

# Government Sector Finance Regulation 2018

[2018-685]



New South Wales

## Status Information

### Currency of version

Historical version for 2 December 2018 to 30 June 2019 (accessed 20 July 2024 at 4:59)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Does not include amendments by**  
[Government Sector Finance Amendment Regulation 2019 \(257\)](#) (not commenced — to commence on 1.7.2019)
- **Staged repeal status**  
This legislation is currently due to be automatically repealed under the [Subordinate Legislation Act 1989](#) on 1 September 2024

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 21 June 2019

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New South Wales

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# Government Sector Finance Regulation 2018



New South Wales

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the *Government Sector Finance Regulation 2018*.

### 2 Commencement and repeal

- (1) This Regulation commences on 1 December 2018 and is required to be published on the NSW legislation website.
- (2) Schedule 1 is repealed on 2 December 2018.

### 3 Definitions

- (1) In this Regulation:

**Teaching Service** has the same meaning as in the *Teaching Service Act 1980*.

**the Act** means the *Government Sector Finance Act 2018*.

#### Note—

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

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

## Part 2 Key concepts

### 4 Prescribed GSF agencies: section 2.4 (1) (I) of Act

- (1) The purpose of this clause is to prescribe certain entities as GSF agencies for the purposes of section 2.4 (1) (I) of the Act (whether generally or for specified provisions of the Act).
- (2) Each existing prescribed PAFA entity that is not already covered by section 2.4 (1) (a)–(k) or (2) of the Act is prescribed as a GSF agency only for the purposes of Divisions 6.4–6.6 of the Act.

- (3) Subclause (2) applies in relation to an existing prescribed PAFA entity that was prescribed as an authority or controlled entity for the purposes of certain provisions of the *Public Authorities (Financial Arrangements) Act 1987* as follows:
- (a) if the entity was prescribed only for the purposes of Part 2A (Financial adjustments) of that Act—the entity is prescribed as a GSF agency only for the purposes of provisions that concern derivative arrangements,
  - (b) if the entity was prescribed only for the purposes of Part 3 (Investments) of that Act—the entity is prescribed as a GSF agency only for the purposes of provisions that concern investments.
- (4) Each of the following entities is prescribed as a GSF agency only for the purposes of Part 7 of the Act:
- (a) the Statutory Trustee, or the Statutory Trustees, of a Fund (within the meaning of the *Technical Education Trust Funds Act 1967*),
  - (b) the Border Fence Maintenance Board.
- (5) Subject to subclauses (2)–(4), each of the following entities is prescribed as a GSF agency for the purposes of the Act generally:
- (a) an entity not already covered by section 2.4 (1) (a)–(k) or (2) of the Act that is:
    - (i) an authority within the meaning of the *Public Finance and Audit Act 1983*, or
    - (ii) any other entity specified in Schedule 2 or Column 1 of Schedule 3 to that Act,
  - (b) the FANMAC trustee within the meaning of Schedule 4 to the *Housing Act 2001*,
  - (c) the Trustee of the Home Purchase Assistance Fund.
- (6) However, this clause does not operate to prescribe the following entities to be GSF agencies (whether generally or for specified provisions of the Act):
- (a) the Teaching Service,
  - (b) a university or the council or senate for a university.
- (7) In this clause:

**existing prescribed PAFA entity** means an entity that was prescribed as an authority or controlled entity in Schedule 1 to the *Public Authorities (Financial Arrangements) Regulation 2013* immediately before its repeal.

#### **5 Accountable authority: section 2.7 (3) of Act**

For the purposes of section 2.7 (3) of the Act, the Chief Executive of the Office of Environment and Heritage is to be treated as the accountable authority for the

corporation sole with the corporate name “Minister administering the Heritage Act 1977” incorporated under section 102 of the *Heritage Act 1977*.

**6 Prescribed government officers: section 2.9 (1) (e) of Act**

- (1) For the purposes of section 2.9 (1) (e) of the Act, any person who is an officer of an authority within the meaning of the *Public Finance and Audit Act 1983* (and not already covered by section 2.9 (1) (a)-(d) of the Act) is prescribed as a government officer.
- (2) For the purposes of section 2.9 (1) (e) and (3) (b) of the Act, each person specified in Column 2 next to the GSF agency specified in Column 1 of the following Table is prescribed as a government officer of the agency:

<b>Column 1</b>	<b>Column 2</b>
<b>GSF agency</b>	<b>Prescribed government officer</b>
1 Department of Education	<p>Each of the following is prescribed for the Department:</p> <ul style="list-style-type: none"> <li>(a) a member of the Teaching Service,</li> <li>(b) a person employed under the <i>Education (School Administrative and Support Staff) Act 1987</i>.</li> </ul>
2 Department of Family and Community Services	<p>Each of the following is prescribed for the Department:</p> <ul style="list-style-type: none"> <li>(a) the Advocate for Children and Young People appointed under the <i>Advocate for Children and Young People Act 2014</i>,</li> <li>(b) the Registrar appointed under section 10 of the <i>Community Housing Providers (Adoption of National Law) Act 2012</i>.</li> </ul>
3 Department of Finance, Services and Innovation	<p>Each of the following is prescribed for the Department:</p> <ul style="list-style-type: none"> <li>(a) the Valuer-General,</li> <li>(b) a Workers Compensation Independent Review Officer.</li> </ul>

- 4 NSW Self Insurance Corporation
- A person authorised under an insurance services contract to exercise expenditure functions (regardless of whether the person is a party to that contract) is prescribed for the Corporation, but only in connection with the exercise of those functions that the person is authorised to exercise under the contract.
- Each of the following is prescribed for the Service:
- (a) a NSW State Emergency Service Local and Unit Commander (Volunteer role),
  - (b) a NSW State Emergency Service Local and Unit Deputy Commander (Volunteer role),
  - (c) during and for an operational event:
    - (i) a State Duty Operations Controller,
    - (ii) a Deputy State Duty Operations Controller,
    - (iii) a State Logistics Officer,
    - (iv) an Incident Controller (Zone or Area of Operations),
    - (v) a Deputy Incident Controller (Zone or Area of Operations),
    - (vi) a Logistics Officer (Zone or Area of Operations),
    - (vii) a Unit Incident Officer,
    - (viii) a Unit Logistics Officer.
- 5 NSW State Emergency Service
- 6 Statutory health organisation
- A person appointed under Chapter 8 of the [Health Services Act 1997](#) as a visiting practitioner.

- 7 Transport for NSW
- Each of the following is prescribed for Transport for NSW:
- (a) the Point to Point Transport Commissioner,
  - (b) an employee of Serco Australia Pty Limited (ABN 44 003 677 352), but only in connection with the exercise of expenditure functions for or on behalf of Transport for NSW,
  - (c) an employee of Cubic Transportation Systems (Australia) Pty Limited (ABN 82 003 617 561), but only in connection with the exercise of expenditure functions for or on behalf of Transport for NSW.

(3) In this clause:

**expenditure function** means a function that is conferred or imposed on a person or other entity by or under the Act or any other legislation (including an annual Appropriation Act) regarding the expenditure of money (including out of the Consolidated Fund).

**insurance services contract** means an agreement or arrangement entered into by the NSW Self Insurance Corporation in accordance with section 8 (1) (b) of the [NSW Self Insurance Corporation Act 2004](#).

**statutory health organisation** has the same meaning as in the [Health Services Act 1997](#).

## Part 3 Financial services and arrangements

### 7 Definitions

In this Part:

**bank guarantee** means an arrangement under which an entity that provides finance (the **guarantor**) undertakes either of the following in relation to another entity (the **guarantee recipient**):

- (a) to guarantee to a third party the performance of an obligation by the guarantee recipient,
- (b) to pay a third party on demand by the guarantee recipient.

**operating or finance lease arrangement** means an arrangement under which an entity (the **lessor**) grants another entity (the **lessee**) for value:

- (a) a right for the lessee to use an asset (other than land) of the lessor for a specified

period, and

(b) any entitlements to the risks and rewards resulting from the use of the asset.

**social benefit bond** means an arrangement created by an instrument under which any financial return is made contingent on the achievement of specified social outcomes.

**supplier finance arrangement** means an agreement between parties under which:

(a) one party (the **finance provider**) assumes the liability of the other party (the **finance recipient**) for the payment of invoices from suppliers for the finance recipient, and

(b) the finance recipient has an obligation to repay the finance provider for any amounts paid (including interest or an amount in the form of interest).

#### **8 Prescribed borrowings: section 6.8 (1) (c) of Act**

For the purposes of section 6.8 (1) (c) of the Act, each of the following arrangements is prescribed as a borrowing:

- (a) issuing a social benefit bond,
- (b) becoming a guarantee recipient under a bank guarantee,
- (c) becoming a finance recipient under a supplier finance arrangement,
- (d) becoming a lessee under an operating or finance lease arrangement.

#### **9 Prescribed investment: section 6.9 (1) (b) of Act**

For the purposes of section 6.9 (1) (b) of the Act, each of the following arrangements is prescribed as an investment:

- (a) purchasing a social benefit bond,
- (b) depositing money in a banking account even if it is not primarily for the purpose or with the expectation of producing income, interest, profit, capital growth or any other financial benefit.

### **Part 4 Delegations**

#### **10 Prescribed delegates and subdelegates for Judicial Commission of New South Wales**

(1) The purpose of this clause is to enable certain delegations and subdelegations in relation to the Judicial Commission of New South Wales to be made to members of staff of the Commission even though they are not government officers.

**Note—**

Section 2.9 (2) (e) of the Act provides that a **government officer** does not include a member of the staff of the Judicial Commission of New South Wales employed under the [Judicial Officers Act 1986](#).



- (2) For the purposes of paragraph (b) of item 3 of the Table to section 9.9 (5) of the Act, a member of staff of the Judicial Commission of New South Wales is prescribed as an entity to which the accountable authority for the Commission may subdelegate.
- (3) For the purposes of section 9.11 (1) (b) of the Act, a member of staff of the Judicial Commission of New South Wales is prescribed as an entity to which the accountable authority for the Commission may delegate.
- (4) For the purposes of item 2 of the Table to section 9.11 (4) of the Act, a member of staff of the Judicial Commission of New South Wales is prescribed as an entity to which a delegate prescribed by subclause (3) may subdelegate.

### **11 Prescribed delegates and subdelegates for transport GSF agencies**

- (1) The purpose of this clause is to enable certain delegations and subdelegations to be made in relation to a transport GSF agency to a member of the Transport Service of New South Wales even if the member is not a government officer of the agency concerned.

**Note—**

Division 9.2 of the Act already makes provision for delegations and subdelegations to be made to persons who are government officers for a transport GSF agency.

- (2) For the purposes of section 9.9 (2) (f) of the Act, a member of the Transport Service of New South Wales who is not a government officer of a transport GSF agency for which the Minister is the responsible Minister is prescribed as an entity to which a Minister may delegate.
- (3) For the purposes of paragraph (b) of item 4 of the Table to section 9.9 (5) of the Act, a member of the Transport Service of New South Wales who is not a government officer of a transport GSF agency is prescribed as an entity to which the accountable authority for that agency may subdelegate.
- (4) For the purposes of paragraph (b) of item 6 of the Table to section 9.9 (5) of the Act, a member of the Transport Service of New South Wales who is not a government officer of a transport GSF agency is prescribed as an entity to which a government officer of that agency may subdelegate.
- (5) For the purposes of section 9.11 (1) (b) of the Act, a member of the Transport Service of New South Wales who is not a government officer of a transport GSF agency is prescribed as an entity to which the accountable authority for that agency may delegate.
- (6) For the purposes of paragraph (b) of item 1 of the Table to section 9.11 (4) of the Act, a member of the Transport Service of New South Wales who is not a government officer of the agency concerned is prescribed as an entity to which a government officer of the agency may subdelegate.

(7) In this clause:

**transport GSF agency** means:

- (a) a transport authority within the meaning of Part 6B of the *Transport Administration Act 1988*, or
- (b) a public subsidiary corporation within the meaning of section 55C of that Act.

## **12 Prescribed subdelegates for delegated expenditure functions of Planning Minister**

- (1) This purpose of this clause is to enable certain subdelegations to be made to the Planning Secretary and Planning government officers in relation to expenditure functions of the Planning Minister that have been initially delegated to another Minister or a Secretary of a Department (other than the Planning Secretary).
- (2) For the purposes of the following provisions of the Table to section 9.9 (5) of the Act, the Planning Secretary and Planning government officers are prescribed as entities to which a delegate of the Planning Minister may subdelegate an expenditure function of the Minister:
  - (a) paragraph (d) of item 1,
  - (b) paragraph (c) of item 2,
  - (c) paragraph (b) of item 4,
  - (d) paragraph (c) of item 5,
  - (e) paragraph (b) of item 6.

(3) In this clause:

**expenditure function** of the Planning Minister means a function that is conferred or imposed on the Planning Minister by or under the Act or any other legislation (including an annual Appropriation Act) regarding the expenditure of money (including out of the Consolidated Fund).

**Planning Minister** means the Minister for Planning.

**Planning Secretary** means the Secretary of the Department of Planning and Environment.

**Planning government officer** means a government officer of the Department of Planning and Environment.

## **Schedule 1 (Repealed)**