

**PUBLIC FINANCE AND AUDIT (FURTHER
AMENDMENT) BILL 1987**

NEW SOUTH WALES



EXPLANATORY NOTE

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

The objects of this Bill are—

- (a) to enable Treasurer's directions to be given allowing part of the proceeds of the sale or lease of a surplus asset of a government department or an authority to be retained for the use of the department or authority;
- (b) to enable Treasurer's directions to be given allowing claims between government departments or authorities to be settled by way of the transfer of funds between accounts maintained by the Treasury;
- (c) to provide for the payment out of the Consolidated Fund and the bringing to account of amounts outstanding at the end of a financial year that might reasonably have been expected to have been paid during that year; and
- (d) to allow the Treasurer to amend the Budget Estimates if the amount of a specific purpose payment estimated to be provided by the Commonwealth is not wholly paid.

Clause 1 specifies the short title of the proposed Act.

Clause 2 is a formal provision that gives effect to the Schedule of amendments.

Schedule 1 (1) amends section 9 of the Principal Act to enable Treasurer's directions to be given relating to—

- (a) the payment of not less than 50 per cent of the proceeds of the sale or lease of a surplus asset of a government department or authority into an account in the Special Deposits Account for the use of that department or authority;
- (b) the purposes for which an authority may expend such proceeds, being purposes in connection with the acquisition or maintenance of capital assets; and

Public Finance and Audit (Further Amendment) 1987

- (c) the transfer of funds between accounts maintained by the Treasury in settlement of a claim by a government department or authority on another government department or authority.

Schedule 1 (2) inserts proposed section 23A into the Principal Act to allow the Treasurer or a person approved by the Treasurer to authorise payments for goods or services chargeable to an appropriation out of the Consolidated Fund which have not been paid by the end of a financial year. Provision is made for a statement of accounts to be prepared for such payments. The proposed section inserts into the Principal Act a provision which has been included in the Appropriation Acts for 1986 and 1987.

Schedule 1 (3) amends section 26 of the Principal Act to enable the Treasurer to amend the Budget Estimates if a specific purpose payment estimated to be provided by the Commonwealth is not wholly paid.

PUBLIC FINANCE AND AUDIT (FURTHER AMENDMENT) BILL 1987

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Amendment of Act No. 152, 1983

SCHEDULE 1—AMENDMENTS

**PUBLIC FINANCE AND AUDIT (FURTHER
AMENDMENT) BILL 1987**

NEW SOUTH WALES



No. , 1987

A BILL FOR

An Act to amend the Public Finance and Audit Act 1983 with respect to the surplus assets of government departments and authorities and in other respects.

Public Finance and Audit (Further Amendment) 1987

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Public Finance and Audit (Further Amendment) Act 1987.

5 Amendment of Act No. 152, 1983

2. The Public Finance and Audit Act 1983 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 2)

10 (1) Section 9 (**Treasurer's directions**)—

(a) Section 9 (2) (m)—

Omit "and".

(b) Section 9 (2) (o)–(q)—

After section 9 (2) (n), insert:

- 15 (o) the payment, into an account in the Special Deposits Account for an authority, of a percentage (not being less than 50 per cent) of the proceeds of a sale or lease of a surplus asset vested in, used by or under the control of the authority;
- 20 (p) the purposes for which an authority may expend proceeds referred to in paragraph (o), being purposes in connection with the acquisition or maintenance of capital assets; and
- 25 (q) the transfer of funds, for the settlement of a claim by one authority against another authority, between accounts maintained by the Treasury for the purposes of those authorities, notwithstanding any Act relating to the appropriation of those funds.

(2) Section 23A—

After section 23, insert:

30 **Transfers in relation to commitments**

23A. (1) If—

- (a) goods or services chargeable to an appropriation out of the Consolidated Fund for any financial year have not been paid by 30 June in that year; and

SCHEDULE 1—AMENDMENTS—*continued*

(b) the Treasurer or a person specified for the time being in a Treasurer's direction is of the opinion that the goods or services might reasonably have been expected to be paid for by that date,

5 the Treasurer or person may approve the transfer of the amount involved to the credit of a suspense account within the Special Deposits Account, and the amount so transferred shall thereafter, except as provided by subsection (3), be applied in or towards meeting the cost of the goods or services.

10 (2) Any amount transferred under subsection (1) shall, notwithstanding section 23 (1), be deemed to have been applied during the preceding financial year.

15 (3) Any amounts or portions of amounts transferred under subsection (1) which have not been applied for the purpose required by 30 September first occurring after that financial year shall be repaid to the Consolidated Fund.

20 (4) The Treasurer shall, as soon as practicable, after 30 June in each year, prepare, for inclusion in the Public Accounts, a statement accounting for transfers made under subsection (1) during the preceding financial year.

(3) Section 26 (**Power to vary the annual appropriation**)—

(a) Section 26 (1)—

Omit the subsection, insert instead:

(1) If the Commonwealth, in any financial year—

25 (a) provides for the making of a specific purpose payment not included in the receipts and payments estimates of the State for the financial year;

30 (b) provides for an increase in the amount of a specific purpose payment in excess of the amount shown in the receipts and payments estimates of the State for the financial year; or

(c) does not provide the whole of the amount of a specific purpose payment as shown in the receipts and payments estimates of the State for the financial year,

35 the Treasurer may amend the appropriate receipts and payments estimates of the State for that year as if the Treasurer had received advice from the Commonwealth, at the time those estimates were presented to Parliament, that—

40 (d) the specific purpose payment or the increase in the amount of the specific purpose payment would have been provided to the State by the Commonwealth in that year; or

Public Finance and Audit (Further Amendment) 1987

SCHEDULE 1—AMENDMENTS—*continued*

- (e) the whole of the amount of the specific purpose payment would not have been provided to the State by the Commonwealth in that year,
as the case requires.
- 5 (b) Section 26 (2)—
After “increase”, insert “or decrease”.
- (c) Section 26 (2)—
Omit “or increased”, insert instead “, increased or decreased”.

**PUBLIC FINANCE AND AUDIT (FURTHER
AMENDMENT) ACT 1987 No. 279**

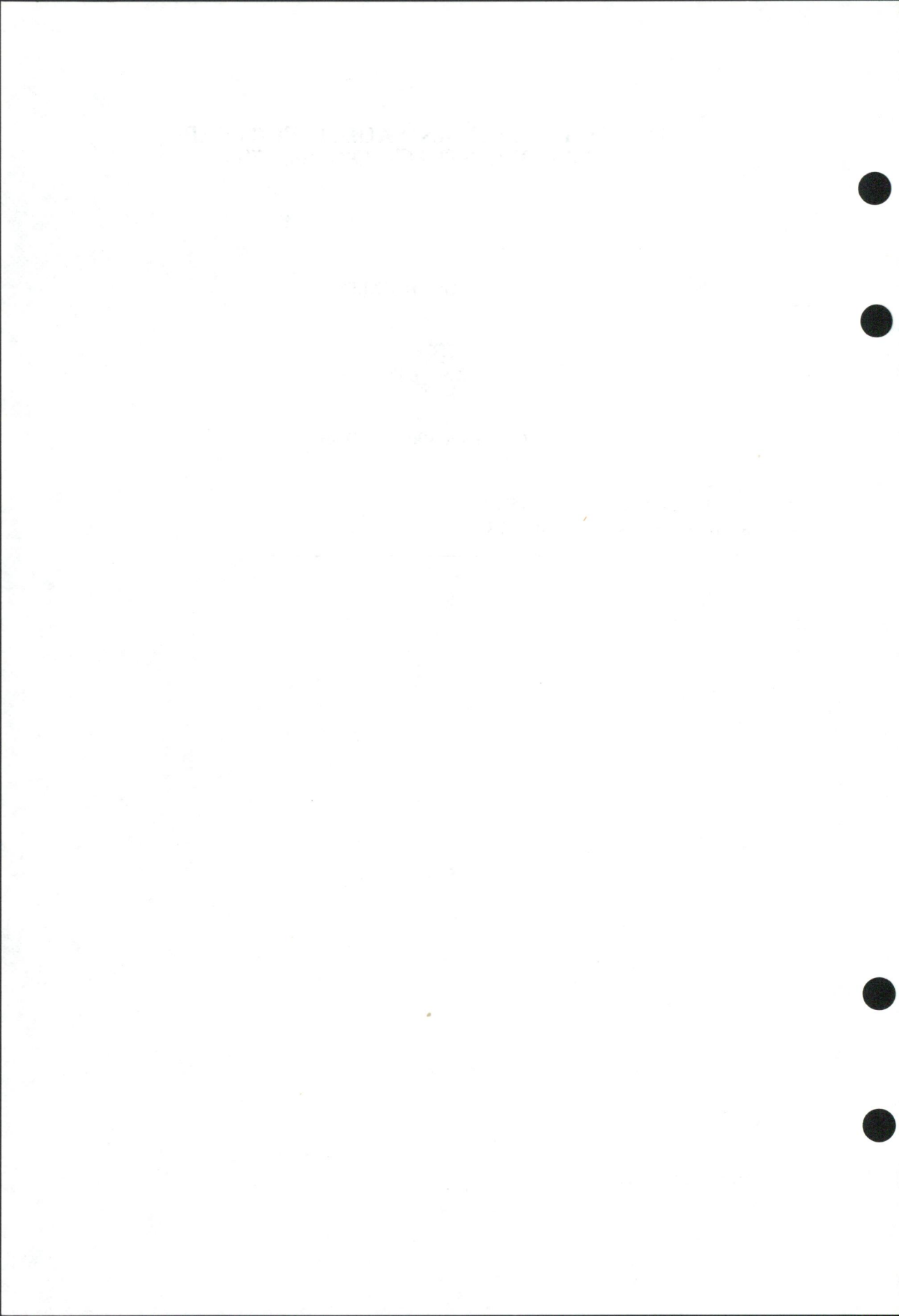
NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Amendment of Act No. 152, 1983

SCHEDULE 1—AMENDMENTS



**PUBLIC FINANCE AND AUDIT (FURTHER AMENDMENT) ACT
1987 No. 279**

NEW SOUTH WALES



Act No. 279, 1987

An Act to amend the Public Finance and Audit Act 1983 with respect to the surplus assets of government departments and authorities and in other respects. [Assented to 16 December 1987]

Public Finance and Audit (Further Amendment) 1987

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Public Finance and Audit (Further Amendment) Act 1987.

Amendment of Act No. 152, 1983

2. The Public Finance and Audit Act 1983 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 2)

(1) Section 9 (**Treasurer's directions**)—

(a) Section 9 (2) (m)—

Omit "and".

(b) Section 9 (2) (o)–(q)—

After section 9 (2) (n), insert:

- (o) the payment, into an account in the Special Deposits Account for an authority, of a percentage (not being less than 50 per cent) of the proceeds of a sale or lease of a surplus asset vested in, used by or under the control of the authority;
- (p) the purposes for which an authority may expend proceeds referred to in paragraph (o), being purposes in connection with the acquisition or maintenance of capital assets; and
- (q) the transfer of funds, for the settlement of a claim by one authority against another authority, between accounts maintained by the Treasury for the purposes of those authorities, notwithstanding any Act relating to the appropriation of those funds.

(2) Section 23A—

After section 23, insert:

Transfers in relation to commitments

23A. (1) If—

- (a) goods or services chargeable to an appropriation out of the Consolidated Fund for any financial year have not been paid by 30 June in that year; and

SCHEDULE 1—AMENDMENTS—*continued*

- (b) the Treasurer or a person specified for the time being in a Treasurer's direction is of the opinion that the goods or services might reasonably have been expected to be paid for by that date,

the Treasurer or person may approve the transfer of the amount involved to the credit of a suspense account within the Special Deposits Account, and the amount so transferred shall thereafter, except as provided by subsection (3), be applied in or towards meeting the cost of the goods or services.

(2) Any amount transferred under subsection (1) shall, notwithstanding section 23 (1), be deemed to have been applied during the preceding financial year.

(3) Any amounts or portions of amounts transferred under subsection (1) which have not been applied for the purpose required by 30 September first occurring after that financial year shall be repaid to the Consolidated Fund.

(4) The Treasurer shall, as soon as practicable, after 30 June in each year, prepare, for inclusion in the Public Accounts, a statement accounting for transfers made under subsection (1) during the preceding financial year.

(3) Section 26 (**Power to vary the annual appropriation**)—

(a) Section 26 (1)—

Omit the subsection, insert instead:

(1) If the Commonwealth, in any financial year—

- (a) provides for the making of a specific purpose payment not included in the receipts and payments estimates of the State for the financial year;
- (b) provides for an increase in the amount of a specific purpose payment in excess of the amount shown in the receipts and payments estimates of the State for the financial year; or
- (c) does not provide the whole of the amount of a specific purpose payment as shown in the receipts and payments estimates of the State for the financial year,

the Treasurer may amend the appropriate receipts and payments estimates of the State for that year as if the Treasurer had received advice from the Commonwealth, at the time those estimates were presented to Parliament, that—

- (d) the specific purpose payment or the increase in the amount of the specific purpose payment would have been provided to the State by the Commonwealth in that year; or

Public Finance and Audit (Further Amendment) 1987

SCHEDULE 1—AMENDMENTS—*continued*

- (e) the whole of the amount of the specific purpose payment would not have been provided to the State by the Commonwealth in that year,
as the case requires.
- (b) Section 26 (2)—
After “increase”, insert “or decrease”.
- (c) Section 26 (2)—
Omit “or increased”, insert instead “, increased or decreased”.



