



New South Wales

# Appropriation Bill 2023

## Explanatory note

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

The following Bills are cognate with this Bill—

*Appropriation (Parliament) Bill 2023*

*Treasury and Revenue Legislation Amendment Bill 2023*

## Overview of Bill

The object of this Bill is to appropriate from the Consolidated Fund various sums of money required for the 2023–24 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 capital works and services, recurrent services and the repayment of debt, and
- (b) contains an additional appropriation that allocates revenue raised in connection with gaming machine taxes to the Minister for Health 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 2023–24 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.

**Clause 3** defines certain terms used in the proposed Act.

### Part 2 Appropriations—Departments

Part 2 (**clauses 4–22**) provides for appropriations to specified Ministers for the services of the departments and other matters within the administration of the Ministers for the 2023–24 financial year.

### Part 3 Additional appropriation for health related services

Part 3 (**clause 23**) makes an additional appropriation to the Minister for Health, being part of the revenue raised from gaming machine taxes.

### Part 4 Appropriations—Special Offices

Part 4 (**clauses 24–32**) provides for the appropriations for the services of the specified offices for the 2023–24 financial year.

### Part 5 Commonwealth transfer payments

Part 5 (**clause 33**) provides for transfer payments from the Commonwealth to non-government schools and local government.

### Part 6 Variations to authorised payments

Part 6 (**clauses 34–40**) provides for variations to authorised payments to be made in certain circumstances.

**Clause 34** provides that payment of an amount that is more than the sum appropriated under the proposed Act or the *Appropriation (Parliament) Act 2023* is not authorised except in accordance with the proposed part or the *Government Sector Finance Act 2018*, Part 4.

**Clause 35** enables the Treasurer to authorise the payment of a sum appropriated by the proposed Act to the Treasurer for the purpose of integrity agencies to make payments to integrity agencies. The integrity agencies are the Audit Office of New South Wales, the Independent Commission Against Corruption, the Law Enforcement Conduct Commission, the New South Wales Electoral Commission and the Ombudsman’s Office.

**Clause 36** enables the Treasurer to authorise the payment of a sum appropriated by the proposed Act or the *Appropriation (Parliament) Act 2023* for the purpose of expenses related to the Government’s response to address a natural disaster or the impacts of a natural disaster in the Northern Rivers or Central West regions.

**Clause 37** enables the Treasurer to authorise payment of a sum appropriated by the proposed Act or the *Appropriation (Parliament) Act 2023* for a purpose that is more than the sum specified if—

- (a) an equivalent sum is not paid out for another purpose, and
- (b) the Treasurer is of the opinion that—
  - (i) the exigencies of Government require the payment, or
  - (ii) the sum appropriated for the purpose is insufficient to enable the purpose to be effectively and efficiently carried out.

**Clause 38** provides that the Treasurer must not authorise the payment of a sum under the proposed part to increase the amount of a salary or wage fixed by law.

**Clause 39** provides the proposed part does not apply to sums appropriated by another Act.

**Clause 40** requires the Treasurer to inform the Auditor-General of every authorisation given under the proposed part.

## **Part 7 General**

Part 7 (**clauses 41–44**) provides for general matters related to the appropriations set out in the proposed Act.

**Clause 41** allows the Treasurer to appoint a person to exercise the Treasurer's functions under proposed Part 6.

**Clause 42** 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 the other purpose is insufficient.

**Clause 43** 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 an amount appropriated by those Acts.

**Clause 44** provides that certain payments made from the Consolidated Fund on or after 1 July 2023 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 2023

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New South Wales

# Appropriation Bill 2023

No. , 2023

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## **A Bill for**

An Act to appropriate out of the Consolidated Fund sums for the services of the Government for the year 2023–24.

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See also the *Appropriation (Parliament) Bill 2023* and the *Treasury and Revenue Legislation Amendment Bill 2023*.

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<b>The Legislature of New South Wales enacts—</b>	1
<b>Part 1 Preliminary</b>	2
<b>1 Name of Act</b>	3
This Act is the <i>Appropriation Act 2023</i> .	4
<b>2 Commencement</b>	5
This Act commences on the date of assent to this Act.	6
<b>3 Definitions</b>	7
In this Act—	8
<i>services</i> includes the following—	9
(a) capital works and services,	10
(b) recurrent services,	11
(c) repayment of debt.	12
<i>year 2023–24</i> means the year from 1 July 2023 to 30 June 2024.	13



## Part 2 Appropriations—Departments

**Note—** The total amount appropriated out of the Consolidated Fund for services for the year 2023–24 in accordance with this part is \$116,956,491,772.

### Division 1 Cabinet Office

#### 4 Cabinet Office

This Act appropriates the sum of \$101,633,359 to the Premier out of the Consolidated Fund for the services of The Cabinet Office for the year 2023–24.

**Note—** The appropriation, together with funds from other sources, is intended to fund expenses to the sum of \$102,176,214.

### Division 2 Communities and Justice

#### 5 Department of Communities and Justice

This Act appropriates the sum of \$19,551,556,812 to the Attorney General out of the Consolidated Fund for the services of the Department of Communities and Justice for the year 2023–24.

**Note—** The appropriation, together with funds from other sources, is intended to fund—

- (a) expenses to the sum of \$20,594,206,602 and
- (b) capital expenditure to the sum of \$228,615,000.

### Division 3 Customer Service

#### 6 Department of Customer Service

This Act appropriates the sum of \$2,058,565,049 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 2023–24.

**Note—** The appropriation, together with funds from other sources, is intended to fund—

- (a) expenses to the sum of \$3,137,022,797, and
- (b) capital expenditure to the sum of \$213,980,000.

#### 7 Digital Restart Fund

This Act appropriates the sum of \$66,000,000 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*.

#### 8 Rental Bond Interest Account

This Act appropriates the sum of \$67,079,000 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 4 Education

#### 9 Department of Education

This Act appropriates the sum of \$22,465,320,057 to the Deputy Premier out of the Consolidated Fund for the services of the Department of Education for the year 2023–24.

**Note—** The appropriation, together with funds from other sources, is intended to fund—

- (a) expenses to the sum of \$22,607,859,719, and
- (b) capital expenditure to the sum of \$2,586,183,000.

<b>Division 5</b>	<b>Environment and Planning</b>	1
<b>10</b>	<b>Department of Planning and Environment</b>	2
	This Act appropriates the sum of \$6,805,162,909 to the Minister for Climate Change out of the Consolidated Fund for the services of the Department of Planning and Environment for the year 2023–24.	3 4 5
	<b>Note—</b> The appropriation, together with funds from other sources, is intended to fund—	6
	(a) expenses to the sum of \$8,408,545,356, and	7
	(b) capital expenditure to the sum of \$543,909,000.	8
<b>Division 6</b>	<b>Health</b>	9
<b>11</b>	<b>Ministry of Health</b>	10
	This Act appropriates the sum of \$19,050,823,984 to the Minister for Health out of the Consolidated Fund for the services of the Ministry of Health for the year 2023–24.	11 12 13
	<b>Note—</b> The appropriations under this section and Part 3 are intended to fund—	14
	(a) expenses to the sum of \$30,951,806,405, and	15
	(b) capital expenditure to the sum of \$3,303,110,000.	16
<b>Division 7</b>	<b>Jobs and Tourism</b>	17
<b>12</b>	<b>Department of Enterprise, Investment and Trade</b>	18
	This Act appropriates the sum of \$1,734,098,894 to the Minister for Jobs and Tourism out of the Consolidated Fund for the services of the Department of Enterprise, Investment and Trade for the year 2023–24.	19 20 21
	<b>Note—</b> The appropriation, together with funds from other sources, is intended to fund—	22
	(a) expenses to the sum of \$1,533,586,535, and	23
	(b) capital expenditure to the sum of \$430,412,000.	24
<b>Division 8</b>	<b>Premier’s Department</b>	25
<b>13</b>	<b>Premier’s Department</b>	26
	This Act appropriates the sum of \$389,067,826 to the Premier out of the Consolidated Fund for the services of the Premier’s Department for the year 2023–24.	27 28 29
	<b>Note—</b> The appropriation, together with funds from other sources, is intended to fund—	30
	(a) expenses to the sum of \$440,698,465, and	31
	(b) capital expenditure to the sum of \$21,348,000.	32
<b>Division 9</b>	<b>Regional NSW</b>	33
<b>14</b>	<b>Department of Regional NSW</b>	34
	This Act appropriates the sum of \$1,312,234,887 to the Minister for Regional New South Wales out of the Consolidated Fund for the services of the Department of Regional NSW for the year 2023–24.	35 36 37
	<b>Note—</b> The appropriation, together with funds from other sources, is intended to fund—	38
	(a) expenses to the sum of \$2,692,658,174, and	39
	(b) capital expenditure to the sum of \$85,057,000.	40

<b>15</b>	<b>Regional Development Trust Fund</b>	1	
	This Act appropriates the sum of \$25,000,000 to the Minister for Regional New South Wales out of the Consolidated Fund for payment into the Regional Development Trust Fund established under the <i>Regional Development Act 2004</i> .	2 3 4	
	<b>Division 10</b>	<b>Transport</b>	5
<b>16</b>	<b>Department of Transport</b>	6	
	This Act appropriates the sum of \$24,674,462,346 to the Minister for Transport out of the Consolidated Fund for the services of the Department of Transport for the year 2023–24.	7 8 9	
	<b>Note</b> — The appropriation, together with funds from other sources, is intended to fund—	10	
	(a) expenses to the sum of \$28,508,813,560, and	11	
	(b) capital expenditure to the sum of \$8,669,205,000.	12	
	<b>Division 11</b>	<b>Treasury</b>	13
<b>17</b>	<b>Treasury</b>	14	
	This Act appropriates the sum of \$4,083,080,257 to the Treasurer out of the Consolidated Fund for the services of Treasury for the year 2023–24.	15 16	
	<b>Note</b> — The appropriation, together with funds from other sources, is intended to fund—	17	
	(a) expenses to the sum of \$3,317,941,480, and	18	
	(b) capital expenditure to the sum of \$1,215,428,000.	19	
<b>18</b>	<b>Administered items</b>	20	
	This Act appropriates the sum of \$13,662,552,895 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 2023–24.	21 22 23	
	<b>Note</b> — The appropriation, together with funds from other sources, is intended to fund expenses to the sum of \$14,092,884,325.	24 25	
<b>19</b>	<b>NSW Generations Fund</b>	26	
	This Act appropriates the sum of \$512,587,497 to the Treasurer out of the Consolidated Fund for payment into the NSW Generations (Community Services and Facilities) Fund established under the <i>NSW Generations Funds Act 2018</i> .	27 28 29	
<b>20</b>	<b>NSW Shared Equity Scheme Fund</b>	30	
	This Act appropriates the sum of \$227,266,000 to the Treasurer out of the Consolidated Fund for payment into the NSW Shared Equity Scheme Fund established under the <i>First Home Owner Grant and Shared Equity Act 2000</i> .	31 32 33	
<b>21</b>	<b>Appropriation to Treasurer relating to integrity agencies</b>	34	
(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 2023–24.	35 36 37	
(2)	In this section—	38	
	<b>integrity agency</b> means each of the following—	39	
	(a) the Audit Office of New South Wales,	40	
	(b) the Independent Commission Against Corruption,	41	
	(c) the Law Enforcement Conduct Commission,	42	

- (d) the New South Wales Electoral Commission, 1
- (e) the Ombudsman’s Office. 2

**22 Appropriation to Treasurer for natural disasters** 3

This Act appropriates the sum of \$150,000,000 to the Treasurer out of the Consolidated Fund for expenditure related to the Government’s response to address a natural disaster or the impacts of a natural disaster in the Northern Rivers or Central West regions. 4  
5  
6  
7

<b>Part 3</b>	<b>Additional appropriation for health related services</b>	1
<b>23</b>	<b>Special appropriation to Minister for Health—additional revenue from gaming machine taxes</b>	2
		3
(1)	This Act appropriates the sum of \$561,837,782 to the Minister for Health out of the Consolidated Fund for the services of the Ministry of Health for the year 2023–24.	4
		5
(2)	The sum appropriated is in addition to any other sum appropriated by this Act.	6

## Part 4 Appropriations—Special Offices 1

**Note—** The total amount appropriated out of the Consolidated Fund for services for the year 2023–24 in accordance with this part is \$601,782,606. 2  
3

### 24 Independent Commission Against Corruption 4

This Act appropriates the sum of \$42,422,429 to the Premier out of the Consolidated Fund for the services of the Independent Commission Against Corruption for the year 2023–24. 5  
6  
7

**Note—** The appropriation, together with funds from other sources, is intended to fund— 8

(a) expenses to the sum of \$41,330,359, and 9

(b) capital expenditure to the sum of \$2,484,000. 10

### 25 Independent Pricing and Regulatory Tribunal 11

This Act appropriates the sum of \$33,934,820 to the Premier out of the Consolidated Fund for the services of the Independent Pricing and Regulatory Tribunal for the year 2023–24. 12  
13  
14

**Note—** The appropriation, together with funds from other sources, is intended to fund— 15

(a) expenses to the sum of \$37,638,812, and 16

(b) capital expenditure to the sum of \$180,000. 17

### 26 Judicial Commission of New South Wales 18

This Act appropriates the sum of \$6,279,443 to the Attorney General out of the Consolidated Fund for the services of the Judicial Commission of New South Wales for the year 2023–24. 19  
20  
21

**Note—** The appropriation, together with funds from other sources, is intended to fund— 22

(a) expenses to the sum of \$7,644,593, and 23

(b) capital expenditure to the sum of \$150,000. 24

### 27 Law Enforcement Conduct Commission 25

This Act appropriates the sum of \$26,130,403 to the Premier out of the Consolidated Fund for the services of the Law Enforcement Conduct Commission for the year 2023–24. 26  
27  
28

**Note—** The appropriation, together with funds from other sources, is intended to fund— 29

(a) expenses to the sum of \$26,493,686, and 30

(b) capital expenditure to the sum of \$1,100,000. 31

### 28 New South Wales Electoral Commission 32

This Act appropriates the sum of \$167,811,577 to the Premier out of the Consolidated Fund for the services of the New South Wales Electoral Commission for the year 2023–24. 33  
34  
35

**Note—** The appropriation, together with funds from other sources, is intended to fund— 36

(a) expenses to the sum of \$167,317,893, and 37

(b) capital expenditure to the sum of \$16,679,000. 38

### 29 Office of the Children’s Guardian 39

This Act appropriates the sum of \$30,680,075 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 2023–24. 40  
41  
42

**Note—** The appropriation, together with funds from other sources, is intended to fund— 43

(a) expenses to the sum of \$62,676,851, and 44

(b) capital expenditure to the sum of \$1,439,000. 45

<b>30</b>	<b>Office of the Director of Public Prosecutions</b>	1
	This Act appropriates the sum of \$211,001,214 to the Attorney General out of the Consolidated Fund for the services of the Office of the Director of Public Prosecutions for the year 2023–24.	2 3 4
	<b>Note—</b> The appropriation, together with funds from other sources, is intended to fund—	5
	(a) expenses to the sum of \$222,837,697, and	6
	(b) capital expenditure to the sum of \$4,027,000.	7
<b>31</b>	<b>Ombudsman’s Office</b>	8
	This Act appropriates the sum of \$52,878,380 to the Premier out of the Consolidated Fund for the services of the Ombudsman’s Office for the year 2023–24.	9 10
	<b>Note—</b> The appropriation, together with funds from other sources, is intended to fund—	11
	(a) expenses to the sum of \$53,788,620, and	12
	(b) capital expenditure to the sum of \$1,768,000.	13
<b>32</b>	<b>Public Service Commission</b>	14
	This Act appropriates the sum of \$30,644,265 to the Premier out of the Consolidated Fund for the services of the Public Service Commission for the year 2023–24.	15 16
	<b>Note—</b> The appropriation, together with funds from other sources, is intended to fund—	17
	(a) expenses to the sum of \$40,390,400, and	18
	(b) capital expenditure to the sum of \$666,000.	19

## **Part 5 Commonwealth transfer payments**

1

### **33 Appropriation for Commonwealth transfer payments**

2

(1) This Act appropriates the sum of \$6,305,600,000 to the Treasurer out of the Consolidated Fund for Commonwealth transfer payments to non-government schools and local government for services for the year 2023–24.

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(2) The sum appropriated is in addition to any other sum appropriated by this Act.

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(3) The sum appropriated is subject to the *Government Sector Finance Act 2018*, section 4.11.

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8



<b>Part 6</b>	<b>Variations to authorised payments</b>	1
<b>34</b>	<b>Payments not to be in excess of sums specified</b>	2
(1)	Payment of a sum must not be made from the Consolidated Fund for a purpose for the year 2023–24 if the sum is more than the sum appropriated for the purpose by this Act or the <i>Appropriation (Parliament) Act 2023</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
<b>35</b>	<b>Variations—contingencies relating to integrity agencies</b>	9
(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 New South Wales that is more than the sum specified for the purpose if—	10 11 12
(a)	the Treasurer is of the opinion that—	13
(i)	the sum appropriated for the purpose is insufficient to enable the purpose to be effectively and efficiently carried out, and	14 15
(ii)	the additional sum is reasonably necessary for the integrity agency to effectively and efficiently carry out the purpose, and	16 17
(b)	an equivalent sum is not paid out from the sum appropriated to the Treasurer by section 21.	18 19
(2)	The Treasurer may authorise the payment of a sum from the sum appropriated to the Treasurer by section 21 to the Audit Office of New South Wales 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 the functions the Office and provide the services of the Office.	20 21 22 23 24
(3)	In this section— <i>integrity agency</i> has the same meaning as in section 21.	25 26
<b>36</b>	<b>Variations—Government’s response to natural disasters</b>	27
	The Treasurer may authorise the payment of a sum appropriated for a purpose by this Act or the <i>Appropriation (Parliament) Act 2023</i> that is more than the sum specified for the purpose if—	28 29 30
(a)	the Treasurer is of the opinion that the additional sum is reasonably necessary because of expenditure related to the Government’s response to address a natural disaster or the impacts of a natural disaster in the Northern Rivers or Central West regions, and	31 32 33 34
(b)	an equivalent sum is not paid out from the sum appropriated to the Treasurer by section 22.	35 36
<b>37</b>	<b>Variations—exigencies of Government and appropriations insufficient for purpose</b>	37
(1)	The Treasurer may authorise the payment of a sum appropriated by this Act or the <i>Appropriation (Parliament) Act 2023</i> for a purpose that is more than the sum specified for the purpose if—	38 39 40
(a)	the Treasurer is of the opinion that the exigencies of Government require the payment, and	41 42
(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.	43 44

(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—	1 2
(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	3 4 5
(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	6 7 8
(c)	the equivalent sum is not paid out for the other purpose.	9
(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 the part.	10 11 12
<b>38</b>	<b>Treasurer must not increase fixed salary or wages</b>	13
	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.	14 15
<b>39</b>	<b>Part does not apply to sums appropriated by another Act</b>	16
	This part does not apply to sums appropriated by another Act except as otherwise provided in this part.	17 18
<b>40</b>	<b>Treasurer must inform Auditor-General of authorisations</b>	19
(1)	The Treasurer must inform the Auditor-General of every authorisation given under this part.	20 21
(2)	An authorisation under this part may be given before or after the payment is made.	22

<b>Part 7</b>	<b>General</b>	1
<b>41</b>	<b>Appointment of person to carry out functions of Treasurer under Part 6</b>	2
(1)	The Treasurer may appoint a person to carry out the Treasurer’s functions under Part 6.	3 4
(2)	The appointment is subject to the conditions, if any, that the Treasurer decides.	5
(3)	The Treasurer may revoke the appointment at any time.	6
(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.	7 8 9
<b>42</b>	<b>Appointment of accountable authority to identify surplus</b>	10
(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 37(2)(b).	11 12 13
(2)	The appointment is subject to the conditions, if any, that the Minister determines.	14
(3)	The Minister may revoke the appointment at any time.	15
(4)	In this section— <i>accountable authority</i> , for a GSF agency, has the same meaning as in the <i>Government Sector Finance Act 2018</i> . <i>GSF agency</i> has the same meaning as in the <i>Government Sector Finance Act 2018</i> .	16 17 18 19
<b>43</b>	<b>Budget-related information</b>	20
(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.	21 22 23
(2)	In this section— <i>budget-related information</i> 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. <i>this Act</i> includes the <i>Appropriation (Parliament) Act 2023</i> .	24 25 26 27 28 29
<b>44</b>	<b>Payments authorised on lapse of appropriation</b>	30
	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 <i>Government Sector Finance Act 2018</i> , section 4.10, and (b) was paid on or after 1 July 2023 and before the date of assent to this Act.	31 32 33 34 35