

Notes on Clauses

Superannuation Liability (GST Windfall Fund) Bill 2025

- Clause 1 Short title.
- Clause 2 Provides for the Bill to commence on 1 July 2025
- Clause 3 Defines terms used in the Act, including “Fund”, “GST windfall” and “unfunded superannuation liability”.
- Clause 4 Defines terms used in the Act to establish the meaning of “GST windfall” and provides that the GST windfall amount 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.
- Clause 5(1) Establishes the “Superannuation Liability Fund” as a Specific Purpose Account.
- Clause 5(2) Defines the purpose of the Fund, being to provide funds to offset the unfunded superannuation liability.
- Clause 5(3) Describes the items that are to be paid into the Fund, namely amounts determined under subsection (5)(b), other amounts advanced by the Treasurer, and any income derived from the investment of the money held in the Fund.
- Clause 5(4) Requires the Secretary of the Department of Treasury and Finance to determine if there is a GST windfall for a financial year within three months of the public release of the final budget outcome report. This determination would, therefore, be made by no later than 31 January each year in accordance with the timing for the release of the Treasurer’s Annual Financial Report under the *Financial Management Act 2016*.
- Clause 5(5) States that if there is a GST windfall for a financial year, the Secretary is to calculate the amount and determine that 50 per cent of the GST windfall is to be paid into the Fund.
- Clause 5(6) States that the payment into the Fund of an amount determined under subsection (5)(b) does not require any further appropriation.
- Clause 5(7) States that the *Financial Management Act 2016* applies to the administration and management of the Fund except as provided under this Act.
- Clause 6(1) Allows the Treasurer to transfer money from the Fund to the Retirement Benefits Fund to be applied to the unfunded superannuation liability.
- Clause 6(2) Restricts the transfer of money from the Fund to the circumstances specified in this section or section 7.

- Clause 6(3) States that the investment of monies held by the Fund, in accordance with Section 31 of the *Financial Management Act 2016*, is not a transfer of money out of the Fund.
- Clause 7(1) Provides that the Treasurer may, with the approval of both Houses of Parliament, to transfer money held by the Fund into another account in the Public Account.
- Clause 7(2) Specifies the conditions by which the proposal to transfer money is taken to have been approved by a House of Parliament.
- Clause 7(3) States that if the Treasurer transfers money out of the Fund in accordance with this section, the Treasurer is to direct that the Fund be closed and that the Department is to close the Fund after all liabilities relating to the Fund have been met.
- Clause 7(4) Restricts the closure of the Fund to the circumstances specified in this section.
- Clause 8(1) Allows the Governor to make regulations for the purposes of the Act.
- Clause 8(2) Defines the conditions by which the regulations may be made.
- Clause 9 Assigns administration of the Act to the Treasurer, and responsibility in relation to the Act to the Department of Treasury and Finance, until a provision for the Act is made under section 4 of the *Administrative Arrangements Act 1990*.