



New South Wales

Appropriation Act 2020 No 41

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New South Wales

Appropriation Act 2020 No 41

Act No 41, 2020

An Act to appropriate out of the Consolidated Fund sums for the services of the Government for the year 2020–21 and to make an additional appropriation to give effect to budget variations for the year 2019–20. [Assented to 27 November 2020]

See also the *Appropriation (Parliament) Act 2020* and the *Payroll Tax Amendment Act 2020*.

The Legislature of New South Wales enacts—

Part 1 Preliminary

1 Name of Act

This Act is the *Appropriation Act 2020*.

2 Commencement

This Act commences on the date of assent to this Act.

3 Definitions

In this Act—

services includes the following—

- (a) recurrent services,
- (b) capital works and services,
- (c) repayment of debt.

2019–20 means the year from 1 July 2019 to 30 June 2020.

2020–21 means the year from 1 July 2020 to 30 June 2021.

Part 2 Appropriations—Departments

Note. The total amount appropriated out of the Consolidated Fund for services for the year 2020–21 in accordance with this Part is \$103,213,970,000.

Division 1 Customer Service

4 Department of Customer Service

This Act appropriates the sum of \$1,426,426,000 to the Minister for Customer Service out of the Consolidated Fund for the services of the Department of Customer Service for the year 2020–21.

Note. The appropriation will fund services, disaggregated across State outcomes as follows—

		Expenses	Capital expenditure
		\$,000	\$,000
01	Fair, secure and efficient markets	828,474	56,012
02	Excellence in customer service	647,196	108,579
03	Digital leadership and innovation in government services	544,742	31,567
04	Cluster grants and others	763,486	—

5 Digital Restart Fund

This Act appropriates the sum of \$413,000,000 to the Minister for Customer Service out of the Consolidated Fund for payment into the Digital Restart Fund established under the *Digital Restart Fund Act 2020*.

6 Rental Bond Interest Account

This Act appropriates the sum of \$62,038,000 to the Minister for Customer Service out of the Consolidated Fund for payment into the Rental Bond Interest Account established under the *Residential Tenancies Act 2010*.

Division 2 Education

7 Department of Education

This Act appropriates the sum of \$20,025,812,000 to the Minister for Education and Early Childhood Learning out of the Consolidated Fund for the services of the Department of Education for the year 2020–21.

Note. The appropriation will fund services, disaggregated across State outcomes as follows—

		Expenses	Capital expenditure
		\$,000	\$,000
01	Educational foundations for success	16,498,232	2,472,344
02	Skilled and employable workforce	2,423,187	16,886

		Expenses \$,000	Capital expenditure \$,000
03	Best start in life for young children	667,845	—
04	Cluster grants and others	58,778	—

Division 3 Health

8 Ministry of Health

This Act appropriates the sum of \$15,296,171,000 to the Minister for Health and Medical Research out of the Consolidated Fund for the services of the Ministry of Health for the year 2020–21.

Note. The appropriations under this section and Part 3 will fund services, disaggregated across State outcomes as follows—

		Expenses \$,000	Capital expenditure \$,000
01	People receive high quality, safe care in our hospitals	14,211,216	1,942,929
02	People can access care out of hospital settings to manage their health and wellbeing	6,410,651	471,434
03	People receive timely emergency care	3,461,193	408,093
04	Keeping people healthy through prevention and health promotion	1,281,621	20,019
05	Our people and systems are continuously improving to deliver the best health outcomes and experiences	1,032,743	15,974
06	Cluster grants	27,645	—

Division 4 Planning, Industry and Environment

9 Department of Planning, Industry and Environment

This Act appropriates the sum of \$3,680,784,000 to the Minister for Planning and Public Spaces out of the Consolidated Fund for the services of the Department of Planning, Industry and Environment for the year 2020–21.

Note. The appropriation will fund services, disaggregated across State outcomes as follows—

		Expenses \$,000	Capital expenditure \$,000
01	Connecting communities to resilient and sustainable energy and local environments	1,807,175	305,037
02	Create a strong and liveable NSW	1,243,850	58,206
03	Maximise community benefit from government land and property	1,103,400	151,815
04	Sustainable, secure and healthy water resources and services	721,727	37,433
05	Cluster grants and others	619,879	—

Division 5 Premier and Cabinet

10 Department of Premier and Cabinet

This Act appropriates the sum of \$3,342,301,000 to the Premier out of the Consolidated Fund for the services of the Department of Premier and Cabinet for the year 2020–21.

Note. The appropriation will fund services, disaggregated across State outcomes as follows—

		Expenses \$,000	Capital expenditure \$,000
01	Excellence in arts, culture and heritage	603,704	466,515
02	Effective and coordinated government	233,355	5,889
03	Empowering Aboriginal communities	60,054	94
04	Accountable and responsible government	455	—
05	Cluster grants and others	2,288,127	—

Division 6 Regional NSW

11 Regional NSW

This Act appropriates the sum of \$1,420,162,000 to the Deputy Premier, Minister for Regional New South Wales, Industry and Trade out of the Consolidated Fund for the services of Regional NSW for the year 2020–21.

Note. The appropriation will fund services, disaggregated across State outcomes as follows—

		Expenses \$,000	Capital expenditure \$,000
01	Stronger and cohesive regional communities and economies	1,273,338	130,399
02	Stronger primary industries	410,586	61,051
03	Mineral and petroleum industries generating prosperity safely	106,401	1,067
04	Cluster grants and others	392,394	—

Division 7 Stronger Communities

12 Department of Communities and Justice

This Act appropriates the sum of \$16,671,184,000 to the Attorney General, and Minister for the Prevention of Domestic Violence out of the Consolidated Fund for the services of the Department of Communities and Justice for the year 2020–21.

Note. The appropriation will fund services, disaggregated across State outcomes as follows—

		Expenses \$,000	Capital expenditure \$,000
01	Active and inclusive communities	3,497,189	9,363
02	Reduce reoffending	2,556,890	405,055
03	Children and families thrive	2,538,512	19,439
04	Efficient and effective legal system	1,134,497	109,809
05	People have a safe and affordable place to live	1,018,176	7,878
06	Cluster grants	6,285,946	—

Division 8 Transport

13 Transport for NSW

- (1) This Act appropriates the sum of \$20,343,553,000 to the Minister for Transport and Roads out of the Consolidated Fund for the services of Transport for NSW for the year 2020–21.

Note. The appropriation will fund services, disaggregated across State outcomes as follows—

		Expenses \$,000	Capital expenditure \$,000
01	Connecting our customers' whole lives	9,273,288	1,679,975

		Expenses \$,000	Capital expenditure \$,000
02	Sustainable transport systems and solutions supporting economic activity	459,571	6,295,084
03	Successful places for communities	1,067,085	86,420
04	Cluster grants and others	10,811,648	—

- (2) A reference in this section to Transport for NSW includes a reference to the Department of Transport.

Division 9 Treasury

14 The Treasury

This Act appropriates the sum of \$1,855,379,000 to the Treasurer out of the Consolidated Fund for the services of The Treasury for the year 2020–21.

Note. The appropriation will fund services, disaggregated across State outcomes as follows—

		Expenses \$,000	Capital expenditure \$,000
01	A strong resilient and diverse economy	1,252,809	21,465
02	A sustainable fiscal environment enabling delivery of outcomes	240,178	6,215
03	Stewardship of the public sector performance and financial system	56,622	1,861
04	Cluster grants	215,394	—

15 Crown Finance Entity

This Act appropriates the sum of \$13,070,885,000 to the Treasurer out of the Consolidated Fund for the services of the Crown Finance Entity for the year 2020–21.

Note. The appropriation will fund services for the following State outcome—

		Expenses \$,000	Capital expenditure \$,000
01	A sustainable fiscal environment enabling delivery of outcomes	9,719,987	—

16 Appropriation to Treasurer for NSW Generations Fund

This Act appropriates the sum of \$2,017,094,000 to the Treasurer out of the Consolidated Fund for payment into the NSW Generations (Debt Retirement) Fund established under the *NSW Generations Funds Act 2018*.

17 Appropriation to Treasurer for Snowy Hydro Legacy Fund

This Act appropriates the sum of \$2,000,000,000 to the Treasurer out of the Consolidated Fund for payment into the Snowy Hydro Legacy Fund established under the *Snowy Hydro Legacy Fund Act 2018*.

18 Appropriation to Treasurer for State contingencies

This Act appropriates the sum of \$120,000,000 to the Treasurer out of the Consolidated Fund for State contingencies for the year 2020–21.

19 Special appropriation to Treasurer for COVID-19 related expenses and inflation

This Act appropriates the sum of \$1,469,181,000 to the Treasurer out of the Consolidated Fund for the following expenditure that is not otherwise covered by an appropriation under this Act or the *Appropriation (Parliament) Act 2020* for the year 2020–21—

- (a) expenditure related to the COVID-19 pandemic,
- (b) expenditure related to inflation.

Part 3 Additional appropriation for health related services

20 Special appropriation to Minister for Health and Medical Research—additional revenue from gaming machine taxes

- (1) This Act appropriates the sum of \$443,832,137 to the Minister for Health and Medical Research out of the Consolidated Fund for the services of the Ministry of Health for the year 2020–21.
- (2) The sum appropriated is in addition to any other sum appropriated by this Act.

Part 4 Appropriations—Special Offices

Note. The total amount appropriated out of the Consolidated Fund for services for the year 2020–21 in accordance with this Part is \$497,588,000.

21 Independent Pricing and Regulatory Tribunal

This Act appropriates the sum of \$28,474,000 to the Minister for Customer Service out of the Consolidated Fund for the services of the Independent Pricing and Regulatory Tribunal for the year 2020–21.

Note. The appropriation will fund services for the following State outcome—

	Expenses	Capital
	\$,000	expenditure
		\$,000
01 Fair, secure and efficient markets	31,023	180

22 Judicial Commission of New South Wales

This Act appropriates the sum of \$5,260,000 to the Attorney General, and Minister for the Prevention of Domestic Violence out of the Consolidated Fund for the services of the Judicial Commission of New South Wales for the year 2020–21.

Note. The appropriation will fund services for the following State outcome—

	Expenses	Capital
	\$,000	expenditure
		\$,000
01 Efficient and effective legal system	6,663	150

23 Office of the Children’s Guardian

This Act appropriates the sum of \$26,109,000 to the Minister for Families, Communities and Disability Services out of the Consolidated Fund for the services of the Office of the Children’s Guardian for the year 2020–21.

Note. The appropriation will fund services for the following State outcome—

	Expenses	Capital
	\$,000	expenditure
		\$,000
01 Children and families thrive	56,129	2,429

24 Office of the Director of Public Prosecutions

This Act appropriates the sum of \$162,215,000 to the Attorney General, and Minister for the Prevention of Domestic Violence out of the Consolidated Fund for the services of the Office of the Director of Public Prosecutions for the year 2020–21.

Note. The appropriation will fund services for the following State outcome—

		Expenses	Capital expenditure
		\$,000	\$,000
01	Efficient and effective legal system	174,023	12,257

25 Independent Commission Against Corruption

This Act appropriates the sum of \$30,814,000 to the Premier out of the Consolidated Fund for the services of the Independent Commission Against Corruption for the year 2020–21.

Note. The appropriation will fund services for the following State outcome—

		Expenses	Capital expenditure
		\$,000	\$,000
01	Accountable and responsible government	30,879	1,370

26 Law Enforcement Conduct Commission

This Act appropriates the sum of \$22,736,000 to the Premier out of the Consolidated Fund for the services of the Law Enforcement Conduct Commission for the year 2020–21.

Note. The appropriation will fund services for the following State outcome—

		Expenses	Capital expenditure
		\$,000	\$,000
01	Accountable and responsible government	23,602	1,200

27 New South Wales Electoral Commission

This Act appropriates the sum of \$161,916,000 to the Premier out of the Consolidated Fund for the services of the New South Wales Electoral Commission for the year 2020–21.

Note. The appropriation will fund services for the following State outcome—

		Expenses	Capital expenditure
		\$,000	\$,000
01	Accountable and responsible government	156,861	11,364

28 Ombudsman’s Office

This Act appropriates the sum of \$26,457,000 to the Premier out of the Consolidated Fund for the services of the Ombudsman’s Office for the year 2020–21.

Note. The appropriation will fund services for the following State outcome—

		Expenses	Capital
		\$,000	expenditure
			\$,000
01	Accountable and responsible government	27,709	1,315

29 Public Service Commission

This Act appropriates the sum of \$33,607,000 to the Premier out of the Consolidated Fund for the services of the Public Service Commission for the year 2020–21.

Note. The appropriation will fund services for the following State outcome—

		Expenses	Capital
		\$,000	expenditure
			\$,000
01	Accountable and responsible government	41,619	278

Part 5 Commonwealth transfer payments

30 Appropriation for Commonwealth transfer payments

- (1) This Act appropriates the sum of \$4,311,000,000 to the Treasurer out of the Consolidated Fund, for Commonwealth transfer payments to non-government schools and local government for services for the year 2020–21.
- (2) The sum appropriated is in addition to any other sum appropriated by this Act.
- (3) The sum appropriated is subject to section 4.11 of the *Government Sector Finance Act 2018*.

Part 6 Variations to authorised payments

31 Payments not to be in excess of sums specified

- (1) Payment of a sum must not be made from the Consolidated Fund for a purpose for the year 2020–21 if the sum is more than the sum appropriated for the purpose by this Act or the *Appropriation (Parliament) Act 2020*.
- (2) Subsection (1) does not limit a payment authorised by—
 - (a) this Part, or
 - (b) Part 4 of the *Government Sector Finance Act 2018*.

32 Variations—exigencies of government and appropriations insufficient for purpose

- (1) The Treasurer may authorise the payment of a sum appropriated by this Act for a purpose that is more than the sum specified for the purpose if—
 - (a) the Treasurer is of the opinion that the exigencies of government require the payment, and
 - (b) an equivalent sum is not paid out for another purpose, whether the other purpose is specified in relation to the same or a different Minister.
- (2) The Treasurer may authorise the payment of a sum appropriated by this Act for a purpose that is more than the sum specified for the purpose if—
 - (a) the Treasurer is of the opinion that the sum appropriated for the purpose is insufficient to enable the purpose to be effectively and efficiently carried out, and
 - (b) an equivalent sum is identified as surplus to another purpose by the Minister in relation to whom the other purpose is specified, whether the other purpose is specified in relation to the same or a different Minister, and
 - (c) the equivalent sum is not paid out for the other purpose.
- (3) The Treasurer must not, under this section, authorise the payment of a sum appropriated under a Part of this Act to be paid out for a purpose other than a purpose specified in that Part.

33 Variations—State contingencies

The Treasurer may authorise the payment of a sum appropriated for a purpose by this Act or the *Appropriation (Parliament) Act 2020* that is more than the sum specified for the purpose if—

- (a) the Treasurer is of the opinion that the additional sum is reasonably necessary because of a State contingency, and
- (b) an equivalent sum is not paid out from the sum appropriated to the Treasurer by section 18.

34 Variations—COVID-19 pandemic and inflation

- (1) The Treasurer may authorise the payment of a sum appropriated for a purpose by this Act or the *Appropriation (Parliament) Act 2020* that is more than the sum specified for the purpose if—
 - (a) the Treasurer is of the opinion that the additional sum is reasonably necessary because of expenditure related to the COVID-19 pandemic or inflation, and
 - (b) an equivalent sum is not paid out from the sum appropriated to the Treasurer by section 19.

35 Treasurer must not increase fixed salary or wages

The Treasurer must not authorise the payment of a sum under this Part that increases salary or wages if the amount of the salary or wages is fixed by law.

36 Part does not apply to sums appropriated by another Act

This Part does not apply to sums appropriated by another Act except as otherwise provided in this Part.

37 Treasurer is to inform Auditor-General of authorisations

- (1) The Treasurer is to inform the Auditor-General of every authorisation given under this Part.
- (2) An authorisation under this Part may be given before or after the payment is made.

Part 7 General

38 Appointment of person to carry out functions of Treasurer under Part 6

- (1) The Treasurer may appoint a person to carry out the Treasurer's functions under Part 6.
- (2) The appointment is subject to the conditions, if any, that the Treasurer decides.
- (3) The Treasurer may revoke the appointment at any time.
- (4) A person appointed under this section has, in place of the Treasurer, the Treasurer's function under section 37 of informing the Auditor-General of every authorisation given by the person under Part 6.

39 Appointment of accountable authority to identify surplus

- (1) A Minister may appoint the accountable authority for a GSF agency for which the Minister is the responsible Minister to carry out the Minister's functions under section 32(2)(b).
- (2) The appointment is subject to the conditions, if any, that the Minister determines.
- (3) The Minister may revoke the appointment at any time.
- (4) In this section—
accountable authority, for a GSF agency, has the same meaning as in the *Government Sector Finance Act 2018*.
GSF agency has the same meaning as in the *Government Sector Finance Act 2018*.

40 Budget related information

- (1) Budget related information—
 - (a) does not form part of this Act, and
 - (b) does not affect the application of any amount appropriated by this Act.
- (2) In this section—
budget related information means—
 - (a) notes included in this Act relating to expenses and capital expenditure, and
 - (b) Budget Papers of the Government tabled in Parliament in connection with the Bill for this Act.
this Act includes the *Appropriation (Parliament) Act 2020*.

41 Payments authorised on lapse of appropriation

- An amount is taken to have been expended out of a sum appropriated for a purpose by this Act if the amount—
- (a) was paid for the purpose out of the Consolidated Fund under section 4.10 of the *Government Sector Finance Act 2018*, and
 - (b) was paid on or after 1 July 2020 and before the date of assent to this Act.

Part 8 Budget variations for the year 2019–20

42 Payments made during 2019–20 under section 4.13 of Government Sector Finance Act 2018

- (1) This Act appropriates the sum of \$5,235,633,000 out of the Consolidated Fund for the exigencies of Government during the year 2019–20—
 - (a) being the total of the sums specified in Schedule 1 to provide for the payments specified in relation to those sums, and
 - (b) made in anticipation of appropriation by Parliament under section 4.13 of the *Government Sector Finance Act 2018*.
- (2) The sum appropriated is in addition to any other sums that may have been appropriated to the Treasurer for the year 2019–20.

43 Operation of budget variations and validation of expenditure

- (1) This Act, to the extent that it appropriates an amount for, and gives effect to, the budget variations for the year 2019–20, is to be construed as if it—
 - (a) formed part of the annual Appropriation Act for the year 2019–20, and
 - (b) commenced at the start of that year.
- (2) The following are validated, despite occurring before the date of assent to this Act—
 - (a) the payment out of the Consolidated Fund of a sum appropriated under this Part,
 - (b) the approval of the expenditure of a sum appropriated under this Part,
 - (c) the expenditure of a sum appropriated under this Part.
- (3) This section applies to part of a sum appropriated under this Act in the same way as it applies to the whole of the sum.

Schedule 1 Payments during 2019–20

section 42

**Payments made under section 4.13 of the Government Sector
 Finance Act 2018** **Amount \$,000**

Attorney General, and Minister for the Prevention of Domestic Violence

Department of Communities and Justice

Bushfire response 872,000

COVID-19 response 123,658

Total—Department of Communities and Justice **995,658**

**Total—Attorney General, and Minister for the Prevention of Domestic
 Violence** **995,658**

Minister for Customer Service

Department of Customer Service

COVID-19 response 318,592

Total—Department of Customer Service **318,592**

Total—Minister for Customer Service **318,592**

Minister for Education and Early Childhood Learning

Department of Education

COVID-19 response 98,400

Bushfire response 5,000

Total—Department of Education **103,400**

Total—Minister for Education and Early Childhood Learning **103,400**

Minister for Health and Medical Research

Ministry of Health

COVID-19 response 859,800

Total—Ministry of Health **859,800**

Total—Minister for Health and Medical Research **859,800**

Minister for Planning and Public Spaces

Department of Planning, Industry and Environment

COVID-19 response 180,770

Digital access improvement to planning services across NSW 2,500

Total—Department of Planning, Industry and Environment **183,270**

Payments made under section 4.13 of the Government Sector Finance Act 2018	Amount \$,000
Total—Minister for Planning and Public Spaces	183,270
Deputy Premier, Minister for Regional New South Wales, Industry and Trade	
Regional NSW	
<i>COVID-19 response</i>	4,700
Bushfire response	3,000
Total—Regional NSW	7,700
Total—Deputy Premier, Minister for Regional NSW, Industry and Trade	7,700
Minister for Transport and Roads	
Transport for NSW	
<i>COVID-19 response</i>	128,810
Total—Transport for NSW	128,810
Total—Minister for Transport and Roads	128,810
Premier	
Department of Premier and Cabinet	
Bushfire response	349,000
<i>COVID-19 response</i>	4,800
Total—Department of Premier and Cabinet	353,800
Ombudsman’s Office	
<i>COVID-19 response</i>	303
Total—Ombudsman’s Office	303
Total—Premier	354,103
Treasurer	
Appropriation to the Treasurer for State contingencies	
<i>COVID-19 response</i>	1,485,300
Total—Appropriation to the Treasurer for State contingencies	1,485,300
Crown Finance Entity	
<i>Bushfire response</i>	46,000
<i>COVID-19 response</i>	2,000

Payments made under section 4.13 of the Government Sector Finance Act 2018	Amount \$,000
Total—Crown Finance Entity	48,000
Treasury	
<i>COVID-19 response</i>	751,000
Total—Treasury	751,000
Total—Treasurer	2,284,300
Total—all payments	5,235,633

[Second reading speech made in—
Legislative Assembly on 17 November 2020
Legislative Council on 24 November 2020]