

CONCURRENCE COPY

CONSTITUTION (CONSOLIDATED FUND) AMENDMENT BILL, 1982

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The Audit (Consolidated Fund) Amendment Bill, 1982, is cognate with this Bill.

The objects of this Bill are—

- (a) to merge the Consolidated Revenue Fund and the General Loan Account into one fund to be called the Consolidated Fund (Schedule 1 (3) and Schedule 2, clause 2);
 - (b) to repeal certain outdated appropriation provisions of the Constitution Act, 1902 (Schedule 1 (5) and (9));
 - (c) to validate acts done on and from 1st July, 1982, and before the date of assent to the proposed Act in anticipation of the enactment of the proposed Act (Schedule 2, clause 1);
 - (d) to provide that references in instruments to Consolidated Revenue, the Consolidated Revenue Fund, the Consolidated Revenue Account or the General Loan Account shall be read and construed as references to the Consolidated Fund (Schedule 2, clause 3); and
 - (e) to make other provisions of a minor, consequential or ancillary nature.
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REPRODUCTION OF ORIGINAL COPY

**CONSTITUTION (CONSOLIDATED FUND) AMENDMENT
BILL, 1982**

No. , 1982.

A BILL FOR

An Act to amend the Constitution Act, 1902, to provide that the public moneys of the State shall, with certain exceptions, form one Consolidated Fund; to validate certain matters; and for certain other purposes.

[MR BOOTH—24 *August*, 1982.]

See also Audit (Consolidated Fund) Amendment Bill, 1982.

Constitution (Consolidated Fund) Amendment.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

5 Short title.

1. This Act may be cited as the "Constitution (Consolidated Fund) Amendment Act, 1982".

Commencement.

2. (1) Except as provided by subsections (2) and (3), this Act shall commence on the date of assent to this Act.

(2) Section 4 shall, in its application to a provision of Schedule 1, commence on the day on which the provision commences.

(3) Schedule 1 (5) and (9) shall commence on the date of assent to the Appropriation Act which appropriates sums out of the Consolidated Fund 15 for the year from 1st July, 1982, to 30th June, 1983.

Schedules.

3. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE CONSTITUTION ACT, 1902.

SCHEDULE 2.—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

20 Amendment of Act No. 32, 1902.

4. The Constitution Act, 1902, is amended in the manner set forth in Schedule 1.

Constitution (Consolidated Fund) Amendment.

Savings, transitional and other provisions.

5. Schedule 2 has effect.

SCHEDULE 1.

(Sec. 4.)

5 AMENDMENTS TO THE CONSTITUTION ACT, 1902.

- (1) Section 1—

From the matter relating to Part V, omit "REVENUE".

- (2) Part V, heading—

Omit "REVENUE".

- 10 (3) Section 39—

Omit the section, insert instead:—

Consolidated Fund.

15 39. (1) Except as otherwise provided by or in accordance with any Act, all public moneys (including securities and all revenue, loans and other moneys whatsoever) collected, received or held by any person for or on behalf of the State shall form one Consolidated Fund.

20 (2) Without limiting the generality of subsection (1), all territorial, casual and other revenues of the Crown (including all royalties), from whatever source arising, within New South Wales, and as to the disposal of which the Crown may otherwise be entitled absolutely, conditionally or in any other way shall form part of the Consolidated Fund.

Constitution (Consolidated Fund) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CONSTITUTION ACT, 1902—*continued.*

- (4) Section 40—
Omit “Revenue”.
- 5 (5) Sections 41–43—
Omit the sections.
- (6) Section 44—
Omit “Colonial”.
- (7) Section 45—
10 Omit “After and subject to the payments to be made under the provisions hereinbefore contained, all the Consolidated Revenue Fund hereinbefore mentioned”, insert instead “The Consolidated Fund”.
- (8) Section 46—
15 Omit “said Consolidated Revenue Fund”, insert instead “Consolidated Fund”.
- (9) Third and Fourth Schedules—
Omit the Schedules.
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Constitution (Consolidated Fund) Amendment.

SCHEDULE 2.

(Sec. 5.)

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

Validation.

- 5 1. Any act, matter or thing done or suffered to be done on or after 1st July, 1982, and before the date of assent to this Act which would be valid, had this Act been in force at the time the act, matter or thing was done or suffered to be done, is validated.

Establishment of the Consolidated Fund.

- 10 2. Without limiting the generality of section 39 (1) of the Constitution Act, 1902, as amended by this Act—
- (a) on and from the date of assent to this Act, all money which, immediately before that date, formed part of the Consolidated Revenue Fund;
- 15 (b) on and from the date of assent to this Act, all money which, immediately before that date, formed part of the general loan account; and
- (c) all money which, on or after the date of assent to this Act, is received by the Treasurer in repayment of advances made or money expended from the Consolidated Revenue Fund, or the general loan account,
- shall form part of the Consolidated Fund.

20 Construction of certain references.

3. On and from the date of assent to this Act, a reference in any other Act or in any regulation, by-law or other statutory instrument, or in any other document, whether of the same or of a different kind, and whether the Act, regulation, by-law, instrument or document is enacted or made or takes effect before, on or after the date of assent
- 25 to this Act, to Consolidated Revenue, the Consolidated Revenue Fund, the consolidated revenue account or the general loan account shall be read and construed as a reference to the Consolidated Fund, subject to the regulations and except in so far as the context or subject-matter otherwise indicates or requires.

Regulations.

- 30 4. (1) The Governor may make regulations containing other provisions of a savings or transitional nature consequent on the enactment of this Act.
- (2) A provision made under subclause (1) may take effect as from 1st July, 1982, or a later day.

Constitution (Consolidated Fund) Amendment.

SCHEDULE 2—*continued.*

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

5 (3) To the extent to which a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as—

(a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication therein; or

10 (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication therein.

(4) A provision made under subclause (1) shall, if the regulations under this clause so provide, have effect notwithstanding the foregoing clauses of this Schedule.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1982

**CONSTITUTION (CONSOLIDATED FUND) AMENDMENT
ACT, 1982, No. 95**

New South Wales



ANNO TRICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 95, 1982.

An Act to amend the Constitution Act, 1902, to provide that the public moneys of the State shall, with certain exceptions, form one Consolidated Fund; to validate certain matters; and for certain other purposes. [Assented to, 6th September, 1982.]

See also Audit (Consolidated Fund) Amendment Act, 1982.

Constitution (Consolidated Fund) Amendment.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "Constitution (Consolidated Fund) Amendment Act, 1982".

Commencement.

2. (1) Except as provided by subsections (2) and (3), this Act shall commence on the date of assent to this Act.

(2) Section 4 shall, in its application to a provision of Schedule 1, commence on the day on which the provision commences.

(3) Schedule 1 (5) and (9) shall commence on the date of assent to the Appropriation Act which appropriates sums out of the Consolidated Fund for the year from 1st July, 1982, to 30th June, 1983.

Schedules.

3. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE CONSTITUTION ACT, 1902.

SCHEDULE 2.—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

Amendment of Act No. 32, 1902.

4. The Constitution Act, 1902, is amended in the manner set forth in Schedule 1.

Constitution (Consolidated Fund) Amendment.

Savings, transitional and other provisions.

5. Schedule 2 has effect.

SCHEDULE 1.

(Sec. 4.)

AMENDMENTS TO THE CONSTITUTION ACT, 1902.

- (1) Section 1—

From the matter relating to Part V, omit "REVENUE".

- (2) Part V, heading—

Omit "REVENUE".

- (3) Section 39—

Omit the section, insert instead:—

Consolidated Fund.

39. (1) Except as otherwise provided by or in accordance with any Act, all public moneys (including securities and all revenue, loans and other moneys whatsoever) collected, received or held by any person for or on behalf of the State shall form one Consolidated Fund.

(2) Without limiting the generality of subsection (1), all territorial, casual and other revenues of the Crown (including all royalties), from whatever source arising, within New South Wales, and as to the disposal of which the Crown may otherwise be entitled absolutely, conditionally or in any other way shall form part of the Consolidated Fund.

Constitution (Consolidated Fund) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE CONSTITUTION ACT, 1902—*continued.*

(4) Section 40—

Omit "Revenue".

(5) Sections 41–43—

Omit the sections.

(6) Section 44—

Omit "Colonial".

(7) Section 45—

Omit "After and subject to the payments to be made under the provisions hereinbefore contained, all the Consolidated Revenue Fund hereinbefore mentioned", insert instead "The Consolidated Fund".

(8) Section 46—

Omit "said Consolidated Revenue Fund", insert instead "Consolidated Fund".

(9) Third and Fourth Schedules—

Omit the Schedules.

Constitution (Consolidated Fund) Amendment.

SCHEDULE 2.

(Sec. 5.)

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

Validation.

1. Any act, matter or thing done or suffered to be done on or after 1st July, 1982, and before the date of assent to this Act which would be valid, had this Act been in force at the time the act, matter or thing was done or suffered to be done, is validated.

Establishment of the Consolidated Fund.

2. Without limiting the generality of section 39 (1) of the Constitution Act, 1902, as amended by this Act—

- (a) on and from the date of assent to this Act, all money which, immediately before that date, formed part of the Consolidated Revenue Fund;
- (b) on and from the date of assent to this Act, all money which, immediately before that date, formed part of the general loan account; and
- (c) all money which, on or after the date of assent to this Act, is received by the Treasurer in repayment of advances made or money expended from the Consolidated Revenue Fund, or the general loan account,

shall form part of the Consolidated Fund.

Construction of certain references.

3. On and from the date of assent to this Act, a reference in any other Act or in any regulation, by-law or other statutory instrument, or in any other document, whether of the same or of a different kind, and whether the Act, regulation, by-law, instrument or document is enacted or made or takes effect before, on or after the date of assent to this Act, to Consolidated Revenue, the Consolidated Revenue Fund, the consolidated revenue account or the general loan account shall be read and construed as a reference to the Consolidated Fund, subject to the regulations and except in so far as the context or subject-matter otherwise indicates or requires.

Regulations.

4. (1) The Governor may make regulations containing other provisions of a savings or transitional nature consequent on the enactment of this Act.

(2) A provision made under subclause (1) may take effect as from 1st July, 1982, or a later day.

Constitution (Consolidated Fund) Amendment.

SCHEDULE 2—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

(3) To the extent to which a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as—

- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication therein; or
- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication therein.

(4) A provision made under subclause (1) shall, if the regulations under this clause so provide, have effect notwithstanding the foregoing clauses of this Schedule.

In the name and on behalf of Her Majesty I assent to this Act.

L. W. STREET,
*By Deputation from
His Excellency the Governor.*

*Government House,
Sydney, 6th September, 1982.*



