



New South Wales

Appropriation Act 2022 No 30

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New South Wales

Appropriation Act 2022 No 30

Act No 30, 2022

An Act to appropriate out of the Consolidated Fund sums for the services of the Government for the year 2022–23 and to make an additional appropriation to give effect to budget variations for the year 2021–22. [Assented to 27 June 2022]

See also the *Appropriation (Parliament) Act 2022* and the *State Revenue Legislation Amendment Act 2022*.

The Legislature of New South Wales enacts—

Part 1 Preliminary

1 Name of Act

This Act is the *Appropriation Act 2022*.

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.

year 2022–23 means the year from 1 July 2022 to 30 June 2023.

Part 2 Appropriations—Departments

Note— The total amount appropriated out of the Consolidated Fund for services for the year 2022–23 in accordance with this Part is \$118,379,244,000.

Division 1 Customer Service

4 Department of Customer Service

This Act appropriates the sum of \$3,053,934,000 to the Minister for Customer Service and Digital Government out of the Consolidated Fund for the services of the Department of Customer Service for the year 2022–23.

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

	Expenses	Capital expenditure
	\$,000	\$,000
01 Excellence in customer service	1,904,662	81,594
02 Digital leadership and innovation in government services	308,145	163,318
03 Fair, secure and efficient markets	743,731	40,132
04 Cluster grants and other adjustments	1,648,642	—

5 Digital Restart Fund

This Act appropriates the sum of \$614,000,000 to the Minister for Customer Service and Digital Government 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 \$66,153,000 to the Minister for Customer Service and Digital Government 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 \$22,508,149,000 to the Minister for Education and Early Learning out of the Consolidated Fund for the services of the Department of Education for the year 2022–23.

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

	Expenses	Capital expenditure
	\$,000	\$,000
01 Best start in life for young children	1,089,367	1,200
02 Educational foundations for success	18,771,243	2,665,485

		Expenses	Capital expenditure
		\$,000	\$,000
03	Skilled and employable workforce	2,457,823	1,690
04	Cluster grants and other adjustments	127,993	—

Division 3 Enterprise, Investment and Trade

8 Department of Enterprise, Investment and Trade

This Act appropriates the sum of \$3,405,525,000 to the Minister for Enterprise, Investment and Trade out of the Consolidated Fund for the services of the Department of Enterprise, Investment and Trade for the year 2022–23.

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

		Expenses	Capital expenditure
		\$,000	\$,000
01	Increased economic development and investment attraction	739,941	75,586
02	Excellence in arts, sport and tourism	560,824	308,293
03	Vibrant, safe and responsible hospitality and racing	127,253	—
04	Cluster grants and other adjustments	1,736,680	—

Division 4 Health

9 Ministry of Health

This Act appropriates the sum of \$18,224,657,000 to the Minister for Health out of the Consolidated Fund for the services of the Ministry of Health for the year 2022–23.

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

		Expenses	Capital expenditure
		\$,000	\$,000
01	People receive high-quality, safe care in our hospitals	16,018,123	1,733,005
02	People can access care in out-of-hospital settings to manage their health and wellbeing	7,957,769	475,130
03	People receive timely emergency care	4,008,872	562,587
04	Keeping people healthy through prevention and health promotion	1,532,218	18,374

	Expenses	Capital expenditure
	\$,000	\$,000
05 Our people and systems are continuously improving to deliver the best health outcomes and experiences	1,136,442	54,609
06 Cluster grants	31,101	—

Division 5 Planning and Environment

10 Department of Planning and Environment

This Act appropriates the sum of \$3,889,499,000 to the Minister for Planning out of the Consolidated Fund for the services of the Department of Planning and Environment for the year 2022–23.

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

	Expenses	Capital expenditure
	\$,000	\$,000
01 Create a strong and liveable NSW	1,140,645	27,226
02 Maximise community benefit from government land and property	1,043,298	55,123
03 Connecting communities to resilient and sustainable local environments and heritage	1,382,075	470,219
04 Sustainable, secure and healthy water resources and services	998,235	137,375
05 Cluster grants and other adjustments	689,203	—

Division 6 Premier and Cabinet

11 Department of Premier and Cabinet

This Act appropriates the sum of \$417,245,000 to the Premier out of the Consolidated Fund for the services of the Department of Premier and Cabinet for the year 2022–23.

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

	Expenses	Capital expenditure
	\$,000	\$,000
01 Effective and coordinated government	279,419	16,178
02 Empowering Aboriginal communities	115,157	3,794
03 Accountable and responsible government	504	—

	Expenses	Capital expenditure
	\$,000	\$,000
04 Cluster grants and other adjustments	11,192	—

Division 7 Regional NSW

12 Department of Regional NSW

This Act appropriates the sum of \$2,379,185,000 to the Deputy Premier out of the Consolidated Fund for the services of the Department of Regional NSW for the year 2022–23.

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

	Expenses	Capital expenditure
	\$,000	\$,000
01 Stronger and cohesive regional communities and economies	2,491,278	21,369
02 Stronger primary industries	530,990	70,291
03 Mineral and petroleum industries generating prosperity safely	196,260	3,695
04 Cluster grants and other adjustments	216,465	—

Division 8 Stronger Communities

13 Department of Communities and Justice

This Act appropriates the sum of \$20,533,735,000 to the Attorney General out of the Consolidated Fund for the services of the Department of Communities and Justice for the year 2022–23.

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

	Expenses	Capital expenditure
	\$,000	\$,000
01 Children and families thrive	3,093,632	11,046
02 Efficient and effective legal system	1,331,965	100,457
03 Inclusive communities	3,596,355	10
04 People have a safe and affordable place to live	1,174,052	8,000
05 Reduce reoffending	2,735,890	201,404
06 Cluster grants and other adjustments	9,171,066	—

Division 9 Transport and Infrastructure

14 Department of Transport

This Act appropriates the sum of \$26,999,950,000 to the Minister for Infrastructure out of the Consolidated Fund for the services of the Department of Transport for the year 2022–23.

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

	Expenses \$,000	Capital expenditure \$,000
01 Connecting our customers' whole lives	9,592,319	5,223,161
02 Successful places for communities	812,727	2,830,017
03 Transport systems and solutions enabling economic activity	1,604,244	1,633,858
04 Cluster grants and other adjustments	14,977,052	—

Division 10 Treasury

15 Treasury

This Act appropriates the sum of \$1,416,460,000 to the Treasurer out of the Consolidated Fund for the services of Treasury for the year 2022–23.

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

	Expenses \$,000	Capital expenditure \$,000
01 A strong, resilient and diverse economy	1,253,165	382,266
02 A sustainable fiscal environment enabling delivery of outcomes	245,449	209
03 Stewardship of the public sector performance and financial system	43,062	111

16 Administered items

This Act appropriates the sum of \$13,860,752,000 to the Treasurer out of the Consolidated Fund for the purposes of the activities or services administered by the Treasurer on behalf of the State generally for the year 2022–23.

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

	Expenses	Capital expenditure
	\$,000	\$,000
01 A sustainable fiscal environment enabling delivery of outcomes	9,248,941	—

17 Appropriation to Treasurer for NSW Generations Fund

This Act appropriates the sum of \$500,000,000 to the Treasurer out of the Consolidated Fund for payment into the NSW Generations (Community Services and Facilities) Fund established under the *NSW Generations Funds Act 2018*.

18 Appropriation to Treasurer for Snowy Hydro Legacy Fund

This Act appropriates the sum of \$90,000,000 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*.

19 Appropriation to Treasurer for State contingencies

This Act appropriates the sum of \$100,000,000 to the Treasurer out of the Consolidated Fund for State contingencies for the year 2022–23.

20 Appropriation to Treasurer relating to integrity agencies

- (1) This Act appropriates the sum of \$20,000,000 to the Treasurer out of the Consolidated Fund for contingencies in relation to the integrity agencies for the year 2022–23.
- (2) In this section—
integrity agency means each of the following—
 - (a) the Audit Office of NSW,
 - (b) the Independent Commission Against Corruption,
 - (c) the Law Enforcement Conduct Commission,
 - (d) the New South Wales Electoral Commission,
 - (e) the Office of the Ombudsman.

21 Special appropriation to Treasurer for expenditure related to Government's response to crises

This Act appropriates the sum of \$300,000,000 to the Treasurer out of the Consolidated Fund for expenditure related to the Government's response to public health emergencies and other crises that is not otherwise covered by an appropriation under this Act or the *Appropriation (Parliament) Act 2022* for the year 2022–23.

Part 3 Additional appropriation for health related services

22 Special appropriation to Minister for Health—additional revenue from gaming machine taxes

- (1) This Act appropriates the sum of \$505,207,818 to the Minister for Health out of the Consolidated Fund for the services of the Ministry of Health for the year 2022–23.
- (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 2022–23 in accordance with this Part is \$657,914,000.

23 Independent Pricing and Regulatory Tribunal

This Act appropriates the sum of \$38,485,000 to the Minister for Customer Service and Digital Government out of the Consolidated Fund for the services of the Independent Pricing and Regulatory Tribunal for the year 2022–23.

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

	Expenses	Capital expenditure
	\$,000	\$,000
01 Fair, secure and efficient markets	41,086	180

24 Judicial Commission of New South Wales

This Act appropriates the sum of \$6,000,000 to the Attorney General out of the Consolidated Fund for the services of the Judicial Commission of New South Wales for the year 2022–23.

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

	Expenses	Capital expenditure
	\$,000	\$,000
01 Efficient and effective legal system	7,343	150

25 Office of the Children’s Guardian

This Act appropriates the sum of \$31,721,000 to the Minister for Families and Communities out of the Consolidated Fund for the services of the Office of the Children’s Guardian for the year 2022–23.

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

	Expenses	Capital expenditure
	\$,000	\$,000
01 Children and families thrive	58,643	988

26 Office of the Director of Public Prosecutions

This Act appropriates the sum of \$203,610,000 to the Attorney General out of the Consolidated Fund for the services of the Office of the Director of Public Prosecutions for the year 2022–23.

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

	Expenses	Capital expenditure
	\$,000	\$,000
01 Efficient and effective legal system	215,528	5,733

27 Independent Commission Against Corruption

This Act appropriates the sum of \$35,197,000 to the Premier out of the Consolidated Fund for the services of the Independent Commission Against Corruption for the year 2022–23.

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

	Expenses	Capital expenditure
	\$,000	\$,000
01 Accountable and responsible government	34,609	1,169

28 Law Enforcement Conduct Commission

This Act appropriates the sum of \$24,129,000 to the Premier out of the Consolidated Fund for the services of the Law Enforcement Conduct Commission for the year 2022–23.

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

	Expenses	Capital expenditure
	\$,000	\$,000
01 Accountable and responsible government	24,852	1,390

29 New South Wales Electoral Commission

This Act appropriates the sum of \$241,779,000 to the Premier out of the Consolidated Fund for the services of the New South Wales Electoral Commission for the year 2022–23.

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

	Expenses	Capital expenditure
	\$,000	\$,000
01 Accountable and responsible government	246,028	13,081

30 Office of the Ombudsman

This Act appropriates the sum of \$43,869,000 to the Premier out of the Consolidated Fund for the services of the Office of the Ombudsman for the year 2022–23.

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

	Expenses	Capital expenditure
	\$,000	\$,000
01 Accountable and responsible government	44,549	2,140

31 Public Service Commission

This Act appropriates the sum of \$33,124,000 to the Premier out of the Consolidated Fund for the services of the Public Service Commission for the year 2022–23.

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

		Expenses	Capital expenditure
		\$,000	\$,000
01	Effective and coordinated government	40,731	1,270

Part 5 Commonwealth transfer payments

32 Appropriation for Commonwealth transfer payments

- (1) This Act appropriates the sum of \$5,196,600,000 to the Treasurer out of the Consolidated Fund for Commonwealth transfer payments to non-government schools and local government for services for the year 2022–23.
- (2) The sum appropriated is in addition to any other sum appropriated by this Act.
- (3) The sum appropriated is subject to the *Government Sector Finance Act 2018*, section 4.11.

Part 6 Variations to authorised payments

33 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 2022–23 if the sum is more than the sum appropriated for the purpose by this Act or the *Appropriation (Parliament) Act 2022*.
- (2) Subsection (1) does not limit a payment authorised by—
 - (a) this Part, or
 - (b) the *Government Sector Finance Act 2018*, Part 4.

34 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.

35 Variations—State contingencies

The Treasurer may authorise the payment of a sum appropriated for a purpose by this Act or the *Appropriation (Parliament) Act 2022* 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 19.

36 Variations—contingencies relating to integrity agencies

- (1) The Treasurer may authorise the payment of a sum appropriated by this Act for a purpose specified in Part 4 for an integrity agency other than the Audit Office of NSW that is more than the sum specified for the purpose if—
 - (a) the Treasurer is of the opinion that—
 - (i) the sum appropriated for the purpose is insufficient to enable the purpose to be effectively and efficiently carried out, and
 - (ii) the additional sum is reasonably necessary for the integrity agency to effectively and efficiently carry out the purpose, and

- (b) an equivalent sum is not paid out from the sum appropriated to the Treasurer by section 20.
- (2) The Treasurer may authorise the payment of a sum from the sum appropriated to the Treasurer by section 20 to the Audit Office of NSW for the services of the Office if the Treasurer is of the opinion that the sum is reasonably necessary for the Office to effectively and efficiently carry out its functions and provide its services.
- (3) In this section—
integrity agency has the same meaning as in section 20(2).

37 Variations—Government’s response to crises

The Treasurer may authorise the payment of a sum appropriated for a purpose by this Act or the *Appropriation (Parliament) Act 2022* 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 Government’s response to a public health emergency or other crisis, and
- (b) an equivalent sum is not paid out from the sum appropriated to the Treasurer by section 21.

38 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.

39 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.

40 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

41 Delayed restructures

- (1) An appropriation made in this Act for a service does not lapse and may be applied for or towards the service after the responsibility for the service is transferred if—
 - (a) the transfer occurs on or after the date the Bill for this Act is introduced in the Legislative Assembly, and
 - (b) the transfer occurs because of a determination made by the Premier before 1 July 2022 to create new ministries, or to change or abolish existing ministries, and consequently to create, restructure or abolish an authority, and
 - (c) the appropriation is applied for or towards the service in accordance with an applicable determination as may be made by the Treasurer.
- (2) A determination made by the Treasurer under subsection(1)(c)—
 - (a) may extend to the application of the appropriation before the determination is made, and
 - (b) operates to validate that application.
- (3) This section does not limit a payment authorised by Part 6.
- (4) The *Government Sector Finance Act 2018*, section 4.9 does not apply in relation to an appropriation or service to which this section applies.

42 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 40 of informing the Auditor-General of every authorisation given by the person under Part 6.

43 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 34(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*.

44 Budget-related information

- (1) Budget-related information—
 - (a) does not form part of this Act, and
 - (b) does not affect the application of an 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 2022*.

45 Payments authorised on lapse of appropriation

- (1) This section applies only if this Act is assented to after 1 July 2022.
- (2) 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 the *Government Sector Finance Act 2018*, section 4.10, and
 - (b) was paid on or after 1 July 2022 and before the date of assent to this Act.

Part 8 Budget variations for the year 2021–22

46 Payments made during 2021–22 under section 4.13 of Government Sector Finance Act 2018

- (1) This Act appropriates the sum of \$17,795,427,000 out of the Consolidated Fund for the exigencies of Government during the year 2021–22—
 - (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 the *Government Sector Finance Act 2018*, section 4.13.
- (2) The sum appropriated is in addition to any other sums that may have been appropriated to the Treasurer for the year 2021–22.

47 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 2021–22, is to be construed as if it—
 - (a) formed part of the annual Appropriation Act for the year 2021–22, 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 2021–22

section 46

Payments made under the Government Sector Finance Act 2018, section 4.13

Amount \$,000

Attorney General

Department of Communities and Justice

Authorised s4.13 Exigencies of Government Supplementation – COVID-19 Response 261,000

Authorised s4.13 Exigencies of Government Supplementation – Storms & Floods 168,800

Total—Department of Communities and Justice 429,800

Total—Attorney General 429,800

Deputy Premier

Department of Regional NSW

Authorised s4.13 Exigencies of Government Supplementation – COVID-19 Response 67,245

Total—Department of Regional NSW 67,245

Total—Deputy Premier 67,245

Minister for Customer Service and Digital Government

Department of Customer Service

Authorised s4.13 Exigencies of Government Supplementation – COVID-19 Response 14,347,160

Authorised s4.13 Exigencies of Government Supplementation – Storms & Floods 332,000

Total—Department of Customer Service 14,679,160

Total—Minister for Customer Service and Digital Government 14,679,160

Minister for Education and Early Learning

Department of Education

Authorised s4.13 Exigencies of Government Supplementation – COVID-19 Response 356,000

Total—Department of Education 356,000

Total—Minister for Education and Early Learning 356,000

Payments made under the Government Sector Finance Act 2018, section 4.13	Amount \$,000
Minister for Health	
Ministry of Health	
Authorised s4.13 Exigencies of Government Supplementation – COVID-19 Response	1,247,904
Total—Ministry of Health	1,247,904
Total—Minister for Health	1,247,904
Minister for Planning	
Department of Planning and Environment	
Authorised s4.13 Exigencies of Government Supplementation – COVID-19 Response	134,800
Authorised s4.13 Exigencies of Government Supplementation – Storms & Floods	28,000
Total—Department of Planning and Environment	162,800
Total—Minister for Planning	162,800
Premier	
Department of Premier and Cabinet	
Authorised s4.13 Exigencies of Government Supplementation – COVID-19 Response	329,198
Total—Department of Premier and Cabinet	329,198
New South Wales Electoral Commission	
Authorised s4.13 Exigencies of Government Supplementation – COVID-19 Response	29,120
Total—New South Wales Electoral Commission	29,120
Total—Premier	358,318
Treasurer	
Treasury	
Authorised s4.13 Exigencies of Government Supplementation – COVID-19 Response	7,000
Total—Treasury	7,000
Administered items	
Authorised s4.13 Exigencies of Government Supplementation – COVID-19 Response	487,200
Total—Administered items	487,200
Total—Treasurer	494,200

**Payments made under the Government Sector Finance Act 2018,
section 4.13**

Amount \$,000

Total—all payments

17,795,427

[Second reading speech made in—
Legislative Assembly on 21 June 2022
Legislative Council on 23 June 2022]