



New South Wales

Appropriation Bill 2021

Explanatory note

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

The following Bills are cognate with this Bill—

Appropriation (Parliament) Bill 2021

Electric Vehicles (Revenue Arrangements) Bill 2021

Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021

NSW Generations Funds Amendment Bill 2021

Overview of Bill

The object of this Bill is to appropriate from the Consolidated Fund various sums of money required during the 2021–22 financial year for the services of the Government, including—

- (a) Departments of the Public Service, and
- (b) various special offices.

The Consolidated Fund largely comprises receipts from, and payments out of, taxes, fines, some regulatory fees, Commonwealth grants and income from Crown assets.

This Bill—

- (a) appropriates a single sum for the services of each agency, including recurrent services, capital works and services, and debt repayment, and
- (b) contains an additional appropriation which allocates revenue raised in connection with gaming machine taxes to the Minister for Health and Medical Research for spending on health related services, and
- (c) contains provision for transfer payments from the Commonwealth to non-government schools and local government, and

- (d) provides for appropriation for the whole of the 2021–22 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 defines terms used in the proposed Act.

Part 2 Appropriations—Departments

Part 2 (**clauses 4–19**) provides for appropriations to specified Ministers for the services of the departments and other matters within the administration of the Ministers for the financial year of 2021–22.

Part 3 Additional appropriation for health related services

Part 3 (**clause 20**) makes an additional appropriation to the Minister for Health and Medical Research, being part of the revenue raised from gaming machine taxes.

Part 4 Appropriations—Special Offices

Part 4 (**clauses 21–29**) provides for the appropriations for the services of the specified offices for the financial year of 2021–22.

Part 5 Commonwealth transfer payments

Part 5 (**clause 30**) provides for transfer payments from the Commonwealth to non-government schools and local government.

Part 6 Variations to authorised payments

Part 6 (**clauses 31–37**) provides for variations to authorised payments to be made in certain circumstances.

Clause 31 provides that payment of an amount that is more than the sum appropriated under the proposed Act or the *Appropriation (Parliament) Act 2021* is not authorised except in accordance with the proposed Part or the *Government Sector Finance Act 2018*, Part 4.

Clause 32 enables the Treasurer to authorise payment for a purpose that is more than the sum appropriated for the purpose if the Treasurer is of the opinion that the exigencies of government require the payment or the sum appropriated for the purpose is insufficient to enable the purpose to be effectively and efficiently carried out. However, an equivalent sum must not be paid out for another purpose.

Clause 33 enables the Treasurer to authorise payment for a purpose in excess of the sum appropriated for the purpose if the Treasurer is of the opinion that the additional sum is reasonably necessary because of a State contingency. However, an equivalent sum must not be paid out from the sum appropriated to the Treasurer by the proposed Act for the purpose of State contingencies.

Clause 34 enables the Treasurer to authorise payment for a purpose in excess of the sum appropriated for the purpose if the Treasurer is of the opinion that the additional sum is reasonably necessary because of an expense related to the COVID-19 pandemic or changes in wages awards or conditions. However, an equivalent sum must not be paid out from the sum appropriated to the Treasurer by clause 19 for the purposes of expenditure related to the COVID-19 pandemic or changes in wages awards or conditions.

Clause 35 requires the Treasurer to not authorise the payment of a sum under the proposed Part to increase the amount of any salary or wage fixed by law.

Clause 36 provides the proposed Part does not apply to sums appropriated by another Act.

Clause 37 requires the Treasurer to inform the Auditor-General of every authorisation given under the proposed Part.

Part 7 General

Part 7 (**clauses 38–42**) provides for general matters related to the appropriations set out in the proposed Act.

Clause 38 allows the Treasurer to apply an appropriation differently in the event that responsibility for a service is transferred.

Clause 39 allows the Treasurer to appoint a person to exercise the Treasurer's functions under proposed Part 6.

Clause 40 allows a Minister to appoint an accountable authority to identify a surplus to enable the Treasurer to authorise the surplus to be paid for another purpose under proposed Part 6 if the sum appropriated for that other purpose is insufficient.

Clause 41 makes it clear that budget related information in the notes included in the proposed Appropriation Acts and in Budget Papers does not form part of those Acts and does not affect the application of any amount appropriated by those Acts.

Clause 42 provides that if the proposed Act is assented to after 1 July 2021, certain payments made from the Consolidated Fund on or after 1 July 2021 but before the enactment of the proposed Act are deemed to be made out of the sums appropriated by the proposed Act.