



New South Wales

Appropriation Bill 2021

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

The following Bills are cognate with this Bill—

Appropriation (Parliament) Bill 2021

Electric Vehicles (Revenue Arrangements) Bill 2021

Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021

NSW Generations Funds Amendment Bill 2021

Overview of Bill

The object of this Bill is to appropriate from the Consolidated Fund various sums of money required during the 2021–22 financial year for the services of the Government, including—

- (a) Departments of the Public Service, and
- (b) various special offices.

The Consolidated Fund largely comprises receipts from, and payments out of, taxes, fines, some regulatory fees, Commonwealth grants and income from Crown assets.

This Bill—

- (a) appropriates a single sum for the services of each agency, including recurrent services, capital works and services, and debt repayment, and
- (b) contains an additional appropriation which allocates revenue raised in connection with gaming machine taxes to the Minister for Health and Medical Research for spending on health related services, and
- (c) contains provision for transfer payments from the Commonwealth to non-government schools and local government, and

(d) provides for appropriation for the whole of the 2021–22 financial year.

Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Clause 3 defines terms used in the proposed Act.

Part 2 Appropriations—Departments

Part 2 (**clauses 4–19**) provides for appropriations to specified Ministers for the services of the departments and other matters within the administration of the Ministers for the financial year of 2021–22.

Part 3 Additional appropriation for health related services

Part 3 (**clause 20**) makes an additional appropriation to the Minister for Health and Medical Research, being part of the revenue raised from gaming machine taxes.

Part 4 Appropriations—Special Offices

Part 4 (**clauses 21–29**) provides for the appropriations for the services of the specified offices for the financial year of 2021–22.

Part 5 Commonwealth transfer payments

Part 5 (**clause 30**) provides for transfer payments from the Commonwealth to non-government schools and local government.

Part 6 Variations to authorised payments

Part 6 (**clauses 31–37**) provides for variations to authorised payments to be made in certain circumstances.

Clause 31 provides that payment of an amount that is more than the sum appropriated under the proposed Act or the *Appropriation (Parliament) Act 2021* is not authorised except in accordance with the proposed Part or the *Government Sector Finance Act 2018*, Part 4.

Clause 32 enables the Treasurer to authorise payment for a purpose that is more than the sum appropriated for the purpose if the Treasurer is of the opinion that the exigencies of government require the payment or the sum appropriated for the purpose is insufficient to enable the purpose to be effectively and efficiently carried out. However, an equivalent sum must not be paid out for another purpose.

Clause 33 enables the Treasurer to authorise payment for a purpose in excess of the sum appropriated for the purpose if the Treasurer is of the opinion that the additional sum is reasonably necessary because of a State contingency. However, an equivalent sum must not be paid out from the sum appropriated to the Treasurer by the proposed Act for the purpose of State contingencies.

Clause 34 enables the Treasurer to authorise payment for a purpose in excess of the sum appropriated for the purpose if the Treasurer is of the opinion that the additional sum is reasonably necessary because of an expense related to the COVID-19 pandemic or changes in wages awards or conditions. However, an equivalent sum must not be paid out from the sum appropriated to the Treasurer by clause 19 for the purposes of expenditure related to the COVID-19 pandemic or changes in wages awards or conditions.

Clause 35 requires the Treasurer to not authorise the payment of a sum under the proposed Part to increase the amount of any salary or wage fixed by law.

Clause 36 provides the proposed Part does not apply to sums appropriated by another Act.

Clause 37 requires the Treasurer to inform the Auditor-General of every authorisation given under the proposed Part.

Part 7 General

Part 7 (**clauses 38–42**) provides for general matters related to the appropriations set out in the proposed Act.

Clause 38 allows the Treasurer to apply an appropriation differently in the event that responsibility for a service is transferred.

Clause 39 allows the Treasurer to appoint a person to exercise the Treasurer's functions under proposed Part 6.

Clause 40 allows a Minister to appoint an accountable authority to identify a surplus to enable the Treasurer to authorise the surplus to be paid for another purpose under proposed Part 6 if the sum appropriated for that other purpose is insufficient.

Clause 41 makes it clear that budget related information in the notes included in the proposed Appropriation Acts and in Budget Papers does not form part of those Acts and does not affect the application of any amount appropriated by those Acts.

Clause 42 provides that if the proposed Act is assented to after 1 July 2021, certain payments made from the Consolidated Fund on or after 1 July 2021 but before the enactment of the proposed Act are deemed to be made out of the sums appropriated by the proposed Act.



New South Wales

Appropriation Bill 2021

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New South Wales

Appropriation Bill 2021

No. , 2021

A Bill for

An Act to appropriate out of the Consolidated Fund sums for the services of the Government for the year 2021–22.

See also the *Appropriation (Parliament) Bill 2021*, the *Electric Vehicles (Revenue Arrangements) Bill 2021*, the *Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021* and the *NSW Generations Funds Amendment Bill 2021*.

The Legislature of New South Wales enacts—	1
Part 1 Preliminary	2
1 Name of Act	3
This Act is the <i>Appropriation Act 2021</i> .	4
2 Commencement	5
This Act commences on the date of assent to this Act.	6
3 Definitions	7
In this Act—	8
<i>services</i> includes the following—	9
(a) recurrent services,	10
(b) capital works and services,	11
(c) repayment of debt.	12
<i>year 2021–22</i> means the year from 1 July 2021 to 30 June 2022.	13

Part 2 Appropriations—Departments

Note. The total amount appropriated out of the Consolidated Fund for services for the year 2021–22 in accordance with this Part is \$109,279,830,000.

Division 1 Customer Service

4 Department of Customer Service

This Act appropriates the sum of \$2,309,462,000 to the Minister for Customer Service out of the Consolidated Fund for the services of the Department of Customer Service for the year 2021–22.

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

	Expenses \$,000	Capital expenditure \$,000
01 Fair, secure and efficient markets	745,645	66,753
02 Excellence in customer service	1,093,197	84,289
03 Digital leadership and innovation in government services	297,871	70,982
04 Cluster grants and other adjustments	1,596,005	—

5 Digital Restart Fund

This Act appropriates the sum of \$716,000,000 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 \$63,370,000 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 \$20,535,263,000 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 2021–22.

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

	Expenses \$,000	Capital expenditure \$,000
01 Educational foundations for success	17,460,832	3,179,137
02 Skilled and employable workforce	2,225,006	16,886
03 Best start in life for young children	725,872	—

	Expenses	Capital expenditure
	\$,000	\$,000
04 Cluster grants and other adjustments	90,298	—

Division 3 Health

8 Ministry of Health

This Act appropriates the sum of \$15,321,272,000 to the Minister for Health and Medical Research out of the Consolidated Fund for the services of the Ministry of Health for the year 2021–22.

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	14,041,299	1,689,970
02 People can access care out of hospital settings to manage their health and wellbeing	7,064,329	566,711
03 People receive timely emergency care	3,484,525	813,876
04 Keeping people healthy through prevention and health promotion	1,464,910	11,505
05 Our people and systems are continuously improving to deliver the best health outcomes and experiences	1,045,939	12,204
06 Cluster grants	28,764	—

Division 4 Planning, Industry and Environment

9 Department of Planning, Industry and Environment

This Act appropriates the sum of \$3,859,142,000 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 2021–22.

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

	Expenses	Capital expenditure
	\$,000	\$,000
01 Connecting communities to resilient and sustainable energy and local environments	2,045,975	413,171
02 Create a strong and liveable NSW	1,159,410	61,125
03 Maximise community benefit from government land and property	803,725	102,258

		Expenses	Capital expenditure
		\$,000	\$,000
04	Sustainable, secure and healthy water resources and services	836,235	65,646
05	Cluster grants and other adjustments	640,182	—

Division 5 Premier and Cabinet

10 Department of Premier and Cabinet

This Act appropriates the sum of \$3,760,098,000 to the Premier out of the Consolidated Fund for the services of the Department of Premier and Cabinet for the year 2021–22.

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

		Expenses	Capital expenditure
		\$,000	\$,000
01	Excellence in arts, culture and heritage	531,540	313,212
02	Effective and coordinated government	190,092	11,142
03	Empowering Aboriginal communities	106,153	94
04	Accountable and responsible government	448	—
05	Cluster grants and other adjustments	2,622,235	—

Division 6 Regional NSW

11 Regional NSW

This Act appropriates the sum of \$1,712,193,000 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 2021–22.

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	1,407,247	127,252
02	Stronger primary industries	453,279	76,536
03	Mineral and petroleum industries generating prosperity safely	124,238	2,879
04	Cluster grants and other adjustments	258,688	—

Division 7 Stronger Communities

12 Department of Communities and Justice

This Act appropriates the sum of \$17,053,912,000 to the Attorney General, and Minister for Prevention of Domestic and Sexual Violence out of the Consolidated Fund for the services of the Department of Communities and Justice for the year 2021–22.

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

	Expenses \$,000	Capital expenditure \$,000
01 Active and inclusive communities	3,438,837	10,899
02 Reduce reoffending	2,472,273	494,620
03 Children and families thrive	2,722,596	137,801
04 Efficient and effective legal system	1,132,052	212,318
05 People have a safe and affordable place to live	1,137,484	51,207
06 Cluster grants and other adjustments	6,749,705	—

Division 8 Transport

13 Transport for NSW

(1) This Act appropriates the sum of \$23,219,953,000 to the Minister for Transport and Roads out of the Consolidated Fund for the services of Transport for NSW for the year 2021–22.

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

	Expenses \$,000	Capital expenditure \$,000
01 Connecting our customers' whole lives	9,221,649	2,098,568
02 Sustainable transport systems and solutions supporting economic activity	153,944	6,095,067
03 Successful places for communities	822,455	94,501
04 Cluster grants and other adjustments	13,863,603	—

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

Division 9 Treasury 1

14 The Treasury 2

This Act appropriates the sum of \$1,006,303,000 to the Treasurer out of the Consolidated Fund for the services of The Treasury for the year 2021–22. 3
4

Note. The appropriation will fund services, disaggregated across State outcomes as follows— 5

	Expenses	Capital expenditure
	\$,000	\$,000
01 A strong, resilient and diverse economy	483,401	5,062
02 A sustainable fiscal environment enabling delivery of outcomes	471,780	209
03 Stewardship of the public sector performance and financial system	46,866	4,156

15 Administered items 6

This Act appropriates the sum of \$14,184,638,000 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 2021–22. 7
8
9

Note. The appropriation will fund services for the following State outcome— 10

	Expenses	Capital expenditure
	\$,000	\$,000
01 A sustainable fiscal environment enabling delivery of outcomes	8,593,585	—

16 Appropriation to Treasurer for NSW Generations Fund 11

This Act appropriates the sum of \$4,497,223,000 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*. 12
13
14

17 Appropriation to Treasurer for Snowy Hydro Legacy Fund 15

This Act appropriates the sum of \$115,000,000 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*. 16
17
18

18 Appropriation to Treasurer for State contingencies 19

This Act appropriates the sum of \$120,000,000 to the Treasurer out of the Consolidated Fund for State contingencies for the year 2021–22. 20
21

19 Special appropriation to Treasurer for COVID-19 related expenses and expenditure related to changes in wages awards and conditions 22
23

This Act appropriates the sum of \$806,000,000 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 2021* for the year 2021–22— 24
25
26
27

- (a) expenditure related to the COVID-19 pandemic, 1
- (b) expenditure related to changes in wages awards and conditions. 2

Part 3	Additional appropriation for health related services	1
20	Special appropriation to Minister for Health and Medical Research—additional revenue from gaming machine taxes	2 3
(1)	This Act appropriates the sum of \$465,521,288 to the Minister for Health and Medical Research out of the Consolidated Fund for the services of the Ministry of Health for the year 2021–22.	4 5 6
(2)	The sum appropriated is in addition to any other sum appropriated by this Act.	7

Part 4 Appropriations—Special Offices

Note. The total amount appropriated out of the Consolidated Fund for services for the year 2021–22 in accordance with this Part is \$552,856,000.

21 Independent Pricing and Regulatory Tribunal

This Act appropriates the sum of \$32,365,000 to the Minister for Customer Service out of the Consolidated Fund for the services of the Independent Pricing and Regulatory Tribunal for the year 2021–22.

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

	Expenses	Capital expenditure
	\$,000	\$,000
01 Fair, secure and efficient markets	31,118	5,290

22 Judicial Commission of New South Wales

This Act appropriates the sum of \$5,195,000 to the Attorney General, and Minister for Prevention of Domestic and Sexual Violence out of the Consolidated Fund for the services of the Judicial Commission of New South Wales for the year 2021–22.

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

	Expenses	Capital expenditure
	\$,000	\$,000
01 Efficient and effective legal system	6,544	256

23 Office of the Children’s Guardian

This Act appropriates the sum of \$26,335,000 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 2021–22.

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

	Expenses	Capital expenditure
	\$,000	\$,000
01 Children and families thrive	57,713	1,928

24 Office of the Director of Public Prosecutions

This Act appropriates the sum of \$182,581,000 to the Attorney General, and Minister for Prevention of Domestic and Sexual Violence out of the Consolidated Fund for the services of the Office of the Director of Public Prosecutions for the year 2021–22.

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

	Expenses	Capital expenditure
	\$,000	\$,000
01 Efficient and effective legal system	184,434	27,858

25 Independent Commission Against Corruption 1

This Act appropriates the sum of \$31,873,000 to the Premier out of the Consolidated Fund for the services of the Independent Commission Against Corruption for the year 2021–22. 2
 3
 4

Note. The appropriation will fund services for the following State outcome— 5

	Expenses	Capital expenditure
	\$,000	\$,000
01 Accountable and responsible government	30,795	1,415

26 Law Enforcement Conduct Commission 6

This Act appropriates the sum of \$22,766,000 to the Premier out of the Consolidated Fund for the services of the Law Enforcement Conduct Commission for the year 2021–22. 7
 8
 9

Note. The appropriation will fund services for the following State outcome— 10

	Expenses	Capital expenditure
	\$,000	\$,000
01 Accountable and responsible government	23,249	1,200

27 New South Wales Electoral Commission 11

This Act appropriates the sum of \$193,416,000 to the Premier out of the Consolidated Fund for the services of the New South Wales Electoral Commission for the year 2021–22. 12
 13
 14

Note. The appropriation will fund services for the following State outcome— 15

	Expenses	Capital expenditure
	\$,000	\$,000
01 Accountable and responsible government	184,546	16,904

28 Ombudsman’s Office 16

This Act appropriates the sum of \$25,886,000 to the Premier out of the Consolidated Fund for the services of the Ombudsman’s Office for the year 2021–22. 17
 18

Note. The appropriation will fund services for the following State outcome— 19

	Expenses	Capital expenditure
	\$,000	\$,000
01 Accountable and responsible government	28,546	784

29 Public Service Commission 20

This Act appropriates the sum of \$32,439,000 to the Premier out of the Consolidated Fund for the services of the Public Service Commission for the year 2021–22. 21
 22

Note. The appropriation will fund services for the following State outcome— 23

		Expenses	Capital expenditure
		\$,000	\$,000
01	Accountable and responsible government	37,562	270

Part 5 Commonwealth transfer payments

1

30 Appropriation for Commonwealth transfer payments

2

- (1) This Act appropriates the sum of \$4,926,500,000 to the Treasurer out of the Consolidated Fund for Commonwealth transfer payments to non-government schools and local government for services for the year 2021–22.
- (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.

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Part 6	Variations to authorised payments	1
31	Payments not to be in excess of sums specified	2
(1)	Payment of a sum must not be made from the Consolidated Fund for a purpose for the year 2021–22 if the sum is more than the sum appropriated for the purpose by this Act or the <i>Appropriation (Parliament) Act 2021</i> .	3 4 5
(2)	Subsection (1) does not limit a payment authorised by—	6
(a)	this Part, or	7
(b)	the <i>Government Sector Finance Act 2018</i> , Part 4.	8
32	Variations—exigencies of government and appropriations insufficient for purpose	9
(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—	10 11
(a)	the Treasurer is of the opinion that the exigencies of government require the payment, and	12 13
(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.	14 15
(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—	16 17
(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	18 19 20
(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	21 22 23
(c)	the equivalent sum is not paid out for the other purpose.	24
(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.	25 26 27
33	Variations—State contingencies	28
	The Treasurer may authorise the payment of a sum appropriated for a purpose by this Act or the <i>Appropriation (Parliament) Act 2021</i> that is more than the sum specified for the purpose if—	29 30 31
(a)	the Treasurer is of the opinion that the additional sum is reasonably necessary because of a State contingency, and	32 33
(b)	an equivalent sum is not paid out from the sum appropriated to the Treasurer by section 18.	34 35
34	Variations—COVID-19 pandemic and changes to wages awards and conditions	36
	The Treasurer may authorise the payment of a sum appropriated for a purpose by this Act or the <i>Appropriation (Parliament) Act 2021</i> that is more than the sum specified for the purpose if—	37 38 39
(a)	the Treasurer is of the opinion that the additional sum is reasonably necessary because of expenditure related to the COVID-19 pandemic or changes to wages awards and conditions, and	40 41 42
(b)	an equivalent sum is not paid out from the sum appropriated to the Treasurer by section 19.	43 44

35	Treasurer must not increase fixed salary or wages	1
	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.	2 3
36	Part does not apply to sums appropriated by another Act	4
	This Part does not apply to sums appropriated by another Act except as otherwise provided in this Part.	5 6
37	Treasurer is to inform Auditor-General of authorisations	7
(1)	The Treasurer is to inform the Auditor-General of every authorisation given under this Part.	8 9
(2)	An authorisation under this Part may be given before or after the payment is made.	10

Part 7	General	1
38	Delayed restructures	2
(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—	3 4
(a)	the transfer occurs on or after the date the Bill for this Act is introduced in the Legislative Assembly, and	5 6
(b)	the transfer occurs because of a determination made by the Premier before 1 July 2021 to create new ministries, or to change or abolish existing ministries, and consequently to create, restructure or abolish an authority, and	7 8 9
(c)	the appropriation is applied for or towards the service in accordance with an applicable determination as may be made by the Treasurer.	10 11
(2)	A determination made by the Treasurer under subsection(1)(c)—	12
(a)	may extend to the application of the appropriation before the determination is made, and	13 14
(b)	operates to validate that application.	15
(3)	This section does not limit a payment authorised by Part 6.	16
(4)	The <i>Government Sector Finance Act 2018</i> , section 4.9 does not apply in relation to an appropriation or service to which this section applies.	17 18
39	Appointment of person to carry out functions of Treasurer under Part 6	19
(1)	The Treasurer may appoint a person to carry out the Treasurer’s functions under Part 6.	20 21
(2)	The appointment is subject to the conditions, if any, that the Treasurer decides.	22
(3)	The Treasurer may revoke the appointment at any time.	23
(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.	24 25 26
40	Appointment of accountable authority to identify surplus	27
(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).	28 29 30
(2)	The appointment is subject to the conditions, if any, that the Minister determines.	31
(3)	The Minister may revoke the appointment at any time.	32
(4)	In this section—	33
	<i>accountable authority</i> , for a GSF agency, has the same meaning as in the <i>Government Sector Finance Act 2018</i> .	34 35
	<i>GSF agency</i> has the same meaning as in the <i>Government Sector Finance Act 2018</i> .	36
41	Budget related information	37
(1)	Budget related information—	38
(a)	does not form part of this Act, and	39
(b)	does not affect the application of an amount appropriated by this Act.	40
(2)	In this section—	41
	<i>budget related information</i> means—	42

(a)	notes included in this Act relating to expenses and capital expenditure, and	1
(b)	Budget Papers of the Government tabled in Parliament in connection with the Bill for this Act.	2 3
	<i>this Act</i> includes the <i>Appropriation (Parliament) Act 2021</i> .	4
42	Payments authorised on lapse of appropriation	5
(1)	This section applies only if this Act is assented to after 1 July 2021.	6
(2)	An amount is taken to have been expended out of a sum appropriated for a purpose by this Act if the amount—	7 8
(a)	was paid for the purpose out of the Consolidated Fund under the <i>Government Sector Finance Act 2018</i> , section 4.10, and	9 10
(b)	was paid on or after 1 July 2021 and before the date of assent to this Act.	11