



New South Wales

Appropriation Act 2005 No 38

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New South Wales

Appropriation Act 2005 No 38

Act No 38, 2005

An Act to appropriate out of the Consolidated Fund sums for the recurrent services and capital works and services of the Government for the year 2005–06. [Assented to 16 June 2005]

See also *Appropriation (Parliament) Act 2005*, *Appropriation (Special Offices) Act 2005*, *Fiscal Responsibility Act 2005* and *State Revenue Legislation Amendment (Budget Measures) Act 2005*.

Section 1 Appropriation Act 2005 No 38

Part 1 Preliminary

The Legislature of New South Wales enacts:

Part 1 Preliminary

1 Name of Act

This Act is the *Appropriation Act 2005*.

2 Commencement

This Act commences or is taken to have commenced on 1 July 2005.

3 Interpretation

In this Act, a reference to the year 2005–06 is a reference to the year from 1 July 2005 to 30 June 2006.

Part 2 Appropriations out of the Consolidated Fund

4 General appropriation from Consolidated Fund 2005–06 for recurrent services

- (1) Out of the Consolidated Fund there are hereby appropriated the sums identified in sections 6 to 25, inclusive, as the sums appropriated by this Act for recurrent services, which sums may be issued and applied for or towards the several uses and purposes expressed in those sections for the recurrent services of the Government for the year 2005–06.
- (2) The total sum appropriated out of the Consolidated Fund for the recurrent services of the Government for the year 2005–06, in accordance with the provisions of sections 6 to 25, inclusive, is the sum of \$34,621,912,000.
- (3) Any amounts expended for recurrent services under section 25 of the *Public Finance and Audit Act 1983* or any Supply Act on or after 1 July 2005 and before the date of assent to this Act are taken to have been expended out of such of the sums for recurrent services set out in sections 6 to 25, inclusive, as may be determined by the Treasurer.

5 General appropriation from Consolidated Fund 2005–06 for capital works and services

- (1) Out of the Consolidated Fund there are hereby appropriated the sums identified in sections 6 to 25, inclusive, as the sums appropriated by this Act for capital works and services, which sums may be issued and applied for or towards the several uses and purposes expressed in those sections for capital works and services for the year 2005–06.
- (2) The total sum appropriated out of the Consolidated Fund for capital works and services for the year 2005–06, in accordance with the provisions of sections 6 to 25, inclusive, is the sum of \$3,348,119,000.
- (3) Any amounts expended for capital works and services under section 25 of the *Public Finance and Audit Act 1983* or any Supply Act on or after 1 July 2005 and before the date of assent to this Act are taken to have been expended out of such of the sums for capital works and services set out in sections 6 to 25, inclusive, as may be determined by the Treasurer.

6 Premier, Minister for the Arts and Minister for Citizenship

- (1) RECURRENT SERVICES: The sum of \$428,128,000 is hereby appropriated to the Premier, Minister for the Arts and Minister for Citizenship for the recurrent services of the following:

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	\$,000
01. Cabinet Office	24,142
02. Parliamentary Counsel's Office	5,853
03. Premier's Department	128,255
04. Independent Pricing and Regulatory Tribunal of New South Wales	14,752
05. Natural Resources Commission	4,269
06. Ministry for the Arts	80,523
07. State Library of New South Wales	57,108
08. Australian Museum	22,708
09. Museum of Applied Arts and Sciences	29,752
10. Historic Houses Trust of New South Wales	17,422
11. Art Gallery of New South Wales	18,299
12. State Records Authority of New South Wales	5,061
13. New South Wales Film and Television Office	9,070
14. Community Relations Commission	10,914
Total, Recurrent Services	<u>428,128</u>

- (2) CAPITAL WORKS AND SERVICES: The sum of \$43,963,000 is hereby appropriated to the Premier, Minister for the Arts and Minister for Citizenship for the capital works and services of the following:

	\$,000
01. Cabinet Office	150
02. Parliamentary Counsel's Office	1,190
03. Premier's Department	1,317
04. Independent Pricing and Regulatory Tribunal of New South Wales	180
05. Ministry for the Arts	17,738
06. State Library of New South Wales	10,780
07. Australian Museum	5,385
08. Museum of Applied Arts and Sciences	4,833

	\$,000
09. Historic Houses Trust of New South Wales	231
10. Art Gallery of New South Wales	1,770
11. State Records Authority of New South Wales	345
12. New South Wales Film and Television Office	44
Total, Capital Works and Services	43,963

7 Attorney General and Minister for the Environment

- (1) RECURRENT SERVICES: The sum of \$874,900,000 is hereby appropriated to the Attorney General and Minister for the Environment for the recurrent services of the following:

	\$,000
01. Attorney General's Department	397,467
02. Judicial Commission of New South Wales	4,404
03. Legal Aid Commission of New South Wales	82,927
04. Department of Environment and Conservation	355,948
05. Environmental Trust	17,019
06. Royal Botanic Gardens and Domain Trust	17,135
Total, Recurrent Services	874,900

- (2) CAPITAL WORKS AND SERVICES: The sum of \$145,648,000 is hereby appropriated to the Attorney General and Minister for the Environment for the capital works and services of the following:

	\$,000
01. Attorney General's Department	96,959
02. Judicial Commission of New South Wales	150
03. Legal Aid Commission of New South Wales	3,716
04. Department of Environment and Conservation	40,089
05. Royal Botanic Gardens and Domain Trust	4,734
Total, Capital Works and Services	145,648

8 Minister for Community Services and Minister for Youth

- (1) RECURRENT SERVICES: The sum of \$974,909,000 is hereby appropriated to the Minister for Community Services and Minister for Youth for the recurrent services of the following:

	\$,000
01. Department of Community Services	963,849
02. Office of the Children's Guardian	3,094
03. Commission for Children and Young People	7,966
Total, Recurrent Services	<u>974,909</u>

- (2) CAPITAL WORKS AND SERVICES: The sum of \$20,807,000 is hereby appropriated to the Minister for Community Services and Minister for Youth for the capital works and services of the following:

	\$,000
01. Department of Community Services	20,593
02. Office of the Children's Guardian	40
03. Commission for Children and Young People	174
Total, Capital Works and Services	<u>20,807</u>

9 Minister for Education and Training

- (1) RECURRENT SERVICES: The sum of \$8,241,229,000 is hereby appropriated to the Minister for Education and Training for the recurrent services of the following:

	\$,000
01. Department of Education and Training	8,154,915
02. Office of the Board of Studies	86,314
Total, Recurrent Services	<u>8,241,229</u>

- (2) CAPITAL WORKS AND SERVICES: The sum of \$462,476,000 is hereby appropriated to the Minister for Education and Training for the capital works and services of the following:

	\$,000
01. Department of Education and Training	462,003
02. Office of the Board of Studies	473
Total, Capital Works and Services	<u>462,476</u>

10 Minister for Energy and Utilities and Minister for Science and Medical Research

- (1) RECURRENT SERVICES: The sum of \$263,672,000 is hereby appropriated to the Minister for Energy and Utilities and Minister for Science and Medical Research for the recurrent services of the following:

	\$,000
01. Department of Energy, Utilities and Sustainability	153,588
02. Payments for Water and Sewerage Assistance	96,906
03. Ministry for Science and Medical Research	13,178
Total, Recurrent Services	<u>263,672</u>

- (2) CAPITAL WORKS AND SERVICES: The sum of \$388,000 is hereby appropriated to the Minister for Energy and Utilities and Minister for Science and Medical Research for the capital works and services of the following:

	\$,000
01. Department of Energy, Utilities and Sustainability	388
Total, Capital Works and Services	<u>388</u>

11 Minister for Gaming and Racing and Minister for the Central Coast

- (1) RECURRENT SERVICES: The sum of \$38,053,000 is hereby appropriated to the Minister for Gaming and Racing and Minister for the Central Coast for the recurrent services of the following:

	\$,000
01. Department of Gaming and Racing	31,806
02. Casino Control Authority	6,247
Total, Recurrent Services	<u>38,053</u>

- (2) CAPITAL WORKS AND SERVICES: The sum of \$1,866,000 is hereby appropriated to the Minister for Gaming and Racing and Minister for the Central Coast for the capital works and services of the following:

	\$,000
01. Department of Gaming and Racing	1,796
02. Casino Control Authority	70
Total, Capital Works and Services	<u>1,866</u>

12 Minister for Health

- (1) RECURRENT SERVICES: The sum of \$8,995,729,000 is hereby appropriated to the Minister for Health for the recurrent services of the following:

	\$,000
01. Department of Health	8,986,306
02. Health Care Complaints Commission	9,423
Total, Recurrent Services	<u>8,995,729</u>

- (2) CAPITAL WORKS AND SERVICES: The sum of \$455,621,000 is hereby appropriated to the Minister for Health for the capital works and services of the following:

	\$,000
01. Department of Health	455,503
02. Health Care Complaints Commission	118
Total, Capital Works and Services	<u>455,621</u>

13 Minister for Housing

RECURRENT SERVICES: The sum of \$518,294,000 is hereby appropriated to the Minister for Housing for the recurrent services of the following:

	\$,000
01. Payments to Other Government Bodies Under the Control of the Minister	518,294
Total, Recurrent Services	<u>518,294</u>

14 Minister for Infrastructure and Planning and Minister for Natural Resources

(1) RECURRENT SERVICES: The sum of \$460,786,000 is hereby appropriated to the Minister for Infrastructure and Planning and Minister for Natural Resources for the recurrent services of the following:

	\$,000
01. Heritage Office	7,600
02. Department of Infrastructure, Planning and Natural Resources	453,186
Total, Recurrent Services	<u>460,786</u>

(2) CAPITAL WORKS AND SERVICES: The sum of \$29,144,000 is hereby appropriated to the Minister for Infrastructure and Planning and Minister for Natural Resources for the capital works and services of the following:

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	\$,000
01. Heritage Office	19
02. Department of Infrastructure, Planning and Natural Resources	29,125
Total, Capital Works and Services	<u>29,144</u>

15 Minister for Justice and Minister for Fair Trading

(1) RECURRENT SERVICES: The sum of \$651,783,000 is hereby appropriated to the Minister for Justice and Minister for Fair Trading for the recurrent services of the following:

	\$,000
01. Department of Corrective Services	651,783
Total, Recurrent Services	<u>651,783</u>

(2) CAPITAL WORKS AND SERVICES: The sum of \$164,500,000 is hereby appropriated to the Minister for Justice and Minister for Fair Trading for the capital works and services of the following:

	\$,000
01. Department of Corrective Services	164,500
Total, Capital Works and Services	<u>164,500</u>

16 Minister for Juvenile Justice and Minister for Western Sydney

(1) RECURRENT SERVICES: The sum of \$120,383,000 is hereby appropriated to the Minister for Juvenile Justice and Minister for Western Sydney for the recurrent services of the following:

	\$,000
01. Department of Juvenile Justice	120,383
Total, Recurrent Services	<u>120,383</u>

- (2) CAPITAL WORKS AND SERVICES: The sum of \$12,665,000 is hereby appropriated to the Minister for Juvenile Justice and Minister for Western Sydney for the capital works and services of the following:

	\$,000
01. Department of Juvenile Justice	12,665
Total, Capital Works and Services	<u>12,665</u>

17 Minister for Mineral Resources

- (1) RECURRENT SERVICES: The sum of \$53,800,000 is hereby appropriated to the Minister for Mineral Resources for the recurrent services of the following:

	\$,000
01. Coal Compensation Board	53,800
Total, Recurrent Services	<u>53,800</u>

- (2) CAPITAL WORKS AND SERVICES: The sum of \$100,000 is hereby appropriated to the Minister for Mineral Resources for the capital works and services of the following:

	\$,000
01. Coal Compensation Board	100
Total, Capital Works and Services	<u>100</u>

18 Minister for Police

- (1) RECURRENT SERVICES: The sum of \$1,784,557,000 is hereby appropriated to the Minister for Police for the recurrent services of the following:

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	\$,000
01. Ministry for Police	9,837
02. NSW Police	1,747,115
03. New South Wales Crime Commission	11,489
04. Police Integrity Commission	16,116
Total, Recurrent Services	<u>1,784,557</u>

- (2) CAPITAL WORKS AND SERVICES: The sum of \$99,478,000 is hereby appropriated to the Minister for Police for the capital works and services of the following:

	\$,000
01. Ministry for Police	62
02. NSW Police	94,281
03. New South Wales Crime Commission	2,586
04. Police Integrity Commission	2,549
Total, Capital Works and Services	<u>99,478</u>

19 Minister for Primary Industries

- (1) RECURRENT SERVICES: The sum of \$274,750,000 is hereby appropriated to the Minister for Primary Industries for the recurrent services of the following:

	\$,000
01. Department of Primary Industries	241,121
02. Rural Assistance Authority	33,629
Total, Recurrent Services	<u>274,750</u>

- (2) CAPITAL WORKS AND SERVICES: The sum of \$8,890,000 is hereby appropriated to the Minister for Primary Industries for the capital works and services of the following:

	\$,000
01. Department of Primary Industries	8,840
02. Rural Assistance Authority	50
Total, Capital Works and Services	8,890

20 Minister for Roads, Minister for Economic Reform, Minister for Ports and Minister for the Hunter

- (1) **RECURRENT SERVICES:** The sum of \$1,467,398,000 is hereby appropriated to the Minister for Roads, Minister for Economic Reform, Minister for Ports and Minister for the Hunter for the recurrent services of the following:

	\$,000
01. Roads and Traffic Authority	1,467,398
Total, Recurrent Services	1,467,398

- (2) **CAPITAL WORKS AND SERVICES:** The sum of \$1,022,587,000 is hereby appropriated to the Minister for Roads, Minister for Economic Reform, Minister for Ports and Minister for the Hunter for the capital works and services of the following:

	\$,000
01. Roads and Traffic Authority	1,022,587
Total, Capital Works and Services	1,022,587

21 Minister for Rural Affairs, Minister for Local Government, Minister for Emergency Services and Minister for Lands

- (1) **RECURRENT SERVICES:** The sum of \$652,129,000 is hereby appropriated to the Minister for Rural Affairs, Minister for Local Government, Minister for Emergency Services and Minister for Lands for the recurrent services of the following:

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	\$,000
01. Department of Local Government	84,195
02. New South Wales Fire Brigades	450,441
03. Department of Rural Fire Service	36,572
04. State Emergency Service	27,603
05. Department of Lands	53,318
Total, Recurrent Services	<u>652,129</u>

- (2) CAPITAL WORKS AND SERVICES: The sum of \$15,694,000 is hereby appropriated to the Minister for Rural Affairs, Minister for Local Government, Minister for Emergency Services and Minister for Lands for the capital works and services of the following:

	\$,000
01. Department of Local Government	150
02. New South Wales Fire Brigades	7,631
03. Department of Rural Fire Service	819
04. State Emergency Service	4,187
05. Department of Lands	2,907
Total, Capital Works and Services	<u>15,694</u>

22 Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Minister for Ageing and Minister for Disability Services

- (1) RECURRENT SERVICES: The sum of \$1,626,000,000 is hereby appropriated to the Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Minister for Ageing and Minister for Disability Services for the recurrent services of the following:

	\$,000
01. Department of Commerce	145,427
02. Department of Ageing, Disability and Home Care	1,480,573
Total, Recurrent Services	<u>1,626,000</u>

- (2) CAPITAL WORKS AND SERVICES: The sum of \$84,496,000 is hereby appropriated to the Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Minister for Ageing and Minister for Disability Services for the capital works and services of the following:

	\$,000
01. Department of Commerce	17,730
02. Department of Ageing, Disability and Home Care	66,766
Total, Capital Works and Services	<u>84,496</u>

23 Minister for Tourism and Sport and Recreation and Minister for Women

- (1) RECURRENT SERVICES: The sum of \$138,042,000 is hereby appropriated to the Minister for Tourism and Sport and Recreation and Minister for Women for the recurrent services of the following:

	\$,000
01. Department of Tourism, Sport and Recreation	98,687
02. Sydney Olympic Park Authority	37,027
03. Centennial Park and Moore Park Trust	2,328
Total, Recurrent Services	<u>138,042</u>

- (2) CAPITAL WORKS AND SERVICES: The sum of \$28,587,000 is hereby appropriated to the Minister for Tourism and Sport and Recreation and Minister for Women for the capital works and services of the following:

	\$,000
01. Department of Tourism, Sport and Recreation	11,460
02. Sydney Olympic Park Authority	12,611
03. Centennial Park and Moore Park Trust	4,516
Total, Capital Works and Services	<u>28,587</u>

24 Minister for Transport

- (1) RECURRENT SERVICES: The sum of \$2,946,555,000 is hereby appropriated to the Minister for Transport for the recurrent services of the following:

	\$,000
01. Ministry of Transport	2,930,414
02. Independent Transport Safety and Reliability Regulator	16,141
Total, Recurrent Services	<u>2,946,555</u>

- (2) CAPITAL WORKS AND SERVICES: The sum of \$11,844,000 is hereby appropriated to the Minister for Transport for the capital works and services of the following:

	\$,000
01. Ministry of Transport	11,244
02. Independent Transport Safety and Reliability Regulator	600
Total, Capital Works and Services	<u>11,844</u>

25 Treasurer, Minister for State Development and Minister for Aboriginal Affairs

- (1) RECURRENT SERVICES: The sum of \$4,110,815,000 is hereby appropriated to the Treasurer, Minister for State Development and Minister for Aboriginal Affairs for the recurrent services of the following:

	\$,000
01. Treasury	396,446
02. Crown Finance Entity	3,408,628
03. Advance to the Treasurer	175,000
04. Department of State and Regional Development	92,891
05. Department of Aboriginal Affairs	37,850
Total, Recurrent Services	<u>4,110,815</u>

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- (2) CAPITAL WORKS AND SERVICES: The sum of \$739,365,000 is hereby appropriated to the Treasurer, Minister for State Development and Minister for Aboriginal Affairs for the capital works and services of the following:

	\$,000
01. Treasury	11,725
02. Crown Finance Entity	632,488
03. Advance to the Treasurer	95,000
04. Department of State and Regional Development	113
05. Department of Aboriginal Affairs	39
Total, Capital Works and Services	<u>739,365</u>

Part 3 Additional appropriation for health related services

26 Additional appropriation from Consolidated Fund 2005–06 for recurrent services

- (1) Out of the Consolidated Fund there is hereby appropriated the sum identified in section 27, to the Minister specified in relation to that sum, for recurrent services, which sum may be issued and applied for or towards the use and purpose expressed in that section for the recurrent services of the Government for the year 2005–06.
- (2) The total sum appropriated out of the Consolidated Fund in accordance with the provisions of this Part is the sum of \$116,000,000.
- (3) The sum appropriated by this Part is in addition to any other sum appropriated by this Act for recurrent services.
- (4) Any amounts expended for recurrent services under section 25 of the *Public Finance and Audit Act 1983* or any Supply Act on or after 1 July 2005 and before the date of assent to this Act are taken to have been expended out of such of the sum for recurrent services set out in section 27 as may be determined by the Treasurer.

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

RECURRENT SERVICES: The sum of \$116,000,000 is hereby appropriated to the Minister for Health for the recurrent services of the following:

	\$,000
01. Department of Health	116,000
Total, Recurrent Services	<u>116,000</u>

Note. This Part allocates the additional revenue raised in connection with changes to gaming machine taxes to the Minister for Health for spending on recurrent health related services.

See also the *Appropriation (Health Super-Growth Fund) Act 2003*. That Act requires the income from the investment of the sum appropriated by that Act to be paid into the Health Super-Growth Fund and applied for or towards public health capital works and services. It is estimated that \$22,722,000 in income will be paid into the Fund in the year 2005–06 and available for expenditure on public health capital works and services.

Part 4 General

28 Variation of authorised payments from Consolidated Fund

- (1) In this section, *purpose* means a purpose specified in Part 2 or 3 in relation to a Minister to which a sum is appropriated for recurrent services or for capital works and services.
- (2) Payment of a sum appropriated under Part 2 or 3 for a purpose may not be made in excess of the sum specified for the purpose or, if the same purpose is specified in Parts 2 and 3, the total sum specified for that purpose, except as provided by this section or Division 4 of Part 2 of the *Public Finance and Audit Act 1983*.
- (3) If the exigencies of government so require, the Treasurer may authorise the payment of a sum in excess of the sum or total sum specified for a purpose, but only if 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, subject to subsections (4) and (5).
- (4) A sum appropriated for recurrent services may only be paid out for recurrent services and a sum appropriated for capital works and services may only be paid out for capital works and services.
- (5) A sum appropriated under Part 3 may only be paid out for a purpose specified in Part 3.
- (6) This section does not apply to sums appropriated by another Act.
- (7) This section does not enable the Treasurer to authorise the payment of a sum in augmentation of, or as an addition to, any salary or wages the amount of which has been fixed by law.
- (8) The Treasurer is to inform the Auditor-General of every authorisation given under this section.
- (9) An authorisation under this section may be given before or after the relevant payment is made.

29 Appointment of person to carry out the functions of the Treasurer under section 28

- (1) The Treasurer may appoint a person to carry out the Treasurer's functions under section 28.
- (2) Any such appointment is subject to such conditions (if any) as the Treasurer determines.
- (3) The Treasurer may revoke any such appointment at any time.

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Part 4 General

- (4) A person appointed under this section has, in place of the Treasurer, the Treasurer's function under section 28 (8) of informing the Auditor-General of every authorisation given by the person under section 28.

30 Delayed restructures

- (1) Without limiting section 28, if the responsibility for a service or function for which an appropriation is made in this Act is transferred after 1 July 2005 because of the determination made before that date by the Premier to create new ministries, or to change or abolish existing ministries, and consequently to create, restructure or abolish any authority, the appropriation does not lapse and may be issued and applied, in accordance with such determination as may be made by the Treasurer, for or towards the service or function the responsibility for which is transferred.
- (2) Section 24 of the *Public Finance and Audit Act 1983* does not apply to or in respect of an appropriation, service or function to which this section applies.

[Second reading speech made in—
Legislative Assembly on 24 May 2005
Legislative Council on 9 June 2005]

BY AUTHORITY