THIS DOCUMENT

This is a 'to do' list to assist agencies implement the requirements of the *Government Sector Finance Act 2018* (GSF Act) within their financial and management systems. It sets out what *actions* agencies need to take by 30 June 2019 (i.e. within the 2018-19 financial year) and what *actions* agencies need to take from 1 July 2019 (i.e. from the 2019-20 financial year and beyond). Further information including factsheets, legislative 'maps', short trainer videos, frequently asked questions (FAQs) and useful links are available from Treasury's website (*click here*). The GSF Act commencement timtable and a reference guide for acronyms appear at the end of this document. Unless otherwise indicated below, please contact Treasury at legislation@treasury.nsw.gov.au if you have any questions.

This 'to do list' is not a substitute for reading and understanding the legislation, regulations, Treasurer's Directions and guidance but supports and complements your understanding of those things.

PARTICIPATE, RESPOND AND RAISE AWARENESS

Building the new financial management framework is a collaborative effort led by Treasury, so please help us by:

- participating in the development of regulations, directions and guidance through the external working group
- responding, through your Cluster Single Points of Contact (SPOC), to requests from Treasury for information to inform policy development; and
- increasing awareness within your clusters/agencies.

Trsy# Ref #	Policy stream	Policy intent or decision	Agency impact to mid-2019	Agency impact from 2019-20
	(inc GSF Act or other leg refs)		(i.e. what actions will agencies need to take before 30 June 2019)	(i.e. what actions will agencies need to take from 1 July 2019 and beyond)
2(a)	Financial reporting exemptions 2018-19 PFAA Part 3 Division 3 - section 39(1B) and PFAA Part 3 Division 4A 2019-20 and future financial years GSFA Part 7 section 7.3 – section 45A(1B)	Exempt agencies from financial reporting requirements	PFAA reporting provisions apply for 2018-19 financial year. Executive Council will consider/approve a regulation made under the PFAA that will relieve certain agencies from the PFAA requirement to prepare separate financial reports. Those agencies will, most likely, include: • staff agencies that supply staff to a single statutory body, • certain dormant agencies, and • certain entities controlled by ERIC. Agencies should take advantage of the relief that will be provided by that regulation.	GSFA financial reporting provisions will apply for 2019-20 and future financial years. The Treasurer (or Treasury by delegation) will exempt certain 'classes of agency' from the GSFA requirement to prepare separate financial reports. Those agencies will, most likely, include: • staff agencies that supply staff to a single statutory body, • certain dormant agencies, and • agencies for which the cost of reporting would not justify the benefits. The position of ERIC controlled entities and certain other classes is yet to be determined. Initially, Agencies (through their SPOC) will be asked to review the 'classes of agency' list proposed by Treasury. Later, Agencies should take advantage of the relief that will be provided to those 'classes of agency'.
2(b)	Financial reporting generally GSFA Part 7 sections 7.1 to 7.7	Establish new financial reporting framework		Initially, Agencies (through their SPOC) will be asked to review draft GSFA financial reporting policies before Treasury issues them under GSFA provisions. For the 2019-20 and subsequent financial years, Agencies will need to prepare their financial reports based on final versions of those policies.
3(a)	Annual reporting generally GSFA Part 7 sections 7.10 to 7.14	Establish new annual reporting framework	NA	Initially, Agencies (through their SPOC) will be asked to review draft GSFA annual reporting policies before Treasury issues them under GSFA provisions. For the 2020-21 and subsequent financial years, Agencies will need to prepare their annual reports based on final versions of those policies.
3(b)	Annual reporting combinations GSFA Part 7 section 7.10(5)	Permit certain combinations of agencies to prepare a single annual report	NA	Initially, Agencies (through their SPOC) will be asked to review draft Treasury proposals that would permit certain combinations of agency to prepare a single, combined annual report. For the 2020-21 and subsequent financial years, those Agencies will be permitted to prepare a single, combined annual report.

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4	SDA Financial reporting	Establish new SDA financial reporting framework	NA	Initially, Agencies (through their SPOC) will be asked to review draft SDA financial reporting policies before Treasury issues them under GSFA provisions.
	GSFA Part 7 section 7.8			For the 2021-22 and subsequent financial years, Agencies will need to prepare SDA financial reports based on final versions of those policies.
6(a)	Roles & responsibilities: Treasurer's directions GSFA Part 3	Development (including consultations) and compliance with Treasurer's Directions (best practice guidance to be issued)	Comply with existing Treasury policies, circulars and directions as you do now, unless advised otherwise. Participate (through SPOCs) in the development of TDs and comply with TDs as relevant.	Participate (through SPOCs) in the development of TDs and comply with TDs as relevant.
6(b)	Roles & responsibilities: Determining Accountable Authority for a GSF agency when it's unclear e.g. for a Panel GSFA Division 2.2 section 2.7(3)	Treasury to draft regulations for the purposes of declaring Accountable Authorities under s2.7(3).	SPOCs to inform Treasury through Legislation@treasury.nsw.gov.au if they need an Accountable Authority needs to be declared.	SPOCs to inform Treasury through Legislation@treasury.nsw.gov.au if they need an Accountable Authority needs to be declared.
6(c)	Roles & responsibilities: Prescribing government officers GSFA Division 2.2 section 2.9(1)(e)	Develop guidance on when to prescribe government officers (contractors/consultants)	SPOCs to inform Treasury through Legislation@treasury.nsw.gov.au if they need contractors/consultants prescribed as 'government officers'.	Participate (through SPOCs) in the development of guidance on when to prescribe contractors/consultants as 'government officers' and to follow that guidance (once finalised). SPOCs to inform Treasury through Legislation@treasury.nsw.gov.au if they need contractors/consultants prescribed as 'government officers'.
6(d)	Roles & responsibilities: Accountable Authorities GSFA section 3.6(1)(b) to establish, maintain and keep under review each of the	To provide accountable authorities with instructions and/or guidance on how to comply with the requirement to establish and maintain effective systems for risk management, internal control and assurance.	Business as usual for agencies. No fundamental change in: TPP15-03 Internal Audit and Risk Management Policy TPP12-03 Risk Management toolkit TPP16-02 Shared arrangements for ARCs.	Existing policies will be progressively updated to align with the new legislation. Treasury will consult with the sector on enhancements, particularly the internal audit and risk management policy.
6(e)	following: (i) effective systems for risk management, internal control and assurance	To assist agencies to manage risks related to issuing Instruments of Assurance and establish greater visibility of contingent liability exposure	Business as usual for agencies. No fundamental change in TPP17-08 Requirements for Issuing Managing and reporting Instruments of Assurance	No material impact. The policy will be updated to align with the new GSF Act.
6(f)	Roles & responsibilities: Accountable Authorities GSFA Section 3.6(1)(b) (ii) arrangements for protecting the integrity of financial and performance information	To provide greater assurance as to the quality of financial information and reporting	No material impact. No fundamental change in TPP17-06 Certifying the Effectiveness of Internal Controls Over Financial Information	No material impact. The policy will be updated to align with the new GSF Act.
6(g)	Roles & responsibilities: Government officers GSFA Division 3.3 Government officers, section 3.7(1) Accountability	No change	Business as usual	Business as usual

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6(h)	Roles & responsibilities: Government officers GSFA Division 3.3 Government officers, section 3.7(1) Integrity	To set out the key minimum requirements necessary to establish and maintain an appropriate system of fraud and corruption control	No material impact. No fundamental change in the policy TC18-02 NSW Fraud and Corruption Control Policy	No material impact. Policy will be updated to align with the new GSF Act.
6(i)	Roles & responsibilities: Government officers GSFA Division 3.3 Government officers, section 3.7(1) Transparency	No policy change	Business as usual	Business as usual
7(a)	Expenditure GSFA Division 5.1, section 5.5	Simplified arrangements for expenditure to replace former two-step 'payment on account' arrangements in sections 12 and 13 PFAA	No change necessary, but opportunity exists to streamline and tailor expenditure processes. The new section 5.5 GSFA took effect from 1 December 2018 and requires appropriate authorisation for expenditure. Agencies should ensure that expenditure is appropriately authorised and are free to authorise expenditure in a way that is most appropriate for them (e.g. taking into account risk appetite, controls etc). Note section 12 of Schedule 1 of the GSFA provides savings and transitional arrangements that continue existing delegations and authorisations to approve payments.	No change necessary, but opportunity exists to streamline and tailor expenditure processes. The new section 5.5 GSFA took effect from 1 December 2018 and requires appropriate authorisation for expenditure. Agencies should ensure that expenditure is appropriately authorised and are free to authorise expenditure in a way that is most appropriate for them (e.g. taking into account risk appetite, controls etc). Note section 12 of Schedule 1 of the GSFA provides savings and transitional arrangements that continue existing delegations and authorisations to approve payments.
7(b)	Gifts of government property GSFA Division 5.2, section 5.6	Clarity on arrangements for the gifting of government property	Participate in development of the draft direction/guidance and provide timely comments. When draft document/s are issued, consider implementation requirements for your entity in preparation for taking effect 1 July 2019.	Apply new arrangements as specified in the new Treasurer's Direction.
7(c)	Act of grace payments GSFA Division 5.2, section 5.7	Clarity on the ability of a Minister to delegate authority	Business as usual. No action needed other than participation in development of possible regulations/directions/guidance.	Apply new arrangements.
8	Deemed appropriations of Certain Moneys received by GFS Agencies Division 4.2, section 4.7	To provide for automatic appropriations (called deemed appropriations) to be given to the responsible Ministers for GSF agencies for the amounts of certain kinds of money the agencies receive or recover. This is a new legal authority to appropriate money out of the Consolidated Fund.	Treasury (in consultation with agencies) is developing regulations for types of revenue considered to be deemed. These are intended to closely align to existing concepts of 'own source revenue'. Treasury aims to commence these regulations from 1 July 2019. Deemed appropriations will not replace authority to spend derived from enabling legislation that specifies money is the property of the agency or that establishes an SDA account. In preparation for 1 July 2019, agencies should: 1. Review any existing legal authority to retain and spend money. For example, review enabling legislation for provisions that specify money is the property of the agency, or that establish an account in the Special Deposits Account, or that create a Statutory Special Purpose Fund, etc. NB. Just because an agency has the legal status of a Statutory Body, it does not automatically follow it has the legal right to retain and spend government money. 2. Identify kinds of money currently considered "own source" which does not have a legal authority to be retained and spent. Ensure these kinds of money are within the scope of deeming regulations.	 Assess any new kinds of money to determine the legal authority to retain and spend those moneys. In consultation with agencies, Treasury will review the operation of the deeming mechanism to determine its effectiveness and the need for any changes.

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9(a)	Working Accounts in the Special Deposits Account Division 4.3, section 4.17	To reform the way in which working accounts in the Special Deposits Account are established and used.	 Identify existing working accounts established under s. 13A of the <i>Public Finance and Audit Act 1983</i>. Ensure none of the money currently being paid into the working account is not money provided to the agency from an appropriation under an annual Appropriation Act. (s. 4.17(2)(a) of the GSF Act specifically prohibits this type of money going into a working account.) Ensure appropriate records are maintained for the working account. 	 If a GSF agency requires a new working account or an existing one varied please contact your Treasury relationship manager in the Policy & Budget Group Treasury will work with GSF agencies to systematically transition existing working accounts from the old to the new legislative framework no later than 1 July 2022.
9(b)	Accounts in the Special Deposits Account (other than working accounts) Division 4.3, section 4.15/16	To enable the Treasurer to require the preparation of financial reports about the management of accounts in the Special Deposits Account	 Review all existing legislation to Identify accounts established in the Special Deposits Account. Ensure the enabling legislation for the SDA account provides the necessary legal authority for the money currently being paid into and out of the SDA account. Appoint a responsible manager for each SDA account. (s 4.16(2)) Ensure appropriate records are maintained for the SDA account (s.4.16(1)) 	 Monitor new legislation to identify any new accounts established in the Special Deposits Account. Appoint a responsible manager for the SDA account Ensure appropriate records are created and maintained for the SDA Account
9(c)	Statutory Special Purpose Funds Division 1.1, section 1.4	To define this type of funds and establish certain requirements regarding them	 Review all existing legislation to Identify statutory special purpose funds. Ensure the enabling legislation for the fund provides the necessary legal authority for the money currently being paid into and out of the fund. Ensure appropriate records are maintained for the fund. 	 Monitor new legislation to identify any new statutory special purpose funds. Ensure appropriate records are created and maintained for the fund.
10	Appropriations Division 4.2, sections 4.6 to 4.13 except Section 4.7	To provide for budget control authorities issued by the Treasurer to replace current expenditure control authorities issued by the Treasurer, to enable certain kinds of unused appropriations for an annual reporting period of NSW to be carried over to future annual reporting periods and to replicate PF&A Act appropriation provisions in the GSF legislation	Little to no impact is expected for agencies over the first 6 months of 2019. The GSF carries forward similar mechanisms for unused, transfer and lapsing of appropriations as existed under the PF&A Act. Treasury also does not expect any significant changes in the short-term to existing budgetary control arrangements.	Treasury (in consultation with agencies) will review and reissue existing policies and guidelines on appropriation matters, including budgetary controls. No changes are expected to the budget controls or budget process itself, subject to what the Government decides.
11(a)	Scope: Notification of GSF agency GSFA Division 2.2 section 2.8(1)	Develop a process for agencies to inform the Treasurer and Auditor-General of new a GSF agency.	Agencies to comply with manner of notifying the Treasurer and Auditor-General of a new GSF agency. Treasury will circulate new notification process asap. In the meantime agencies can comply by emailing Legislation@treasury.nsw.gov.au	Agencies to comply with manner of notifying the Treasurer and Auditor-General of a new GSF agency. Treasury to circulate new notification process asap. In the meantime agencies can comply by emailing Legislation@treasury.nsw.gov.au
11(b)	Scope: Prescribing GSF agencies GSFA Division 2.2 section 2.4	Prepare regulations for the purposes of including entities within the definition of a GSF agency under s.2.4.	SPOCs to inform Treasury through Legislation@treasury.nsw.gov.au if they require an entity to be prescribed under s2.4(1)(I).	SPOCs to inform Treasury through Legislation@treasury.nsw.gov.au if they require an entity to be prescribed under s2.4(1)(I).

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12(a)	Delegations: Prescribing entities to receive delegations GSFA Division 9.2	Develop guidance on when to prescribe entities to receive delegations (contractors / consultants)	Participate in the development of guidance on when to prescribe contractors/consultants to receive delegations and to follow that guidance (once finalised). SPOCs to inform Treasury through Legislation@treasury.nsw.gov.au if they need contractors/consultants prescribed to receive delegations.	Follow guidance on when to prescribe contractors/consultants to receive delegations and to follow that guidance (once finalised). SPOCs to inform Treasury through Legislation@treasury.nsw.gov.au if they need contractors/consultants prescribed to receive delegations.
12(b)	Delegations: Determining Delegations from Minister(s) and Accountable Authorities (including sub- delegations) GSFA Division 9.2	Consult with Ministers, AA's etc. to implement any new delegations (as desired)	Agencies may wish to implement new delegations (sample delegations instruments for Ministers and AAs are provided on the website). Agencies' delegations instruments and manual to be updated and maintained over time (e.g. annual review). (Delegation of powers under Parts 2, 3, 6, 8 and 9)	Agencies may wish to implement new delegations (sample delegations instruments for Ministers and AAs are provided on the website). Agencies' delegations instruments, and manual, to be updated and maintained over time (e.g. annual review). (Delegation of powers under remainder of provisions of GSFA not already commenced from 1 December 2018)
14	Information Sharing		Cooperate/comply/utilise information sharing provisions	Cooperate/comply/utilise information sharing provisions
	GSFA Division 9.1 section 9.2			
16	Tax Equivalent Payments GSFA Division 5.1 section 5.3	The Treasurer may direct a GSF agency to pay tax equivalents. Policy intent is compliance with competitive neutrality.	 Agencies to continue paying tax equivalents under current arrangements for the 2018-19 payments. The only agency (TCorp) paying tax equivalents under the current policy will be consulted and invited to provide feedback on the draft TD. 	 Agencies to apply to the new Tax Equivalents TD from 1 July 2019. New Agencies to be added to the register as required.
17	Financial Distributions to the Treasurer GSFA Division 5.1 section 5.4	The Treasurer may direct a GSF agency (or part of a GSF agency) to pay financial distributions to the Treasurer.	 Agencies to keep referring to the existing Financial Distributions policy, TPP 16-04 as needed. Those GSF agencies currently paying financial distributions (approx. 10) will be consulted and invited to provide feedback on the draft policy. 	 Agencies to refer to revised Financial Distributions Policy as needed. For queries on the policy, please contact your Treasury relationship manager in the first instance or email: commercialPolicy@treasury.nsw.gov.au.
18	Financial Arrangements GSFA Division 6.4 sections 6.22 to 6.25	The Treasurer may give written approval (a financial arrangement approval) for a GSF agency to enter into a financial arrangement.	 No action is required <u>except</u> where a GSF agency wishes to enter into a new financial arrangement, in which case the Treasurer's approval is required (unless investing pursuant to Part 1-4 powers). No action is required in relation to your investment powers (your Part 1-4 investment powers remain unchanged until 1 December 2021 or otherwise advised by Treasury). If a GSF agency requires a new financial arrangement approval or an existing one varied please contact your Treasury relationship manager in the Policy & Budget Group or email <u>financialarrangements@treasury.nsw.gov.au</u> 	 No action is required <u>except</u> where a GSF agency wishes to enter into a new financial arrangement, in which case the Treasurer's approval is required (unless investing pursuant to Part 1-4 powers). No action is required in relation to your investment powers (your Part 1-4 investment powers remain unchanged until 1 December 2021 or otherwise advised by Treasury). If a GSF agency requires a new financial arrangement approval or an existing one varied please contact your Treasury relationship manager in the Policy & Budget Group or email <u>financialarrangements@treasury.nsw.gov.au</u> NSW Treasury will work with GSF agencies to systematically transition existing financial arrangement approvals from the old to the new legislative framework <i>no later than 1 December 2021</i>.

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20	Government Guarantees GSFA Division 6.5 sections 6.26 to 6.33	The Treasurer may provide a State guarantee in support of the obligations of a GSF agency. The policy intention is to ensure that guarantees are not being provided where they are redundant or where the State is not getting a suitable benefit to justify the administrative effort of issuing the guarantee.	GSF agencies should not assume that a guarantee will be provided without a business case supporting the need for the guarantee. Agencies will need to provide more rigour around business cases for guarantees. Existing guarantees provided under the PAFA Act in relation to a particular financial arrangement will remain in force until that financial arrangement ends.	GSF agencies should not assume that a guarantee will be provided without a business case supporting the need for the guarantee. Agencies will need to provide more rigour around business cases for guarantees. Existing guarantees provided under the PAFA Act in relation to a particular financial arrangement will remain in force until that financial arrangement ends. GSF agencies should 'push back' when entities ask for a guarantee. This would include the agency being provided with an understanding of the perceived benefit to the entity of the guarantee and the cost (if any) of not providing a guarantee. Treasury will review requests for guarantees on their merit.
21	Financial services (excluding financial arrangements) Division 6.3, sections 6.15, 6.19	 A GSF agency must efficiently manage its cash resources. A GSF agency must use the State financial service providers for contracted banking and financial products and services. A GSF agency must hold cash in account structures directed by Treasury unless prior approval is obtained to hold cash in an alternative product. A GSF agency must provide Treasury with accurate cash forecasts and promptly report on material changes and variances to these forecasts. 	 Subject to discussion with Treasury, GSF agencies are to open, operate accounts with the State financial service providers, where currently they do not have accounts with Westpac or ANZ under the State financial service agreement. GSF agencies are to update their agency cash management policies in line with the Treasurer's Financial Services Direction and Cash Management Policy and guidelines (once issued). GSF Agencies are to implement cash forecasting requirements (to 12 months and include variance explanations where practicable). Subject to discussion with Treasury, State Owned Corporations and other government businesses (together, government businesses) will be transitioning to new banking arrangements under the State financial service agreement, taking into account implementation issues (e.g. level of cash held and existing banking arrangements). Contacts: for banking arrangement and financial service offering, cash forecasting, please contact: Treasury's Transactional Banking Team at <u>cashmanagement@treasury.nsw.gov.au</u> for Cash Management Policy related queries, please contact: frm@treasury.nsw.gov.au 	 GSF Agencies are required to assess agencies' compliance with Cash Management Policy and complete Cash Management Policy attestation 12 months cash forecasting will be required in line with the Policy. Treasury will work with GSF agencies on transitioning toward this extended forecasting requirement. Agencies that are currently in the TBS that do not forecast will need to be contacted and a staged approach taken, with information sessions, set them up in CFS (Treasury IT and GovConnect), training etc. Subject to discussion with Treasury, government businesses will be transitioning to new banking arrangements under the State financial service agreement, taking into account implementation issues (e.g. level of cash held and existing banking arrangements).
22	Budget		No changes to Budget process or Budget controls proposed, subject to requirements of an incoming Government	No changes to Budget process or Budget controls proposed for 2019-20, subject to requirements of an incoming Government
23	Performance Information GSFA section 8.2(1)	The Treasurer may direct agencies to keep certain types of performance information to enable resource allocation decisions to be made by the government.		Departments will be required to keep outcome indicators (approved by Cabinet) for each State Outcome and all GSF agencies to keep at least three performance measures for each Program, including baseline, actual and target values (except target for the 3rd program measure). Ongoing/business as usual Departments will be required to keep outcome indicators (approved by Cabinet) for each State Outcome and all GSF agencies at least four performance measures for each Program, plus equity, where applicable, including baseline, actual and target values. ee link below) for further details including phasing of data requirements (see page 12 of TPP 18-
			Please refer to TPP 18-09 Policy and Guidelines Paper: Outcome Budgeting (s 09) https://www.treasury.nsw.gov.au/sites/default/files/2018-12/TPP18-099	

Government Se	ctor Finance Act 2018 (commencement dates from 1 July 2019 are subject to Treasurer's agreement)	1 Dec 2018	1 July 2019	1 July 2020	1 July 2021
Part 1	Preliminary	✓			
Part 2	Key concepts such as 'entities', 'GSF agencies' and 'government officers'	✓			
Part 3	Roles and responsibilities of Treasurer, 'accountable authorities', 'government officers'	✓			
Part 4	Budget, appropriations and Special Deposits Account		✓		
Part 5:	Expenditure and gifts				
section 5.1	'Budget controls' to regulate expenditure	✓			
section 5.2	Conditions on Ministerial delegations	✓			
section 5.3	Payment of tax equivalents to Treasurer		✓		
section 5.4	Payment of financial distributions to Treasurer		✓		
section 5.5	Authorisation of expenditure	✓			
section 5.6	Gifts of government property		✓		
section 5.7	Act of grace payments		✓		
Part 6	Financial Services and Arrangements	✓			
Part 7:	Reporting				
Division 7.1	Interpretation			✓	
Division 7.2	Financial Reporting (excluding Special Deposits Accounts)	FY18/19 – signed off under PFA. / FY19/20 signed off under		off under GSF	
Division 7.2	Financial Reporting (Special Deposits Accounts)	FY21/22 - signed off GSF Act. Until then no reporting of accounts within			
Division 7.3	Annual reporting	FY19/20 - signed off under PFA. / FY20/21- signed of			
Division 7.4	Consolidated government sector reporting	FY 18/19	/19 – signed off under PFA. / FY19/20 - signed off under GSF		
Part 8	Performance information	✓			
Part 9:	Administration and enforcement provisions				
Division 9.1	Information sharing	✓			
Division 9.2	Delegations	✓			
Division 9.3	Tabling, service and language of documents and records	✓			
Division 9.4 except section 9.15)	Civil recovery except for debt for unauthorised gifts of government property	√			
Section 9.15	Civil recovery for debt for unauthorised gifts of government property		✓		
Part 10:	Miscellaneous				
section 10.1	Status of Workers Compensation Insurance Fund		✓		
section 10.2	Duties Act 1997 exemptions	✓			
Section 10.3	Reference of matters to Public Accounts Committee		✓		
section 10.4	Regulations			(24 Oct 2018)	
Schedule 1	Savings, transitional and other provisions		Assent	(24 Oct 2018)	

Acronyms

ARC Audit and Risk Committee

ERIC Electricity Retained Interest Corporations

GSF Government Sector Finance

GSFA Government Sector Finance Act 2018
PFAA Public Finance and Audit Act 1983

SDA Special Deposits Account

SOCs State Owned Corporations

SPOC Single Point of Contact

TBS Treasury Banking System

TD Treasurer's Direction