



New South Wales

Appropriation (Special Offices) Bill 2009

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.
This Bill is cognate with the *Appropriation Bill 2009*.

Overview of Bill

The object of this Bill is to appropriate out of the Consolidated Fund the following sums for the recurrent services and capital works and services for the year 2009–10 of the offices specified:

	Recurrent Services	Capital Works and Services
Independent Commission Against Corruption	\$16,800,000	\$290,000
Ombudsman's Office	\$19,827,000	\$785,000
New South Wales Electoral Commission	\$15,137,000	\$5,974,000
Office of the Director of Public Prosecutions	\$85,003,000	\$10,713,000

Outline of provisions

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 1 July 2009.

Clause 3 makes provision for interpretation of references to the 2009–10 financial year and other matters of interpretation.

Clauses 4–7 provide for the appropriations for the year 2009–10 in respect of the offices mentioned in the Overview, in the amounts described in the Overview. The total amounts appropriated are:

- (a) \$136,767,000 for recurrent services, and
- (b) \$17,762,000 for capital works and services.

Clause 8 enables the Treasurer to authorise payment for a purpose in excess of the sum appropriated for the purpose, in specified circumstances.

Clause 9 allows that function to be delegated by the Treasurer.

Clause 10 mirrors a provision that is contained in the *Appropriation Act 2009* that allows the Treasurer to apply an appropriation differently in the event that responsibility for a service or function is transferred.



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New South Wales

Appropriation (Special Offices) Bill 2009

No. , 2009

A Bill for

An Act to appropriate out of the Consolidated Fund sums for the recurrent services and capital works and services of certain offices for the year 2009–10.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Appropriation (Special Offices) Act 2009</i> .	3
2 Commencement	4
This Act commences or is taken to have commenced on 1 July 2009.	5
3 Interpretation	6
(1) In this Act, a reference to the year 2009–10 is a reference to the year from 1 July 2009 to 30 June 2010.	7 8
(2) A reference in the <i>Public Finance and Audit Act 1983</i> to an or the Appropriation Act includes a reference to this Act.	9 10
4 Appropriation from Consolidated Fund 2009–10 for recurrent services of certain offices	11 12
(1) Out of the Consolidated Fund there are hereby appropriated the sums identified in sections 6 and 7, 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 recurrent services for the year 2009–10.	13 14 15 16 17
(2) The total sum appropriated out of the Consolidated Fund for recurrent services for the year 2009–10, in accordance with the provisions of sections 6 and 7, is the sum of \$136,767,000.	18 19 20
(3) Any amounts expended for recurrent services under section 25 of the <i>Public Finance and Audit Act 1983</i> or any Supply Act on or after 1 July 2009 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 and 7, as may be determined by the Treasurer.	21 22 23 24 25
5 Appropriation from Consolidated Fund 2009–10 for capital works and services of certain offices	26 27
(1) Out of the Consolidated Fund there are hereby appropriated the sums identified in sections 6 and 7, 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 2009–10.	28 29 30 31 32
(2) The total sum appropriated out of the Consolidated Fund for capital works and services for the year 2009–10, in accordance with the provisions of sections 6 and 7, is the sum of \$17,762,000.	33 34 35
(3) Any amounts expended for capital works and services under section 25 of the <i>Public Finance and Audit Act 1983</i> or any Supply Act on or after	36 37

1 July 2009 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 and 7, as may be determined by the Treasurer.

6 Premier 4

(1) RECURRENT SERVICES: The sum of \$51,764,000 is hereby
 appropriated to the Premier for the recurrent services of the following: 5
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	\$,000
01. Independent Commission Against Corruption	16,800
02. Ombudsman's Office	19,827
03. New South Wales Electoral Commission	15,137
Total, Recurrent Services	51,764

(2) CAPITAL WORKS AND SERVICES: The sum of \$7,049,000 is
 hereby appropriated to the Premier for the capital works and services of
 the following: 7
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	\$,000
01. Independent Commission Against Corruption	290
02. Ombudsman's Office	785
03. New South Wales Electoral Commission	5,974
Total, Capital Works and Services	7,049

7 Attorney General 10

(1) RECURRENT SERVICES: The sum of \$85,003,000 is hereby
 appropriated to the Attorney General for the recurrent services of the
 following: 11
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	\$,000
01. Office of the Director of Public Prosecutions	85,003
Total, Recurrent Services	85,003

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- (2) CAPITAL WORKS AND SERVICES: The sum of \$10,713,000 is hereby appropriated to the Attorney General for the capital works and services of the following: 1
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01. Office of the Director of Public Prosecutions	10,713
Total, Capital Works and Services	10,713

8 Variation of authorised payments from Consolidated Fund 4

- (1) In this section, *purpose* means a purpose specified in section 6 or 7 in relation to a Minister to which a sum is appropriated for recurrent services or for capital works and services. 5
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- (2) Payment of a sum appropriated under section 6 or 7 for a purpose may not be made in excess of the sum specified for the purpose, except as provided by this section or Division 4 of Part 2 of the *Public Finance and Audit Act 1983*. 8
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- (3) If the exigencies of government so require, the Treasurer may authorise the payment of a sum in excess of the amount 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 subsection (4). 12
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- (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. 17
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- (5) This section does not apply to sums appropriated by another Act. 20
- (6) 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. 21
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- (7) The Treasurer is to inform the Auditor-General of every authorisation given under this section. 24
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- (8) An authorisation under this section may be given before or after the relevant payment is made. 26
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9 Appointment of person to carry out the functions of the Treasurer under section 8 28
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- (1) The Treasurer may appoint a person to carry out the Treasurer's functions under section 8. 30
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- (2) Any such appointment is subject to such conditions (if any) as the Treasurer determines. 1
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- (3) The Treasurer may revoke any such appointment at any time. 3
- (4) A person appointed under this section has, in place of the Treasurer, the Treasurer's function under section 8 (7) of informing the Auditor-General of every authorisation given by the person under section 8. 4
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- 10 Delayed restructures** 8
- (1) Without limiting section 8, if the responsibility for a service or function for which an appropriation is made in this Act is transferred on or after 1 July 2009 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. 9
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- (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. 18
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