



New South Wales

Appropriation (Budget Variations) Bill 2014

Explanatory note

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

This Bill is cognate with the *Appropriation Bill 2014*.

Overview of Bill

The objects of this Bill are as follows:

- (a) to set out the recurrent services and capital works and services for which the “Advance to the Treasurer” appropriation was expended in the 2012–13 financial year, to appropriate \$40,397,000 from the Consolidated Fund for those recurrent services and capital works and services and to make the necessary adjustment to the “Advance to the Treasurer” appropriation for that year,
- (b) to appropriate \$2,140,500,000 from the Consolidated Fund for recurrent services and capital works and 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 2012–13 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 2012–13

Clause 4 appropriates \$40,397,000 for (and reports the details of) the recurrent services and capital works and services for which the Advance to the Treasurer for the 2012–13 financial year was expended, as set out in Column 1 of Schedule 1. Accordingly, the amount appropriated for the Advance to the Treasurer for that year (originally \$285,000,000) is reduced by the amount appropriated by the clause.

Clause 5 appropriates the additional amounts for recurrent services and capital works and 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 2013–14 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 2012–13 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 2012–13 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 2012–13 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.

Clause 9 makes it clear that a reference to an agency specified in Schedule 1 to the proposed Act includes any predecessor of the agency that was responsible for the recurrent services, or capital works and services, specified in relation to the agency in Schedule 1 in the financial year concerned. This provision is included because names of Departments and other agencies may have changed during the financial year concerned because of administrative changes.



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Contents

	Page
Part 1 Preliminary	
1 Name of Act	2
2 Commencement	2
3 Interpretation	2
Part 2 Budget variations 2012–13	
4 Adjustment of “Advance to the Treasurer”, 2012–13	3
5 Payments made during 2012–13 under section 22 of Public Finance and Audit Act 1983	3
Part 3 General	
6 Additional appropriations	4
7 Operation of Act in relation to budget variations	4
8 Validation of expenditure	4
9 References to agencies	4
Schedule 1 Payments during 2012–13	5



New South Wales

Appropriation (Budget Variations) Bill 2014

No. , 2014

A Bill for

An Act to appropriate amounts out of the Consolidated Fund for the year 2012–13 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 2014</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 2012–13 is a reference to the year from 1 July 2012 to 30 June 2013.	8 9

Part 2	Budget variations 2012–13	1
4	Adjustment of “Advance to the Treasurer”, 2012–13	2
	The sum of \$40,397,000 is hereby appropriated out of the Consolidated Fund in adjustment of the vote “Advance to the Treasurer”, 2012–13, for supplementary charges made during the year 2012–13 in the amounts specified in Column 1 of Schedule 1 for recurrent services, and capital works and services, specified opposite those amounts 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 2012–13 under section 22 of Public Finance and Audit Act 1983	9 10
(1)	The sum of \$2,140,500,000, 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, and capital works and 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 2012–13.	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”, 2012–13, 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 2012–13.	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
9	References to agencies	26
	A reference to an agency in Schedule 1 includes a reference to an agency that was a predecessor to the agency concerned and responsible for the recurrent services, or capital works and services, specified in relation to the agency in Schedule 1 in the financial year concerned, and in respect of whom the payment specified in relation to those recurrent services, or capital works and services, was approved or made.	27 28 29 30 31

Schedule 1 Payments during 2012–13

(Sections 4 and 5)

	Column 1	Column 2
	Treasurer's Advance	s 22 PF&A Act
	Amount \$,000	Amount \$,000
A PREMIER, AND MINISTER FOR WESTERN SYDNEY		
RECURRENT SERVICES		
Department of Premier and Cabinet		
<i>Funding to meet natural disaster costs associated with floods</i>	14,100	
<i>Carry forward of unspent funds from 2011–12 to 2012–13 to enable completion of the Local Government Review</i>	336	
<i>Carry forward of unspent funds from 2011–12 to 2012–13 for continuing initiatives under the Local Infrastructure Renewal Scheme</i>	354	
<i>Funding for the Environment Protection Authority for measures to strengthen regulation of coal seam gas activities</i>	600	
Total Department of Premier and Cabinet	15,390	
New South Wales Electoral Commission		
<i>Outstanding claims from electoral parties and candidates from 2011–12 processed in 2012–13</i>	250	
<i>Funding for a warehouse facility at Riverwood to ensure readiness for election events</i>	650	
Total New South Wales Electoral Commission	900	
TOTAL—RECURRENT SERVICES	16,290	
CAPITAL WORKS AND SERVICES		
Public Service Commission		
<i>Carry forward of unspent funds from 2011–12 to 2012–13 for leasehold improvements at Bligh House</i>	475	
Total Public Service Commission	475	
TOTAL—CAPITAL WORKS AND SERVICES	475	
TOTAL—PREMIER, AND MINISTER FOR WESTERN SYDNEY	16,765	

	Column 1 Treasurer's Advance Amount \$,000	Column 2 s 22 PF&A Act Amount \$,000
B ATTORNEY GENERAL, AND MINISTER FOR JUSTICE		
RECURRENT SERVICES		
Department of Attorney General and Justice		
<i>Carry forward of unspent funds from 2011–12 to 2012–13 for the Norimbah Unit, the Statutory and Other Offices Remuneration Tribunal Determination regarding judicial salaries, and the Youth Conduct Orders pilot</i>	1,798	
Total Department of Attorney General and Justice	1,798	
Judicial Commission of New South Wales		
<i>Funding for a Conduct Division Inquiry</i>	300	
Total Judicial Commission of New South Wales	300	
TOTAL—RECURRENT SERVICES	2,098	
CAPITAL WORKS AND SERVICES		
Department of Attorney General and Justice		
<i>Carry forward of unspent funds from 2011–12 to 2012–13 for the Sydney Drug Court Database Project</i>	85	
Total Department of Attorney General and Justice	85	
TOTAL—CAPITAL WORKS AND SERVICES	85	
TOTAL—ATTORNEY GENERAL, AND MINISTER FOR JUSTICE	2,183	
C DEPUTY PREMIER, MINISTER FOR TRADE AND INVESTMENT, AND MINISTER FOR REGIONAL INFRASTRUCTURE AND SERVICES		
RECURRENT SERVICES		
Department of Trade and Investment, Regional Infrastructure and Services		
<i>Carry forward of unspent funds from 2011–12 to 2012–13 for various water programs including Achieving Sustainable Groundwater Entitlements, NSW Murray Metering Pilot Project and the Great Artesian Basin Sustainability Initiative</i>	12,889	
Total Department of Trade and Investment, Regional Infrastructure and Services	12,889	
TOTAL—RECURRENT SERVICES	12,889	
TOTAL—DEPUTY PREMIER, MINISTER FOR TRADE AND INVESTMENT, AND MINISTER FOR REGIONAL INFRASTRUCTURE AND SERVICES	12,889	

	Column 1 Treasurer's Advance Amount \$,000	Column 2 s 22 PF&A Act Amount \$,000
D MINISTER FOR HEALTH, AND MINISTER FOR MEDICAL RESEARCH		
RECURRENT SERVICES		
Ministry of Health		
<i>Carry forward of unspent funds from 2011–12 to 2012–13 for the Keep Them Safe program and various Commonwealth National Partnerships</i>	1,070	
Total Ministry of Health	1,070	
TOTAL—RECURRENT SERVICES	1,070	
TOTAL—MINISTER FOR HEALTH, AND MINISTER FOR MEDICAL RESEARCH	1,070	
E MINISTER FOR TRANSPORT		
CAPITAL WORKS AND SERVICES		
Transport for NSW		
<i>Carry forward of unspent funds from 2011–12 to 2012–13 for Light Rail Extension</i>	2,270	
Total Transport for NSW	2,270	
TOTAL—CAPITAL WORKS AND SERVICES	2,270	
TOTAL—MINISTER FOR TRANSPORT	2,270	
F MINISTER FOR FAMILY AND COMMUNITY SERVICES, AND MINISTER FOR WOMEN		
RECURRENT SERVICES		
Department of Family and Community Services		
<i>Carry forward of unspent funds from 2011–12 to 2012–13 associated with the National Partnership Agreement on Remote Indigenous Housing</i>	4,210	
<i>Carry forward of unspent funds from 2011–12 to 2012–13 associated with the National Partnership Agreement on Homelessness program</i>	700	
Total Department of Family and Community Services	4,910	
TOTAL—RECURRENT SERVICES	4,910	

	Column 1	Column 2
	Treasurer's Advance	s 22 PF&A Act
	Amount \$,000	Amount \$,000
CAPITAL WORKS AND SERVICES		
Department of Family and Community Services		
<i>Carry forward of unspent funds from 2011–12 to 2012–13 associated with the Department's capital program</i>	310	
Total Department of Family and Community Services	310	
TOTAL—CAPITAL WORKS AND SERVICES	310	
TOTAL—MINISTER FOR FAMILY AND COMMUNITY SERVICES, AND MINISTER FOR WOMEN	5,220	
G TREASURER		
RECURRENT SERVICES		
Crown Finance Entity		
<i>Natural disaster expenditure following significant State-wide bush fire activity, storms and floods on the North Coast</i>		140,500
Total Crown Finance Entity		140,500
TOTAL—RECURRENT SERVICES		140,500
CAPITAL WORKS AND SERVICES		
Crown Finance Entity		
<i>Repayment of debt</i>		2,000,000
Total Crown Finance Entity		2,000,000
TOTAL—CAPITAL WORKS AND SERVICES		2,000,000
TOTAL—TREASURER		2,140,500
TREASURER'S ADVANCE FOR RECURRENT SERVICES	37,257	
TREASURER'S ADVANCE FOR CAPITAL WORKS AND SERVICES	3,140	
TOTAL—TREASURER'S ADVANCE	40,397	
SECTION 22 FOR RECURRENT SERVICES		140,500
SECTION 22 FOR CAPITAL WORKS AND SERVICES		2,000,000
TOTAL—SECTION 22		2,140,500