



New South Wales

Appropriation Act 2019 No 3

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New South Wales

Appropriation Act 2019 No 3

Act No 3, 2019

An Act to appropriate out of the Consolidated Fund sums for the services of the Government for the year 2019–20 and to make an additional appropriation to give effect to budget variations for the year 2018–19. [Assented to 25 June 2019]

See also the *Appropriation (Parliament) Act 2019* and the *State Revenue and Other Legislation Amendment Act 2019*.

The Legislature of New South Wales enacts:

Part 1 Preliminary

1 Name of Act

This Act is the *Appropriation Act 2019*.

2 Commencement

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

3 Interpretation

In this Act:

- (a) a reference to *services* for which this Act makes an appropriation includes a reference to the following:
 - (i) recurrent services,
 - (ii) capital works and services,
 - (iii) repayment of debt, and
- (b) a reference to the year 2018–19 is a reference to the year from 1 July 2018 to 30 June 2019, and
- (c) a reference to the year 2019–20 is a reference to the year from 1 July 2019 to 30 June 2020.

Part 2 Appropriation (Departments)

Note. The total amount appropriated out of the Consolidated Fund for services for the year 2019–20 in accordance with this Part is \$82,530,500,000.

Division 1 Customer Service

4 Department of Customer Service

This Act appropriates the sum of \$988,772,000 to the Minister for Customer Service out of the Consolidated Fund for the services of the Department of Customer Service for the year 2019–20.

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

		Expenses	Capital expenditure
		\$,000	\$,000
01	Competitive, fair and secure markets	576,446	31,082
02	Excellence in customer service	413,997	88,533
03	Digital leadership and innovation in government services	179,799	22,279
04	Cluster grants and other adjustments	415,703	—

Division 2 Education

5 Department of Education

This Act appropriates the sum of \$18,085,890,000 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 2019–20.

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

		Expenses	Capital expenditure
		\$,000	\$,000
01	Educational foundations for success	15,775,650	2,242,319
02	Skilled and employable workforce	1,856,382	250
03	Best start in life for young children	526,741	—
04	Cluster grants	34,398	—

Division 3 Health

6 Ministry of Health

This Act appropriates the sum of \$14,201,094,000 to the Minister for Health and Medical Research out of the Consolidated Fund for the services of the Ministry of Health for the year 2019–20.

Note: The appropriations under this section and section 14 will fund services, disaggregated across State outcomes as follows:

		Expenses \$,000	Capital expenditure \$,000
01	Improved service in hospitals	20,087,244	2,593,712
02	Mentally healthy communities	2,102,871	72,709
03	Healthy, resilient communities	1,661,562	73,865
04	World class research and innovation	109,279	—
05	Cluster grants	30,609	—

Division 4 Planning, Industry and Environment

7 Department of Planning, Industry and Environment

This Act appropriates the sum of \$3,183,305,000 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 2019–20.

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

		Expenses \$,000	Capital expenditure \$,000
01	Resilient and sustainable environment and energy	1,394,413	180,944
02	Sustainable and productive regional industries and communities	1,089,320	206,539
03	Maximise community benefit from government land and property	845,405	63,466
04	Create a strong and liveable NSW	753,939	30,668
05	Sustainable and secure water resources	379,238	23,231
06	Cluster grants and other adjustments	692,631	—

Division 5 Premier and Cabinet

8 Department of Premier and Cabinet

This Act appropriates the sum of \$1,520,538,000 to the Premier out of the Consolidated Fund for the services of the Department of Premier and Cabinet for the year 2019–20.

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

		Expenses \$,000	Capital expenditure \$,000
01	Excellence in arts, culture and heritage	370,431	286,737

		Expenses \$,000	Capital expenditure \$,000
02	Effective and coordinated government	284,723	8,574
03	Empowering Aboriginal communities	47,521	94
04	Accountable and responsible government	460	—
05	Cluster grants	705,950	—

Division 6 Stronger Communities

9 Department of Family and Community Services and Justice

This Act appropriates the sum of \$15,420,782,000 to the Attorney General out of the Consolidated Fund for the services of the Department of Family and Community Services and Justice for the year 2019–20.

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

		Expenses \$,000	Capital expenditure \$,000
01	Enable people with disability to live independently	3,098,738	28,932
02	Protect children and families	2,384,066	23,050
03	Breaking the cycle of reoffending	2,068,267	756,098
04	Provide a safe and affordable place to live	976,981	7,307
05	Effective and efficient resolution of legal disputes	653,318	21,855
06	Maintain rights and records	385,026	31,271
07	Resilient to disasters and emergencies	174,470	325
08	Build inclusive communities	98,723	1,222
09	Cluster grants	5,635,219	—

Division 7 Transport

10 Transport for NSW

- (1) This Act appropriates the sum of \$14,143,868,000 to the Minister for Transport and Roads out of the Consolidated Fund for the services of Transport for NSW for the year 2019–20.

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

		Expenses \$,000	Capital expenditure \$,000
01	Safe and reliable travel	5,762,364	1,616,373
02	Accessible transport	985,690	128,709

		Expenses \$,000	Capital expenditure \$,000
03	Successful places	579,986	8,854,476
04	Cluster grants and other adjustments	7,313,581	—

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

Division 8 Treasury

11 The Treasury

This Act appropriates the sum of \$368,168,000 to the Treasurer out of the Consolidated Fund for the services of The Treasury for the year 2019–20.

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

		Expenses \$,000	Capital expenditure \$,000
01	Driving the economic growth of NSW	202,267	3,240
02	Sustainable fiscal position to enable delivery of outcomes	80,854	4,560
03	Cluster grants	133,346	—

12 Crown Finance Entity

This Act appropriates the sum of \$14,498,083,000 to the Treasurer out of the Consolidated Fund for the services of the Crown Finance Entity for the year 2019–20.

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

		Expenses \$,000	Capital expenditure \$,000
01	Effective capital and balance sheet optimisation	9,819,496	—

13 Appropriation to the 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 2019–20.

Part 3 Additional appropriation for health related services

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

- (1) This Act appropriates the sum of \$399,926,916 to the Minister for Health and Medical Research out of the Consolidated Fund for the services of the Ministry of Health for the year 2019–20.
- (2) The sum appropriated is in addition to any other sum appropriated by this Act.

Part 4 Appropriation (Special Offices)

Note. The total amount appropriated out of the Consolidated Fund for services for the year 2019–20 in accordance with this Part is \$432,911,000.

15 Judicial Commission of New South Wales

This Act appropriates the sum of \$5,385,000 to the Attorney General out of the Consolidated Fund for the services of the Judicial Commission of New South Wales for the year 2019–20.

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

		Expenses	Capital expenditure
		\$,000	\$,000
01	Effective and efficient resolution of legal disputes	6,734	150

16 Office of the Director of Public Prosecutions

This Act appropriates the sum of \$147,337,000 to the Attorney General out of the Consolidated Fund for the services of the Office of the Director of Public Prosecutions for the year 2019–20.

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

		Expenses	Capital expenditure
		\$,000	\$,000
01	Effective and efficient resolution of legal disputes	173,740	3,308

17 Office of the Children’s Guardian

This Act appropriates the sum of \$28,407,000 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 2019–20.

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

		Expenses	Capital expenditure
		\$,000	\$,000
01	Protect children and families	52,766	5,364

18 Independent Commission Against Corruption

This Act appropriates the sum of \$24,899,000 to the Premier out of the Consolidated Fund for the services of the Independent Commission Against Corruption for the year 2019–20.

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

		Expenses	Capital expenditure
		\$,000	\$,000
01	Accountable and responsible government	25,765	800

19 Independent Pricing and Regulatory Tribunal

This Act appropriates the sum of \$30,996,000 to the Minister for Customer Service out of the Consolidated Fund for the services of the Independent Pricing and Regulatory Tribunal for the year 2019–20.

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

		Expenses \$,000	Capital expenditure \$,000
01	Competitive, fair and secure markets	32,920	6,724

20 Law Enforcement Conduct Commission

This Act appropriates the sum of \$24,199,000 to the Premier out of the Consolidated Fund for the services of the Law Enforcement Conduct Commission for the year 2019–20.

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

		Expenses \$,000	Capital expenditure \$,000
01	Accountable and responsible government	24,706	7,282

21 New South Wales Electoral Commission

This Act appropriates the sum of \$114,356,000 to the Premier out of the Consolidated Fund for the services of the New South Wales Electoral Commission for the year 2019–20.

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

		Expenses \$,000	Capital expenditure \$,000
01	Accountable and responsible government	106,075	15,905

22 Ombudsman's Office

This Act appropriates the sum of \$29,045,000 to the Premier out of the Consolidated Fund for the services of the Ombudsman's Office for the year 2019–20.

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

		Expenses \$,000	Capital expenditure \$,000
01	Accountable and responsible government	31,048	300

23 Public Service Commission

This Act appropriates the sum of \$28,287,000 to the Premier out of the Consolidated Fund for the services of the Public Service Commission for the year 2019–20.

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

		Expenses	Capital expenditure
		\$,000	\$,000
01	Accountable and responsible government	44,854	174

Part 5 Commonwealth transfer payments

24 Appropriation for Commonwealth transfer payments

- (1) This Act appropriates the sum of \$4,308,000,000 to the Treasurer out of the Consolidated Fund, for Commonwealth transfer payments to non-Government schools and local government for services for the year 2019–20.
- (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 General

25 Variations of authorised payments from Consolidated Fund

- (1) Payment of a sum appropriated by this Act for a purpose may not be made in excess of the sum specified for the purpose, except as provided by this section or Part 4 of the *Government Sector Finance Act 2018*.
- (2) If the exigencies of government so require, the Treasurer may authorise the payment of a sum appropriated for a purpose in excess of the sum specified for the 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.
- (3) If the Treasurer is satisfied that a sum appropriated for a purpose is insufficient to enable the purpose to be effectively and efficiently carried out, the Treasurer may authorise the payment of a sum in excess of the sum specified for the purpose, but only if:
 - (a) 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
 - (b) the equivalent sum is not paid out for the other purpose.
- (4) Subsections (2) and (3) are subject to subsections (5)–(8).
- (5) The sums appropriated under Part 2 may only be paid out for any of the purposes specified in Part 2.
- (6) The sum appropriated under Part 3 may only be paid out for the purpose specified in Part 3.
- (7) The sums appropriated under Part 4 may only be paid out for any of the purposes specified in Part 4.
- (8) The sum appropriated under Part 5 may only be paid out for the purpose specified in Part 5.
- (9) This section does not apply to sums appropriated by another Act.
- (10) 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.
- (11) The Treasurer is to inform the Auditor-General of every authorisation given under this section.
- (12) An authorisation under this section may be given before or after the payment is made.

26 Appointment of person to carry out functions of Treasurer under section 25

- (1) The Treasurer may appoint a person to carry out the Treasurer's functions under section 25.
- (2) The appointment is subject to the conditions (if any) that the Treasurer determines.
- (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 25 (11) of informing the Auditor-General of every authorisation given by the person under section 25.

27 Appointment of person to carry out functions of Minister under section 25 (3) (a)

- (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 25 (3) (a).
- (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*.

28 Delayed restructures

- (1) Without limiting section 25, if the responsibility for a service for which an appropriation is made in this Act is transferred on or after the date the Bill for this Act is introduced in the Legislative Assembly because of a determination made before 1 July 2019 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 applied, in accordance with such determination as may be made by the Treasurer, for or towards the service the responsibility for which is transferred.
- (2) Section 4.9 of the *Government Sector Finance Act 2018* does not apply to or in respect of an appropriation or service to which this section applies.

29 Budget related information

- (1) 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 2019*.
- (2) 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.

30 Payments authorised on lapse of appropriation

- (1) This section applies only if this Act is assented to after 1 July 2019.
- (2) Any amounts expended for services under section 4.10 of the *Government Sector Finance Act 2018* or any Supply Act on or after 1 July 2019 and before the date of assent to this Act for a purpose for which a sum is appropriated by this Act are taken to have been expended out of such of the sums for services set out in this Act, as may be determined by the Treasurer.

Part 7 Budget variations for the year 2018–19

31 Payments made during 2018–19 under section 22 of Public Finance and Audit Act 1983

- (1) This Act appropriates the sum of \$6,350,000,000, being the total of the sums specified in Column 1 of Schedule 1, out of the Consolidated Fund to provide for the payments for recurrent services specified opposite those sums in Schedule 1, made in anticipation of appropriation by Parliament under section 22 (1) of the *Public Finance and Audit Act 1983* required for the exigencies of Government during the year 2018–19.
- (2) The sum appropriated is in addition to any other sums that may have been appropriated, subject to the adjustment of the vote “Advance to the Treasurer” for the year 2018–19.

32 Operation of budget variations and validation of expenditure

- (1) This Act, to the extent that it appropriates an amount for, and otherwise gives effect to, the budget variations for the year 2018–19, is to be construed as if it formed part of the annual Appropriation Act for the year 2018–19 and to have effect as if it had commenced at the start of that year.
- (2) The payment before the date of assent to this Act out of the Consolidated Fund of the whole or any part of the sum appropriated under section 31 is validated. This subsection applies despite this Act being assented to after the year 2018–19.
- (3) To the extent (if any) to which it may be necessary to do so, the expenditure of the whole or any part of the sum appropriated under section 31 before the date of assent to this Act:
 - (a) is taken to have been validly approved at the time it was approved, or was purported to have been approved, and
 - (b) is taken to have been validly made at the time it was made, or purported to have been made,and is taken thereafter to be, and to have been at all relevant times, validly approved and made.

Schedule 1 Payments during 2018–19

(Section 31)

Column 1
s 22 PF&A Act
Amount \$,000

TREASURER

RECURRENT SERVICES

Crown Finance Entity

To transfer proceeds of the sale of Westconnex (WCX) to the Debt Retirement Fund for the purpose of reducing the debt of the State 5,900,000

Emergency drought relief package 150,000

Total Crown Finance Entity **6,050,000**

TOTAL—TREASURER **6,050,000**

MINISTER FOR PRIMARY INDUSTRIES

RECURRENT SERVICES

Department of Industry

Emergency drought relief package 300,000

Total Department of Industry **300,000**

TOTAL—MINISTER FOR PRIMARY INDUSTRIES **300,000**

TOTAL—RECURRENT SERVICES **6,350,000**

TOTAL—SECTION 22 PF&A ACT **6,350,000**

[Second reading speech made in—
Legislative Assembly on 18 June 2019
Legislative Council on 20 June 2019]