

TASMANIA

**SUPERANNUATION LIABILITY (GST WINDFALL
FUND) BILL 2025**

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SUPERANNUATION LIABILITY (GST WINDFALL FUND) BILL 2025

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

LAURA ROSS, *Clerk of the House*
8 May 2025

(Brought in by the Treasurer, the Honourable Guy Barnett)

A BILL FOR

An Act to establish a fund in the Public Account to ensure that, where the GST allocation for a financial year exceeds the amount budgeted for that financial year, a percentage of the excess amount of GST is used to offset the unfunded superannuation liability of the State

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Superannuation Liability (GST Windfall Fund) Act 2025*.

2. Commencement

This Act commences on 1 July 2025 but, if this Act does not receive the Royal Assent by that date, this Act is taken to have commenced on 1 July 2025.

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3. Interpretation

In this Act, unless the contrary intention appears –

Contributory Scheme means a contributory scheme within the meaning of the *Public Sector Superannuation Reform Act 2016*, other than the schemes to which Part 6 of that Act apply;

Contributory Scheme member means –

- (a) a person who is contributing to the Contributory Scheme by way of contributions, or salary sacrifice, under the *Public Sector Superannuation Reform Act 2016*; or
- (b) a person who is receiving a pension, under the regulations made under that Act; or
- (c) a person who is receiving a lump sum benefit, under the regulations made under that Act, other than a lump sum benefit payable under the schemes to which Part 6 of that Act apply;

final budget outcome report means the report that is publicly released in respect of a financial year under section 18 of the *Charter of Budget Honesty Act 1998* of the Commonwealth;

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Fund means the Superannuation Liability Fund established under section 5(1);

General Government Sector has the same meaning as in the *Financial Management Act 2016*;

generally accepted accounting principles has the same meaning as in the *Financial Management Act 2016*;

GST windfall – see section 4;

Retirement Benefits Fund means the fund continued in existence by section 27 of the *Public Sector Superannuation Reform Act 2016*;

Secretary means the Secretary of the Department;

Specific Purpose Account has the same meaning as in the *Financial Management Act 2016*;

Superannuation Commission means the Commission established by section 6 of the *Public Sector Superannuation Reform Act 2016*;

unfunded superannuation liability means the liability of the State, in respect of the superannuation entitlements of Contributory Scheme members within the General Government Sector, that –

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- (a) is calculated by the Department in accordance with the generally accepted accounting principles; and
- (b) is not covered by the Retirement Benefits Fund.

4. Meaning of *GST windfall*

- (1) In this section –

Budget papers, in relation to a financial year, means the information tabled by the Treasurer in support of an Appropriation Act, within the meaning of section 36 of the *Constitution Act 1934*, for that financial year;

equalisation payment, in respect of a financial year, means a payment, by the Commonwealth to the State, in respect of the financial year –

- (a) of a grant under section 5(3) of the *Federal Financial Relations Act 2009* of the Commonwealth; or
- (b) under an intergovernmental agreement that extends, or replaces, section 5(3) of the *Federal Financial Relations Act 2009* of the Commonwealth; or

- (c) under an Act of the Commonwealth that the Minister is satisfied is intended to replace a grant under section 5(3) of the *Federal Financial Relations Act 2009* of the Commonwealth;

GST entitlement, in relation to a financial year, means the amount of GST revenue –

- (a) allocated to the State, for the financial year, as reflected in the final budget outcome report publicly released for the financial year; and
- (b) that includes, but is not limited to, any equalisation payments, in respect of the financial year, as specified in that final budget outcome report;

GST estimate, in relation to a financial year, means the amount that has been specified in the Budget papers for that financial year as the amount of GST revenue, including any equalisation payments, that is expected to be allocated to the State, under the *Federal Financial Relations Act 2009* of the Commonwealth, for that financial year;

GST revenue has the same meaning as in the *Federal Financial Relations Act 2009* of the Commonwealth.

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- (2) For the purposes of this Act, the GST windfall of the State in any financial year is the amount, if any, by which the GST entitlement for the financial year exceeds the GST estimate for that financial year.

5. Superannuation Liability Fund

- (1) There is to be established a Specific Purpose Account to be named the *Superannuation Liability Fund*.
- (2) For the purposes of section 17(1) of the *Financial Management Act 2016* –
 - (a) the Fund is to be used for the purpose of providing funds to offset the unfunded superannuation liability; and
 - (b) the Department is the Agency responsible for administering the Fund.
- (3) There is to be paid into the Fund –
 - (a) each amount determined in accordance with subsection (5)(b) to be paid into the Fund in respect of a financial year; and
 - (b) such other amounts as the Treasurer may, from time to time, advance for the purposes of the Fund; and
 - (c) any income derived from the investment of money standing to the credit of the Fund.

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- (4) Within 3 months after the public release of the final budget outcome report for a financial year, the Secretary is to determine if there is a GST windfall in respect of the financial year.
- (5) If the Secretary determines that there is a GST windfall in respect of a financial year, the Secretary is to –
 - (a) calculate the amount of the GST windfall for that financial year; and
 - (b) determine the amount, being 50% of the GST windfall for that financial year, to be paid into the Fund in respect of the financial year.
- (6) For the avoidance of doubt, the payment of an amount, determined in accordance with subsection (5)(b), into the Fund does not require any further appropriation than this section.
- (7) Except as provided under this Act, the *Financial Management Act 2016* applies to the administration, and management, of the Fund.

6. Transfer of money to Retirement Benefits Fund

- (1) The Treasurer is to, from time to time, transfer money from the Fund to the Retirement Benefits Fund to be applied to the unfunded superannuation liability, by the Superannuation Commission, in accordance with the *Public Sector Superannuation Reform Act 2016*.

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- (2) Money may not be transferred from the Fund other than in accordance with this section and section 7.
- (3) For the purposes of this section, the investment of money standing to the credit of the Fund, in accordance with section 31 of the *Financial Management Act 2016*, is not a transfer of money from the Fund.

7. Fund not to be closed other than in accordance with this Act

- (1) The Treasurer may, with the approval of both Houses of Parliament, transfer the money standing to the credit of the Fund to another account in the Public Account.
- (2) For the purposes of subsection (1), a House of Parliament is taken to have approved the transfer of money under that subsection if –
 - (a) the Treasurer causes a proposal for the money transfer to be laid before each House of Parliament; and
 - (b) after the proposal has been laid before a House of Parliament –
 - (i) the House passes a motion approving the proposal within 5 sitting-days after the proposal has been laid before it; or
 - (ii) no notice of motion to disallow the proposal is made within 5

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sitting-days after the proposal has been laid before it; or

- (iii) if a notice of motion to disallow the proposal has been made within 5 sitting-days after the proposal has been laid before it –

(A) the notice of motion is withdrawn; or

(B) the motion is negatived; or

(C) a further period of 9 sitting-days of the House ends without it having passed the motion.

- (3) If the Treasurer transfers the money standing to the credit of the Fund in accordance with this section –

(a) the Treasurer is to direct that the Fund be closed; and

(b) after all liabilities relating to the Fund have been met, the Department is to close the Fund.

- (4) The Fund may not be closed other than in accordance with this section.

8. Regulations

- (1) The Governor may make regulations for the purposes of this Act.

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(2) The regulations may –

- (a) authorise any matter to be from time to time determined, approved, applied or regulated by any person or body specified in the regulations; and
- (b) be made subject to conditions so as to apply differently according to matters, limitations or restrictions, whether as to time, circumstance or otherwise, specified in the regulations.

9. Administration of Act

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

- (a) the administration of this Act is assigned to the Treasurer; and
- (b) the department responsible to the Treasurer in relation to the administration of this Act is the Department of Treasury and Finance.