



New South Wales

NSW Generations Funds Amendment Bill 2021

Explanatory note

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

This Bill is cognate with the *Appropriation Bill 2021*.

Overview of Bill

The objects of this Bill are—

- (a) to require the Treasurer to table a report in each House of Parliament whenever a payment is made out of the Debt Retirement Fund, and
- (b) to require the Treasurer to include a report in the Budget Papers about activities involving the Debt Retirement Fund, and
- (c) to permit the Treasurer to direct money to be paid into the Debt Retirement Fund from revenue of a class prescribed by the regulations, and
- (d) to limit the purposes for which a payment may be made out of the Debt Retirement Fund, and
- (e) to include savings and transitional provisions.

Outline of provisions

Clause 1 sets out the name, or 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 NSW Generations Funds Act 2018 No 37

Schedule 1[2] inserts proposed sections 7A and 7B into the *NSW Generations Funds Act 2018* (the *principal Act*). Proposed section 7A requires the Treasurer to table a report in each House of Parliament whenever a payment is made out of the Debt Retirement Fund established under the principal Act. The report is required to include a number of matters including the reasons for the payment and how the payment is in accordance with the purpose of the Fund. Proposed section 7B requires the Treasurer to include a report in the Budget Papers detailing the activities of the Debt Retirement Fund since the previous budget and projections for the Fund. **Schedule 1[1]** is a consequential amendment.

Schedule 1[3] permits the Treasurer to direct money to be paid into the Debt Retirement Fund from revenue of a class prescribed by the regulations made under the principal Act.

Schedule 1[4] provides that payments out of the Debt Retirement Fund may be made only to pay certain debts of the State and to pay for administrative expenses relating to the Fund.

Schedule 1[5] updates a provision that allows transitional regulations to be made with a new standard provision and also provides that proposed sections 7A and 7B do not apply to require reporting on payments made before the commencement of the proposed sections.



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Contents

| | | Page |
|-------------------|--|----------|
| | 1 Name of Act | 2 |
| | 2 Commencement | 2 |
| Schedule 1 | Amendment of NSW Generations Funds Act 2018 No 37 | 3 |



New South Wales

NSW Generations Funds Amendment Bill 2021

No. _____, 2021

A Bill for

An Act to amend the *NSW Generations Funds Act 2018* in relation to payments into, and out of, the Debt Retirement Fund and reporting on activities involving the NSW Generations Funds.

The Legislature of New South Wales enacts—

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1 Name of Act

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This Act is the *NSW Generations Funds Amendment 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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| | | |
|---|--|----------|
| Schedule 1 | Amendment of NSW Generations Funds Act 2018 | 1 |
| | No 37 | 2 |
| [1] Part 2, Division 1A, heading | | 3 |
| Insert after section 6— | | 4 |
| Division 1A Reporting | | 5 |
| [2] Sections 7A and 7B | | 6 |
| Insert after section 7— | | 7 |
| 7A Reporting to Parliament about payments out of Debt Retirement Fund | | 8 |
| (1) The Treasurer must table a report in each House of Parliament about each payment made out of the Debt Retirement Fund. | | 9 10 |
| (2) The report must be tabled in a House of Parliament within 14 sitting days of the House after the payment is made. | | 11 12 |
| (3) The report must set out— | | 13 |
| (a) the amount of the payment, and | | 14 |
| (b) the reasons for the payment, taking into account the advice, if any, provided by the Secretary of the Treasury about the payment, and | | 15 16 |
| (c) how the payment is consistent with the purpose of the Fund, and | | 17 |
| (d) the balance of the Fund after the payment is made, and | | 18 |
| (e) the projected balance and outlook of the Fund over the 10 years after the payment is made, and | | 19 20 |
| (f) how the projected balance and outlook of the Fund have changed since the last budget. | | 21 22 |
| 7B Budget Papers | | 23 |
| (1) The Treasurer must include a report in the Budget Papers that sets out the following for the Debt Retirement Fund— | | 24 25 |
| (a) details of the payments out of the Fund since the last budget, | | 26 |
| (b) how the payments are consistent with the purpose of the Fund, | | 27 |
| (c) for each of the payments—a summary of the report about the payment tabled in Parliament under section 7A, | | 28 29 |
| (d) the projected balance and outlook of the Fund over the next 10 years, | | 30 |
| (e) how the projected balance and outlook of the Fund have changed since the last budget. | | 31 32 |
| (2) The report may include other information relating to the NSW Generations Funds that the Treasurer considers to be appropriate. | | 33 34 |
| (3) In this section— | | 35 |
| <i>Budget Papers</i> has the same meaning as in the <i>Government Sector Finance Act 2018</i> . | | 36 37 |
| [3] Section 9 Payment into Debt Retirement Fund | | 38 |
| Omit section 9(2). Insert instead— | | 39 |
| (2) The Treasurer may direct that an amount of money be paid into the Debt Retirement Fund if— | | 40 41 |

| | | |
|------------|--|----------|
| (a) | the Treasurer is satisfied it is windfall tax revenue in excess of Budget forecasts, or | 1 2 |
| (b) | the amount is from revenue of a class prescribed by the regulations. | 3 |
| [4] | Section 10 Payments out of Debt Retirement Fund | 4 |
| | Insert at the end of the section— | 5 |
| (2) | No other payment may be made out of the Debt Retirement Fund. | 6 |
| [5] | Schedule 2 | 7 |
| | Omit the Schedule. Insert instead— | 8 |
| | Schedule 2 Savings, transitional and other provisions | 9 |
| | Part 1 General | 10 |
| 1 | Regulations | 11 |
| (1) | The regulations may contain provisions of a savings or transitional nature consequent on the commencement of— | 12 13 |
| (a) | a provision of this Act, or | 14 |
| (b) | a provision amending this Act. | 15 |
| (2) | A savings or transitional provision consequent on the commencement of a provision must not be made more than 2 years after the commencement. | 16 17 |
| (3) | A savings or transitional provision made consequent on the commencement of a provision is repealed 2 years after the commencement. | 18 19 |
| (4) | A savings or transitional provision made consequent on the commencement of a provision may take effect before the commencement but not before— | 20 21 |
| (a) | for a provision of this Act—the date of assent to this Act, or | 22 |
| (b) | for a provision amending this Act—the date of assent to the amending Act. | 23 24 |
| (5) | A savings or transitional provision taking effect before its publication on the NSW legislation website does not— | 25 26 |
| (a) | affect the rights of a person existing before the publication in a way prejudicial to the person, or | 27 28 |
| (b) | impose liabilities on a person for anything done or omitted to be done before the publication. | 29 30 |
| (6) | In this clause— | 31 |
| | <i>person</i> does not include the State or an authority of the State. | 32 |

**Part 2 Provisions consequent on enactment of NSW
Generations Funds Amendment Act 2021** 1
2

2 Budget Papers and reporting to Parliament 3

Sections 7A and 7B do not apply to a payment made before the
commencement of the sections. 4
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