



New South Wales

# Auditor-General (Supplementary Powers) Bill 2008

## Explanatory note

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

## Overview of Bill

The object of this Bill is to amend the *Public Finance and Audit Act 1983* to provide for the Auditor-General to review and report to Parliament on the Government's overall program for the restructuring of the State's electricity industry that will be authorised by the proposed *Electricity Industry Restructuring Act 2008*.

## 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.

**Clause 3** is a formal provision that gives effect to the amendments to the *Public Finance and Audit Act 1983* set out in Schedule 1.

**Clause 4** provides for the repeal of the proposed Act after all the amendments made by the proposed Act have commenced. Once the amendments have commenced the proposed Act will be spent and section 30 of the *Interpretation Act 1987* provides that the repeal of an amending Act does not affect the amendments made by that Act.

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**Schedule 1** makes the amendments to the *Public Finance and Audit Act 1983* referred to in the Overview.

First print



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New South Wales

# **Auditor-General (Supplementary Powers) Bill 2008**

No. , 2008

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## **A Bill for**

An Act to amend the *Public Finance and Audit Act 1983* to provide for review by the Auditor-General in connection with the restructuring of the State's electricity industry.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Auditor-General (Supplementary Powers) Act 2008</i> .	3
<b>2 Commencement</b>	4
This Act commences on the date of assent to this Act.	5
<b>3 Amendment of Public Finance and Audit Act 1983 No 152</b>	6
The <i>Public Finance and Audit Act 1983</i> is amended as set out in Schedule 1.	7 8
<b>4 Repeal of Act</b>	9
(1) This Act is repealed on the day following the day on which this Act commences.	10 11
(2) The repeal of this Act does not, because of the operation of section 30 of the <i>Interpretation Act 1987</i> , affect any amendment made by this Act.	12 13

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<b>Schedule 1</b>	<b>Amendment of Public Finance and Audit Act 1983</b>	1
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	(Section 3)	3
<b>[1] Section 63G</b>		4
	Insert after section 63F:	5
<b>63G Oversight of electricity industry restructuring</b>		6
(1)	Schedule 1A has effect.	7
(2)	Expressions used in Schedule 1A have the same meanings as in the Bill for the <i>Electricity Industry Restructuring Act 2008</i> as introduced in the Legislative Assembly on 4 June 2008.	8
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		10
<b>[2] Schedule 1A</b>		11
	Insert after Schedule 1:	12
<b>Schedule 1A</b>	<b>Oversight of electricity industry restructuring</b>	13
		14
	(Section 63G)	15
<b>1</b>	<b>Review of Government's overall program for restructuring</b>	16
(1)	The Auditor-General is to review and report to Parliament on the Government's overall program for the authorised restructuring.	17
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(2)	The review is to be a review of the following:	19
(a)	the appropriateness of the Government's strategy for the transfer of assets to the private sector for maximising financial value for taxpayers, taking into account the following:	20
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(i)	the proposed method of effecting transactions,	24
(ii)	the proposed timing of transactions, including the impact of external factors,	25
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(iii)	any contingent liabilities that will accrue to the State,	27
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(iv)	any other factors that may impact on the potential sale price of the assets,	29
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(b)	the financial impact of the proposed community safety net proposed for the authorised restructuring, in particular the protections for workers, pensioners and low-income earners, including an assessment of the consistency of	31
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those benefits with previous transactions involving the transfer of assets to the private sector.	1 2
(3) The review of the appropriateness of the Government's strategy for the transfer of assets to the private sector is to be conducted on the basis of a statement of that strategy as provided to the Auditor-General by the Treasurer for the purposes of the review.	3 4 5 6
<b>2 Report to Parliament</b>	7
(1) The Auditor-General is to report to each House of Parliament on the results of the review conducted by the Auditor-General under this Schedule as soon as practicable after the review is completed.	8 9 10
(2) If a House of Parliament is not sitting when the Auditor-General seeks to present the report, the Auditor-General is to present the report to the Clerk of the House concerned.	11 12 13
<b>3 Supplementary powers</b>	14
(1) The Treasurer is to ensure that the Auditor-General has access to such information and resources as may be necessary to enable the Auditor-General to exercise the functions conferred by this Schedule.	15 16 17 18
(2) For the purposes of this Schedule, the Auditor-General may:	19
(a) exercise investigatory powers conferred on the Auditor-General under this Act, and	20 21
(b) engage any person or body with financial expertise to examine arrangements made or proposed for the purposes of the authorised restructuring and to advise the Auditor-General on those arrangements.	22 23 24 25
(3) The functions conferred by this Schedule are in addition to, and do not derogate from, any other function of the Auditor-General.	26 27