



New South Wales

Digital Restart Fund Bill 2020

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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,*

, 2020



New South Wales

Digital Restart Fund Bill 2020

Act No _____, 2020

An Act to establish the Digital Restart Fund for the purpose of providing funding for digital and information and communications technology initiatives across the government sector; and for other purposes.

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—

Part 1 Preliminary

1 Name of Act

This Act is the *Digital Restart Fund Act 2020*.

2 Commencement

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

3 Definitions

(1) In this Act—

function includes a power, authority or duty, and **exercise** a function includes perform a duty.

Fund means the Digital Restart Fund established under section 5.

government agency means—

- (a) a government sector agency within the meaning of the *Government Sector Employment Act 2013*, or
- (b) a statutory body representing the Crown, or
- (c) a State owned corporation within the meaning of the *State Owned Corporations Act 1989*, or
- (d) any other public authority constituted by or under an Act, or
- (e) any person or body declared by the regulations to be a government agency.

Note. The *Interpretation Act 1987* contains definitions and other provisions that affect the interpretation and application of this Act.

(2) Notes included in this Act do not form part of this Act.

4 Object of Act

The object of this Act is to provide funding for digital and information and communications technology initiatives—

- (a) to improve the delivery of services by government agencies, including improving interactions between members of the public and government agencies involving digital and information and communications technology, and
- (b) to facilitate whole of government digital transformation, including upgrading and standardising systems and processes used by government agencies, and
- (c) to improve operational and cost efficiencies across the government sector.

Part 2 Digital Restart Fund

5 Establishment of Digital Restart Fund

A Digital Restart Fund is to be established in the Special Deposits Account.

6 Purpose of Digital Restart Fund

The purpose of the Fund is to support digital and information and communications technology initiatives across the government sector, and for that purpose, to fund projects that—

- (a) develop and implement digital and information and communications technology products or services that, for the purpose of improving the delivery of services by government agencies and related interactions—
 - (i) identify the actions required to be taken by an individual (or on the individual's behalf) in respect of significant events during the individual's life, and
 - (ii) record related interactions between the individual (or on the individual's behalf) and government agencies or non-government entities or other bodies or persons connected with the delivery of services by a government agency, and
 - (iii) identify impediments to the delivery of related services by government agencies and develop and implement solutions to those impediments, or
- (b) develop and implement digital and information and communications technology products or services that are capable of being used by multiple government agencies in a cost effective manner, or
- (c) optimise existing technologies, applications, computer systems or processes used by government agencies to improve the functionality and operational life of those technologies, applications, computer systems or processes, or
- (d) provide persons employed in or by a government agency with education, training and information relating to digital and information and communications technology.

7 Control and management of Digital Restart Fund

The Minister is to control and manage the Fund.

8 Payments into Digital Restart Fund

- (1) There is payable into the Fund the following—
 - (a) all money appropriated by Parliament, or advanced by the Treasurer, for the purposes of payment into the Fund,
 - (b) all money appropriated by Parliament to the Treasurer for the general purposes of the Government and directed by the Treasurer to be paid into the Fund,
 - (c) the proceeds of the investment of money in the Fund,
 - (d) all other money directed or authorised to be paid into the Fund by or under any Act or other law,
 - (e) all money received from voluntary contributions to the Fund made by a government agency or other person or body.
- (2) To avoid doubt, money appropriated by Parliament before the commencement of this section for purposes that reflect the purpose of the Fund may be paid into the Fund.
- (3) Money paid into the Fund under subsection (2) is taken to have been appropriated out of the Consolidated Fund for the purposes of payment into the Fund.

- (4) Government agencies are authorised by this section to make voluntary contributions to the Fund.

9 Payments from Digital Restart Fund

There is payable from the Fund the following—

- (a) money required to fund all or part of the cost of a project that promotes the purpose of the Fund and is approved by the Minister on the recommendation of the Secretary of the Department of Customer Service,
- (b) money required to meet administrative expenses related to the Fund,
- (c) money directed or authorised to be paid from the Fund by or under this Act or any other Act or law.

10 Requirement for Minister to obtain advice

Before approving the payment of money under section 9(a), the Minister must obtain and have regard to advice from the Information Commissioner and the Privacy Commissioner as to the effect, if any, that the project may have on—

- (a) access to government information under the *Government Information (Public Access) Act 2009*, and
- (b) the protection of personal information under the *Privacy and Personal Information Protection Act 1998* or health information under the *Health Records and Information Privacy Act 2002*.

11 Investment of money in Digital Restart Fund

- (1) The Minister may invest money in the Fund—
 - (a) if the Minister is a GSF agency for the purposes of Part 6 of the *Government Sector Finance Act 2018*—in any way that the Minister is permitted to invest money under that Part, or
 - (b) if the Minister is not a GSF agency for the purposes of Part 6 of the *Government Sector Finance Act 2018*—in any way approved by the Treasurer.
- (2) In this section, **GSF agency** has the same meaning as in the *Government Sector Finance Act 2018*.

12 Minister may obtain advice

Without limiting section 10, the Minister may also, in exercising functions under this Act, obtain and have regard to advice, recommendations or other information provided to the Minister by a person or body that the Minister considers relevant.

Part 3 Miscellaneous

13 Delegation

- (1) The Minister may delegate the exercise of any function of the Minister under this Act (other than this power of delegation) to—
 - (a) the head of a Public Service agency, or
 - (b) any other person employed in a Public Service agency.
- (2) A delegate may subdelegate a delegated function to another person employed in a Public Service agency.
- (3) In this section, *head* of a Public Service agency and *Public Service agency* have the same meanings as in the *Government Sector Employment Act 2013*.

14 Annual reports relating to Digital Restart Fund

- (1) The Minister is to produce a report relating to the Fund each year (being a year commencing on 1 July).
- (2) The report is to be in the form determined by the Treasurer and include the following information—
 - (a) details of payments into the Fund during the year to which the report relates,
 - (b) details of payments from the Fund during the year to which the report relates, including, where money has been paid to fund all or part of the cost of a project, the following details in respect of that project—
 - (i) the name of the project,
 - (ii) the government agency, person or body responsible for delivering the project,
 - (iii) the total cost of the project,
 - (iv) the amount of money paid from the Fund in respect of the project,
 - (v) the date on which the project was completed or is expected to be completed,
 - (vi) the objectives of the project, including any change to those objectives,
 - (vii) whether the project has or is likely to achieve those objectives,
 - (c) any other information determined by the Treasurer.
- (3) The report is also to include an audit of the Fund by the Auditor-General (including a report of the Auditor-General on whether the payments from the Fund have been made in accordance with this Act).
- (4) The report is to be made publicly available within 6 months after the end of the year to which it relates.

15 Act to bind Crown

This Act binds the Crown in right of New South Wales and, in so far as the legislative power of the Parliament of New South Wales permits, the Crown in all its other capacities.

16 Regulations

- (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act or any Act that amends this Act.

17 Review of Act

- (1) The Minister is to review this Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing the objectives.
- (2) The review is to be undertaken as soon as possible after the period of 5 years from the commencement of this Act.
- (3) A report on the outcome of the review is to be tabled in each House of Parliament within 6 months after the end of the period of 5 years.