- (b) an entity to whom the section applies must comply with it.



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New South Wales

# Government Sector Finance Amendment (Government Grants) Bill 2021

No. \_\_\_\_\_, 2021

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## **A Bill for**

An Act to amend the *Government Sector Finance Act 2018* to enable members of Parliament to be informed about decisions related to grants of money by the Government; and for other purposes.

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**The Legislature of New South Wales enacts—**

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**1 Name of Act**

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This Act is the *Government Sector Finance Amendment (Government Grants) Act 2021*.

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**2 Commencement**

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This Act commences on the date of assent to this Act.

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<b>Schedule 1</b>	<b>Amendment of Government Sector Finance Act 2018 No 55</b>	1
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<b>[1] Section 1.8 Relationship with other legislation generally</b>		3
Insert after section 1.8(3)(d)—		4
(e) section 10.6 (Notifying relevant members of Parliament of decisions about Government grants).		5
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<b>[2] Section 10.6</b>		7
Insert after section 10.5—		8
<b>10.6 Notifying relevant members of Parliament of decisions about Government grants</b>		9
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(1) This section applies to an application made by an entity (the <i>applicant</i> ) for a grant of money by the Government.		11
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(2) The entity responsible for deciding the application must not limit communication between the applicant and the relevant member of Parliament.		13
<b>Example—</b> The entity responsible for deciding the application must not require the applicant to enter into a non-disclosure agreement in relation to the relevant member of Parliament.		14
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(3) The entity responsible for deciding the application must give oral or written notice to the relevant member of Parliament of the following information, as soon as practicable after the entity becomes aware of each matter—		18
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(a) when the entity received the application,		21
(b) the time frame for deciding the application,		22
(c) a decision about whether to pay the grant to the applicant,		23
(d) if a decision is made to pay the grant to the applicant—		24
(i) the amount to be paid, and		25
(ii) when and where the decision will be announced.		26
(4) The relevant member of Parliament must not, without the consent of the entity responsible for deciding the application, disclose information obtained under this section.		27
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(5) The entity responsible for deciding the application may refuse to give notice of information to the relevant member of Parliament under subsection (3) if there are reasonable grounds to conclude that the member previously failed to comply with subsection (4) in relation to another application.		30
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(6) In this section—		34
<b>relevant member of Parliament</b> means the member of the Legislative Assembly for the electorate within which the address provided by the applicant is located.		35
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<b>Note—</b> This section is a paramount provision of this Act. Section 1.8 requires a person or other entity to whom a paramount provision applies to comply with the provision, including regulations made for the purposes of that provision, even if it may result in a non-criminal contravention of other legislation. It also provides that compliance does not result in civil liability and displaces the operation of the <i>Corporations Act 2001</i> of the Commonwealth to enable compliance.		38
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