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Mapping of substantive provisions of the *Public Finance and Audit Act 1983* to the *New Government Sector Finance Act 2018*

The introduction of the *Government Sector Finance Act 2018* (GSF Act) aims to create a modern and up to date financial management framework for the Government Sector of NSW, replacing four previous and existing Acts;

- *Public Finance and Audit Act 1983 (PFAA)*
- *Public Authorities (Financial Arrangements) Act 1987 (PAFA)*
- *Annual Report (Departments) Act 1985 (ARD)*
- *Annual Reports (Statutory Bodies) Act 1984 (ARSB)*

The ARD, ARSB and the PAFA are being repealed and replaced entirely by the new GSF Act. Parts of the PFAA, those covering appropriations, expenditure, reporting, financial service and others, will be repealed and captured by the new Bill. The parts of the PFAA that deal with the Auditor-General, Audit Office and Public Accounts Committee will remain in the PFAA, which will be renamed the *Government Sector Audit Act 1983*.

This document is designed to be a quick reference guide to assist agencies with the transition from the current legislation, it does not replace reading the legislation. It identifies the substantive provisions in the current framework that, in general terms, deal with the same subject matter as the new provisions in the GSF Act. In many cases, the effect of the GSF provision is different to the current framework. The GSF Act also introduces new concepts and terminology that are, in many cases, not directly comparable to the current framework.

<i>Public Finance and Audit Act 1983</i>
Government Sector Finance Bill 2018
<i>Government Sector Audit Act 1983</i>
No equivalent in the new framework



Public Finance and Audit Act 1983		Government Sector Finance Act 2018		Government Sector Audit Act 1983	
Object of the Act	To make provision with respect to the administration and audit of public finances and for other purposes	Sec 1.3	Objects of the Act <ul style="list-style-type: none"> • High standard of accountability • Good governance • Effective performance management • Effective risk management • More meaningful and timely reporting 	Sec 3	Objects of the Act <ul style="list-style-type: none"> • Recognise the AG as an independent and accountable officer • Establish the Audit office of New South Wales
Part 2 Public finance administration	Division 1; Public accounts	Sec 5	Treasurer's accounts	No Equivalent Provisions	
		Sec 6	Preparation of consolidated financial statements and general government sector financial statements	Sec 7.17	Consolidated State Financial Statements
		Sec 8	Monthly Statements and Half Yearly reviews	Sec 7.15 Sec 7.16	Monthly statements Half-Yearly reviews
	Division 2 Accounting arrangements	Sec 9	Treasurer's directions	Sec 3.1 Sec 3.2 Sec 3.3	Giving of Treasurer's directions Basic content for the Treasurer's directions Application of Treasurer's directions
		Sec 10	Treasurer's expenditure control authority	Sec 5.1	Budget control authorities
		Sec 11	Internal control and audit	sec 3.6	Policies and procedures for financial management of GSF agencies
		Sec 12	Commitment etc of expenditure	Sec 5.5	Expenditure by accountable authorities and government officers must be authorised
		Sec 12A	Minister may delegate or authorise other Ministers to delegate expenditure of money appropriated etc to Minister	Sec 9.9	Delegations by Ministers
		Sec 13	Payment of accounts	Sec 5.5	Expenditure by accountable authorities and government officers must be authorised
		Sec 13A	Working accounts	Sec 4.17	Working accounts
Sec 14	Unclaimed money	Sec 4.14	Payment of certain unclaimed money into Consolidated Fund		



Public Finance and Audit Act 1983			Government Sector Finance Act 2018		Government Sector Audit Act 1983
Division 3 Public banking and investment arrangements	Sec 15	Agreement with bank, building society or credit union	Sec 6.14	Treasurer may enter State financial service agreements	
	Sec 16	Accounts to be kept in banks, building societies or credit unions	Sec 6.19	Accountable authority may operate banking accounts	
	Sec 17	Official account not to be opened without authority	Sec 6.15	Treasurer's direction may include directions concerning use of financial services There is no direct correlation in the legislation but the TDs may have provisions for the operation of bank accounts.	
	Sec 18	Banking of public money	No Equivalent		
	Sec 19	Interest on accounts	Sec 6.14 (4)	Examples of provisions that may be included in State financial service agreements <i>See also s. 6.15(2)(b), which permits the Treasurer's directions to require interest payable on banking accounts of GSF agencies be paid to the Treasurer or another nominated entity.</i>	
	Sec 20	Investment of funds	Sec 6.219	Treasurer may enter financial arrangement for State and GSF agencies	
Division 4 Appropriation provisions	Sec 21	Money not to be paid unless authorised	Sec 4.6	Money to be paid out of Consolidated Fund or Special Deposits Accounts only if authorised	
	Sec 21A	Special appropriations	No Equivalent		
	Sec 22	Expenditure for certain services or works	Sec 4.13	Payments out of Consolidated Fund for exigencies of Government	
	Sec 22A	The Revenue Equalisation Account	No equivalent – being abolished.		
	Sec 23	Lapsing of appropriation of revenue	Sec 4.8	Unused appropriations for annual reporting period	
	Sec 23A	Transfers in relation to commitments	No equivalent		



Public Finance and Audit Act 1983				Government Sector Finance Act 2018		Government Sector Audit Act 1983	
		Sec 24	Transfer of functions between Departments etc	Sec 4.9	Appropriations affected by transfer of functions between GSF Agencies		
		Sec 25	Payments authorised on lapse of appropriation	Sec 4.10	Payments authorised on lapse of appropriation		
		Sec 26	Power to vary the annual appropriation	Sec 4.11	Variations of annual appropriations for Commonwealth grants		
		Sec 27	Loan Money to be carried to Consolidated Fund	No equivalent			
		Sec 27A	Preparation and presentation of Budget Papers	Division 4.1	Budget		
Section 27B-33G will carry over with minimal changes Sections 33H – 37 have been and replaced by new provisions in the GSA Act (refer to schedule 2 of the Cognate Bill).							
Part 3 Audit	Division 1 the Auditor-General	Sec 27B	The Auditor-General			Sec 27B	The Auditor-General
		Sec 28	Appointment etc			Sec 28	Appointment etc
		Sec 28A	Veto of proposed appointment or Auditor-General			Sec 28A	Veto of proposed appointment or Auditor-General
		Sec 29	Declaration of office			Sec 29	Declaration of office
		Sec 30	Deputy Auditor-General			Sec 30	Deputy Auditor-General
		Sec 31	Auditor-General shall communicate with Treasurer			Sec 31	Auditor-General shall communicate with Treasurer
		Sec 32	Search in public books			Sec 32	Search in public books
		Sec 33	Auditor-General may obtain opinion of law officer			Sec 33	Auditor-General may obtain the opinion of law officer
	Division 1A The Audit Office	Sec 33A	Establishment of the Audit Office			Sec 33A	Establishment of the Audit Office
		Sec 33B	Staff of Audit Office			Sec 33B	Staff of Audit Office
		Sec 33C	Auditor-General may determine employment conditions			Sec 33C	Auditor-General may determine employment conditions
		Sec 33D	Auditor-General may enter into agreements			Sec 33D	Auditor-General may enter into agreements
		Sec 33E	Role of Auditor-General in industrial proceedings			Sec 33E	Role of Auditor-General in industrial proceedings



Public Finance and Audit Act 1983				Government Sector Finance Act 2018		Government Sector Audit Act 1983			
		Sec 33F	Executive Officers			Sec 33F	Executive Officers		
		Sec 33G	Delegations of Auditor-General's functions			Sec 33G	Delegations of Auditor-General's functions		
	Division 2 Audit - generally	Sec 35	Inspection and audit of books and records of accounting officers			Sec 7.5	Accounts and records of GSF agencies <i>Note – new statutory powers of the Treasurer and Ministers to access agency accounts and records.</i>	Sec 35	Inspection of books and record of accounting officers
		Sec 36	Access to records, information etc					Sec 36	Access to documents and information
		Sec 37	Access to records of bank, building society or credit union					Sec 37	Access to banking information about auditable entities
		Sec 38	Secrecy					Sec 38	Secrecy
	Division 2A Performance audits of activities	Sec 38B	Performance audit by Auditor-General			Sec 38B	Performance audit by Auditor-General		
		Sec 38C	Report of performance audit			Sec 38C	Report of performance audit		
		Sec 38E	Tabling etc of reports under s38C			Sec 38E	Tabling etc of reports under s38C		
	Division 3 General Audit of Statutory Bodies	Sec 39	Application and interpretation	No equivalent					
		Sec 40	Amendment of schedule 2						
		Sec 41	Keeping of books and records	Sec 7.5	Accounts and records of GSF agencies Annual GSF financial statements Final annual GSF financial statements for former reporting GSF agencies Special purpose financial reports				
		Sec 41A	Preparation of financial report	Sec 7.6					
		Sec 41B	Nature of financial reports	Sec 7.7					



Public Finance and Audit Act 1983			Government Sector Finance Act 2018		Government Sector Audit Act 1983	
	Sec 41BA	Variation of requirements	Sec 7.3	Reporting GSF Agencies and prescribed reporting exemption criteria <i>This is not an equivalent provision, however s7.3 provides for some entities to apply for exemptions from the reporting requirements.</i>		
	Sec 41C	Auditing etc of financial report			Sec 34	Reports on audits and audit-related functions for purposes of Government Sector Finance Act 2018
	Sec 41D	Return of audited financial report etc to statutory body				
	Sec 42	Application for extension	No equivalent. This will be covered in the Regulations and the Treasurer's directions			
	Sec 43	Inspection and audit of financial reports, books and records of statutory bodies				
	Sec 43A	General Audit of former statutory bodies	Sec 7.7	Final annual GSF financial statements for former reporting GSF agencies		
Division 4 Particular audit of statutory bodies	Sec 45	Particular audit			Sec 45	Particular audit
Division 4A General Audit of Departments	Sec 45C	Keeping of books	Sec 7.5	Accounts and records of GSF agencies		
	Sec 45D	Preparation of financial reports	Sec 7.6	Annual GSF financial statements		
	Sec 45 E	Nature of financial reports				
	Sec 45EA	Variation of requirements	Sec 7.3	Reporting GSF agencies and prescribed reporting exemption criteria		
	Sec 45F	Auditing etc of financial reports			Sec 34	Reports on audits and audit-related functions for purposes of Government Sector Finance Act 2018
Sec 45G	Return of audited financial statements etc to Department Head					



Public Finance and Audit Act 1983				Government Sector Finance Act 2018	Government Sector Audit Act 1983	
		Sec 45H	Application for extension	No equivalent. This will be covered in the Regulations and the Treasurer's directions		
		Sec 45I	Inspection and audit of financial reports, books and records of Departments		Sec 34	Reports on audits and audit-related functions for purposes of <i>Government Sector Finance Act 2018</i>
	Division 5 Audit and Review of the Audit office	Sec 47	Appointment and function of auditor		Sec 47	Appointment and function of auditor
		Sec 48	Auditing of financial report and records		Sec 48	Auditing of financial report and records
		Sec 48A	Review of Audit Office		Sec 48A	Review of Audit Office
		Division 6 Auditor-General's annual report etc	Sec 49	Examination of consolidated financial statements general government sector financial statements		Sec 49
	Sec 51		Presentation of financial statements and opinions to Legislative Assembly		Sec 51	Presentation of financial statements and opinions to Legislative Assembly
	Sec 52		Auditor-General's Reports		Sec 52	Auditor-General's Reports
	Sec 52A		Auditor-General's report to be presented to Parliament		Sec 52A	Auditor-General's report to be presented to Parliament
	Sec 52B		Tabling etc of special reports		Sec 52B	Tabling etc of special reports
	Division 7 Protected disclosures by Auditor	Sec 52C	Definitions		Sec 52C	Definitions
		Sec 52D	Complaints about waste of public money		Sec 52D	Complaints about waste of public money
		Sec 52E	Reports by Auditor-General		Sec 52E	Reports by the Auditor-General



Public Finance and Audit Act 1983			Government Sector Finance Act 2018		Government Sector Audit Act 1983	
	Sec 52F	Presentation of reports to Parliament			Sec 52F	Presentation of reports to Parliament
Part 4 The Public Accounts Committee	Sec 54	Constitution of Public Accounts Committee			Sec 54	Constitution of Public Accounts Committee
	Sec 55	Chair and Deputy Chair of committee			Sec 55	Chair and Deputy chair of committee
	Sec 56	Procedure of Committee			Sec 56	Procedure of Committee
	Sec 57	Functions of Committee			Sec 57	Functions of the committee
	Sec 57A	Power to veto proposed appointment of Auditor-General			Sec 57A	Power to veto proposed appointment of Auditor-General
	Sec 58	Evidence			Sec 58	Evidence
Part 4A Payment of Tax-Equivalents	Sec 58A	Definitions	Sec 5.3	Payment of tax-equivalents to Treasurer		
	Sec 58B	Treasurer may direct statutory bodies to pay tax-equivalents				
	Sec 58C	Assessment of tax-equivalents – National Scheme				
	Sec 58D	Assessment of Tax-Equivalents – State Scheme				
	Sec 58E	Tax-equivalents to be credited to Consolidated Fund				



Public Finance and Audit Act 1983		Government Sector Finance Act 2018		Government Sector Audit Act 1983		
Part 5 Miscellaneous	Sec 59	Forms of books, records etc		Sec 59	Forms of books, records etc <i>Sec 59(4) is being repealed</i>	
	Sec 59A	Treasury Fire Risk Account	No equivalent – being abolished			
	Sec 59B	Payment of certain amounts by statutory authority to Consolidated Fund	Sec 5.4	Payment of financial distributions to the Treasurer		
	Sec 60	Recovery of money and value of property	Division 9.4	Civil Recovery		
	Sec 61	Misappropriation of money or property				
	Sec 62	Offences – generally	No equivalent – being repealed			
	Sec 63	Proceeding for offences		Sec 63	Nature of proceedings for offences.	
	Sec 63A	Reference of matters to Public Accounts Committee	Sec 10.3	Reference of matters to Public Accounts Committee		
	Sec 63B	Notification of controlled entities	Sec 2.8	Treasurer and Auditor-General to be notified of new GSF agencies <i>(Note that the new provision has a broader application)</i>		
	Sec 63C	Documents presented to Clerk of House of Parliament	Sec 9.12	Tabling of documents in Parliament		
	Sec 63D	Personal liability		Sec 63D	Personal Liability	
	Sec 63E	Delegation of Treasurer’s functions	Sec 9.8	Delegation by Treasurer of certain functions	Sec 63E	Delegation of Treasurer’s Functions
	Sec 63F	Status of Worker’s Compensation Insurance Fund	Sec 10.1	Status of Workers Compensation Insurance Fund		
	Sec 63G	Oversight of electricity industry structuring		Sec 63G	Oversight of electricity industry structuring (Including Schedule 1A)	



Public Finance and Audit Act 1983				Government Sector Finance Act 2018	Government Sector Audit Act 1983	
Schedule 1 The Auditor-General	Part 1 The Auditor-General	Sec 1A	The Auditor-General to continue in office		Sec 1A	The Auditor-General to continue in office
		Sec 2	Disabilities		Sec 2	Disabilities
		Sec 4	Auditor-General a statutory officer and not a Public Service employee		Sec 4	Auditor-General a statutory officer and not a Public Service employee
		Sec 4A	Resignation of Auditor-General		Sec 4A	Resignation of Auditor-General
		Sec 5	Removal from Office		Sec 5	Removal from Office
		Sec 6	Suspension from Office		Sec 6	Suspension from Office
		Sec 7	Preservation of rights of Auditor-General previously public servant etc		Sec 7	Preservation of rights of Auditor-General previously public servant etc
	Part 2		The Auditor-General's declaration		Part 2	The Auditor-General's declaration
Schedule 1A Oversight of electricity restructuring		See section 63G	No equivalent	Schedule 1A Oversight of electricity restructuring. See section 63G		