



New South Wales

Appropriation (Budget Variations) Bill 2015

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

This Bill is cognate with the *Appropriation Bill 2015*.

Overview of Bill

The objects of this Bill are as follows:

- (a) to set out the capital works and services for which the “Advance to the Treasurer” appropriation was expended in the 2013–14 financial year, to appropriate \$2,190,000 from the Consolidated Fund for those capital works and services and to make the necessary adjustment to the “Advance to the Treasurer” appropriation for that year,
- (b) to appropriate \$422,000,000 from the Consolidated Fund for recurrent services that were required by the exigencies of Government in accordance with section 22 (1) of the *Public Finance and Audit Act 1983* in relation to the 2013–14 financial year.

Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Clause 3 interprets a reference in the proposed Act.

Part 2 Budget variations 2013–14

Clause 4 appropriates \$2,190,000 for (and reports the details of) the capital works and services for which the “Advance to the Treasurer” for the 2013–14 financial year was expended, as set out in Column 1 of Schedule 1. Accordingly, the amount appropriated for the Advance for that year (originally \$180,000,000) is reduced by the amount appropriated by the clause.

Clause 5 appropriates the additional amounts for recurrent services under section 22 (1) of the *Public Finance and Audit Act 1983*, the details of which are set out in Column 2 of Schedule 1. As these amounts are appropriated by the proposed Act, subclause (2) removes the requirement of the *Public Finance and Audit Act 1983* that details of them be included in the Appropriation Act for the 2014–15 financial year.

Part 3 General

Clause 6 makes it clear that the sums appropriated by the proposed Act are in addition to any other sums appropriated in respect of the 2013–14 financial year, subject to the adjustment of the amount appropriated for the “Advance to the Treasurer” for that year, under clause 4.

Clause 7 contains miscellaneous provisions concerning the operation of the proposed Act. Subclause (1) provides that the proposed Act is to be construed as part of the annual Appropriation Act or Acts. (This emphasises that the appropriations are part of the budgetary process for the 2013–14 financial year and ensures that terms are construed consistently.) Subclause (1) also makes it clear that the appropriations are not limited to meeting shortfalls from other appropriations.

Subclause (2) validates any payment of the appropriated sums before the date of assent to the proposed Act. Subclause (2) also provides that the proposed subsection applies despite the proposed Act being assented to after the 2013–14 financial year. (This removes an argument, based on section 23 of the *Public Finance and Audit Act 1983*, that the appropriation lapses at the close of the financial year.)

Clause 8 validates, to the extent (if any) to which it may be necessary to do so, the expenditure, before the date of assent to the proposed Act, of any sum to which the proposed Act applies and the approval of that expenditure.



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New South Wales

Appropriation (Budget Variations) Bill 2015

No. , 2015

A Bill for

An Act to appropriate amounts out of the Consolidated Fund for the year 2013–14 for the purpose of giving effect to certain Budget variations required by the exigencies of Government.

The Legislature of New South Wales enacts:	1
Part 1 Preliminary	2
1 Name of Act	3
This Act is the <i>Appropriation (Budget Variations) Act 2015</i> .	4
2 Commencement	5
This Act commences on the date of assent to this Act.	6
3 Interpretation	7
In this Act, a reference to the year 2013–14 is a reference to the year from 1 July 2013 to 30 June 2014.	8 9

Part 2	Budget variations 2013–14	1
4	Adjustment of “Advance to the Treasurer”, 2013–14	2
	The sum of \$2,190,000 is hereby appropriated out of the Consolidated Fund in adjustment of the vote “Advance to the Treasurer”, 2013–14, for supplementary charges made during the year 2013–14 in the amount specified in Column 1 of Schedule 1 for capital works and services specified opposite that amount in Schedule 1. Accordingly, the amount so voted is reduced by the amount appropriated by this section.	3 4 5 6 7 8
5	Payments made during 2013–14 under section 22 of Public Finance and Audit Act 1983	9 10
(1)	The sum of \$422,000,000, being the total of the sums specified in Column 2 of Schedule 1, is hereby appropriated out of the Consolidated Fund to provide for the payments for recurrent services specified opposite those sums in Schedule 1, made in anticipation of appropriation by Parliament under section 22 (1) of the <i>Public Finance and Audit Act 1983</i> required for the exigencies of Government during the year 2013–14.	11 12 13 14 15 16
(2)	Section 22 (2) of the <i>Public Finance and Audit Act 1983</i> does not apply to the sums to which this section applies.	17 18

Part 3	General	1
6	Additional appropriations	2
	The sums appropriated by this Act are in addition to any other sums that may have been appropriated, subject to adjustment of the vote “Advance to the Treasurer”, 2013–14, under section 4.	3 4 5
7	Operation of Act in relation to budget variations	6
(1)	This Act:	7
(a)	is to be construed as if it formed part of the annual Appropriation Act or Acts for the financial year relevant to the appropriation concerned, and	8 9
(b)	is to have effect as if it had commenced at the start of the financial year relevant to the appropriation, and	10 11
(c)	is an Appropriation Act for the purposes of section 21A of the <i>Public Finance and Audit Act 1983</i> .	12 13
(2)	The issue and payment before the date of assent to this Act out of the Consolidated Fund of the whole or any part of the sums appropriated by this Act is validated. This subsection applies despite this Act being assented to after the year 2013–14.	14 15 16
8	Validation of expenditure	17
	To the extent (if any) to which it may be necessary to do so, the expenditure of any sum to which this Act applies before the date of assent to this Act:	18 19
(a)	is taken to have been validly approved at the time it was approved, or was purported to have been approved, and	20 21
(b)	is taken to have been validly made at the time it was made, or purported to have been made,	22 23
	and is taken thereafter to be, and to have been at all relevant times, validly approved and made.	24 25

Schedule 1 Payments during 2013–14

(Sections 4 and 5)

	Column 1	Column 2
	Treasurer's Advance	s 22 PF&A Act
	Amount \$,000	Amount \$,000
TREASURER		
RECURRENT SERVICES		
Crown Finance Entity		
<i>Natural disaster expenditure</i>		122,000
<i>Compensation payment to terminate the obligation to develop the Cobbora coal mine</i>		300,000
Total Crown Finance Entity		422,000
TOTAL—RECURRENT SERVICES		422,000
CAPITAL WORKS AND SERVICES		
Treasury		
<i>Seed funding for preliminary work in relation to the financial management transformation program</i>	2,190	
Total Treasury	2,190	
TOTAL—CAPITAL WORKS AND SERVICES	2,190	
TOTAL—TREASURER	2,190	422,000
TREASURER'S ADVANCE FOR CAPITAL WORKS AND SERVICES	2,190	
TOTAL—TREASURER'S ADVANCE	2,190	
SECTION 22 FOR RECURRENT SERVICES		422,000
TOTAL—SECTION 22		422,000