



New South Wales

Appropriation (Budget Variations) Bill 2012

Explanatory note

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

Overview of Bill

The objects of this Bill are as follows:

- (a) to set out the recurrent services and capital works and services for which the “Advance to the Treasurer” appropriation was expended in the 2011–12 financial year, and the 2010–11 financial year (where not previously reported), and to make the necessary adjustments to the appropriation for each of those years,
- (b) to appropriate \$61,200,000 from the Consolidated Fund for recurrent services, and capital works and services, that were required by the exigencies of Government in accordance with section 22 (1) of the *Public Finance and Audit Act 1983* in relation to the 2011–12 financial year,
- (c) to appropriate an additional amount of \$800,000,000 from the Consolidated Fund for certain capital works and services for the 2011–12 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 interprets various references in the proposed Act.

Part 2 Budget variations 2011–12

Clause 4 adjusts the amount appropriated out of the Consolidated Fund for “Advance to the Treasurer” for the 2011–12 financial year. The recurrent services and capital works and services for which the Advance was expended are set out in Column 1 of Schedule 1 and total \$93,542,000 of the \$285,000,000 originally advanced.

Clause 5 appropriates the additional amounts for recurrent services and capital works and services under section 22 (1) of the *Public Finance and Audit Act 1983*, the details of which are set out in Column 2 of Schedule 1. As these amounts are appropriated by the proposed Act, subclause (2) removes the requirement of the *Public Finance and Audit Act 1983* that details of them be included in the Appropriation Act for the 2012–13 financial year.

Clause 6 appropriates an additional amount for capital works and services, the details of which are set out in Column 3 of Schedule 1.

Part 3 Budget variations 2010–11 (not previously reported)

Clause 7 adjusts the amount appropriated out of the Consolidated Fund for “Advance to the Treasurer” for the 2010–11 financial year. The recurrent services and capital works and services for which the Advance was expended are set out in Column 1 of Schedule 2 and total \$23,145,000 of the \$440,000,000 originally advanced.

Part 4 General

Clause 8 makes it clear that the sums appropriated by the proposed Act are in addition to any other sums appropriated in respect of the 2010–11 or 2011–12 financial year.

Clause 9 contains miscellaneous provisions concerning the operation of the proposed Act. Subclause (1) provides that the proposed Act is to be construed as part of the annual Appropriation Act or Acts. (This emphasises that the appropriations are part of the budgetary process for the 2010–11 or 2011–12 financial year and ensures that terms are construed consistently.) Subclause (1) also makes it clear that the

appropriations are not limited to meeting shortfalls from other appropriations. Subclause (2) validates any payment of the appropriated sums before the date of assent to the proposed Act. Subclause (2) also provides that the proposed subsection applies whether or not the proposed Act is assented to during or after the 2010–11 or 2011–12 financial year. (This removes an argument, based on section 23 of the *Public Finance and Audit Act 1983*, that the appropriation lapses at the close of the financial year.)

Clause 10 validates, to the extent (if any) to which it may be necessary to do so, the expenditure, before the date of assent to the proposed Act, of any sum to which the proposed Act applies and the approval of that expenditure.

Clause 11 makes it clear that a reference to an agency specified in Schedule 1 or 2 to the proposed Act includes any predecessor of the agency that was responsible for the recurrent services, or capital works and services, specified in relation to the agency in Schedule 1 or 2 in the financial year concerned. This provision is included because names of Departments and other agencies may have changed during the financial year concerned because of administrative changes.



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New South Wales

Appropriation (Budget Variations) Bill 2012

No. , 2012

A Bill for

An Act to appropriate amounts out of the Consolidated Fund for the years 2011–12 and 2010–11 for the purpose of giving effect to certain Budget variations required by the exigencies of Government.

Clause 1 Appropriation (Budget Variations) Bill 2012

Part 1 Preliminary

The Legislature of New South Wales enacts: 1

Part 1 Preliminary 2

1 Name of Act 3

This Act is the *Appropriation (Budget Variations) Act 2012*. 4

2 Commencement 5

This Act commences on the date of assent to this Act. 6

3 Interpretation 7

In this Act, a reference to: 8

(a) the year 2011–12 is a reference to the year from 1 July 2011 to 30 June 2012, and 9
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(b) the year 2010–11 is a reference to the year from 1 July 2010 to 30 June 2011. 11
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Part 2	Budget variations 2011–12	1
4	Adjustment of “Advance to the Treasurer”, 2011–12	2
	The sum of \$93,542,000 is hereby appropriated out of the Consolidated Fund in adjustment of the vote “Advance to the Treasurer”, 2011–12, for supplementary charges made during the year 2011–12 in the amounts specified in Column 1 of Schedule 1 for recurrent services, and capital works and services, specified opposite those amounts in Schedule 1.	3 4 5 6 7 8
5	Payments made during 2011–12 under section 22 of Public Finance and Audit Act 1983	9 10
(1)	The sum of \$61,200,000, being the total of the sums specified in Column 2 of Schedule 1, is hereby appropriated out of the Consolidated Fund to provide for the payments for recurrent services, and capital works and services, specified opposite those sums in Schedule 1, made in anticipation of appropriation by Parliament under section 22 (1) of the <i>Public Finance and Audit Act 1983</i> required for the exigencies of Government during the year 2011–12.	11 12 13 14 15 16 17
(2)	Section 22 (2) of the <i>Public Finance and Audit Act 1983</i> does not apply to the sums to which this section applies.	18 19
6	General appropriation from Consolidated Fund 2011–12	20
	The sum of \$800,000,000, being the total sum specified in Column 3 of Schedule 1, is hereby appropriated out of the Consolidated Fund, to the Minister specified in relation to that sum, for capital works and services, which sum may be issued and applied for or towards the uses and purposes of the Government for the year 2011–12 specified opposite that sum in Schedule 1.	21 22 23 24 25 26

Clause 7 Appropriation (Budget Variations) Bill 2012

Part 3 Budget variations 2010–11 (not previously reported)

Part 3 Budget variations 2010–11 (not previously reported)

1
2

7 Adjustment of “Advance to the Treasurer”, 2010–11

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The sum of \$23,145,000 is hereby appropriated out of the Consolidated Fund in adjustment of the vote “Advance to the Treasurer”, 2010–11, for supplementary charges made during the year 2010–11 in the amounts specified in Column 1 of Schedule 2 for recurrent services, and capital works and services, specified opposite those amounts in Schedule 2.

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Part 4	General	1
8	Additional appropriations	2
	The sums appropriated by this Act are in addition to any other sums that may have been appropriated.	3 4
9	Operation of Act in relation to budget variations	5
(1)	This Act:	6
(a)	is to be construed as if it formed part of the annual Appropriation Act or Acts for the financial year relevant to the appropriation concerned, and	7 8 9
(b)	is to have effect as if it had commenced at the start of the financial year relevant to the appropriation, and	10 11
(c)	is an Appropriation Act for the purposes of section 21A of the <i>Public Finance and Audit Act 1983</i> .	12 13
(2)	The issue and payment before the date of assent to this Act out of the Consolidated Fund of the whole or any part of the sums appropriated by this Act is validated. This subsection applies whether this Act is assented to during or after the year 2010–11 or 2011–12.	14 15 16 17
10	Validation of expenditure	18
(1)	To the extent (if any) to which it may be necessary to do so, the expenditure of any sum to which this Act applies before the date of assent to this Act:	19 20 21
(a)	is taken to have been validly approved at the time it was approved, or was purported to have been approved, and	22 23
(b)	is taken to have been validly made at the time it was made, or purported to have been made,	24 25
	and thereafter to be, and to have been at all relevant times, validly approved and made.	26 27
(2)	This section does not authorise the expenditure of any sum specified in Column 3 of Schedule 1 before the date of assent to this Act.	28 29
11	References to agencies	30
	A reference to an agency in Schedule 1 or 2 includes a reference to an agency that was a predecessor to the agency concerned and responsible for the recurrent services, or capital works and services, specified in relation to the agency in Schedule 1 or 2 in the financial year concerned, and in respect of whom the payment specified in relation to those recurrent services, or capital works and services, was approved or made.	31 32 33 34 35 36

Schedule 1 Payments during 2011–12

(Sections 4–6)

	Column 1 Treasurer's Advance Amount \$,000	Column 2 s. 22 PF&A Act Amount \$,000	Column 3 Further appropriation Amount \$,000
A PREMIER, AND MINISTER FOR WESTERN SYDNEY			
RECURRENT SERVICES			
<i>Department of Premier and Cabinet</i>			
<i>Establishment of the Independent Local Government Review Panel</i>	400		
Total Department of Premier and Cabinet	400		
<i>Ombudsman's Office</i>			
<i>New review functions resulting from amendments to Summary Offences Act 1988 and Law Enforcement (Powers and Responsibilities) Act 2002</i>	445		
Total Ombudsman's Office	445		
TOTAL—RECURRENT SERVICES	845		
CAPITAL WORKS AND SERVICES			
<i>Ombudsman's Office</i>			
<i>New review functions resulting from amendments to Summary Offences Act 1988 and Law Enforcement (Powers and Responsibilities) Act 2002</i>	12		
Total Ombudsman's Office	12		
TOTAL—CAPITAL WORKS AND SERVICES	12		
TOTAL—PREMIER, AND MINISTER FOR WESTERN SYDNEY	857		

	Column 1 Treasurer's Advance Amount \$,000	Column 2 s. 22 PF&A Act Amount \$,000	Column 3 Further appropriation Amount \$,000
B DEPUTY PREMIER, MINISTER FOR TRADE AND INVESTMENT, AND MINISTER FOR REGIONAL INFRASTRUCTURE AND SERVICES			
RECURRENT SERVICES			
<i>Department of Trade and Investment, Regional Infrastructure and Services</i>			
<i>Various national and local biosecurity responses</i>	1,269		
Total Department of Trade and Investment, Regional Infrastructure and Services	1,269		
<i>NSW Food Authority</i>			
<i>NSW contribution to establishing the national Code Interpretations Service (CIS)</i>	99		
Total NSW Food Authority	99		
TOTAL—RECURRENT SERVICES	1,368		
TOTAL—DEPUTY PREMIER, MINISTER FOR TRADE AND INVESTMENT, AND MINISTER FOR REGIONAL INFRASTRUCTURE AND SERVICES	1,368		
C ATTORNEY GENERAL, AND MINISTER FOR JUSTICE			
RECURRENT SERVICES			
<i>Department of Attorney General and Justice</i>			
<i>Increased levels of core legal fund work</i>	20,000		

Appropriation (Budget Variations) Bill 2012

Schedule 1 Payments during 2011–12

	Column 1 Treasurer's Advance Amount \$,000	Column 2 s. 22 PF&A Act Amount \$,000	Column 3 Further appropriation Amount \$,000
<i>Statutory and Other Offices Remuneration Tribunal determination regarding judicial salaries</i>		2,369	
Total Department of Attorney General and Justice		22,369	
TOTAL—RECURRENT SERVICES		22,369	
TOTAL—ATTORNEY GENERAL, AND MINISTER FOR JUSTICE		22,369	
D MINISTER FOR FAMILY AND COMMUNITY SERVICES, AND MINISTER FOR WOMEN			
CAPITAL WORKS AND SERVICES			
<i>Department of Family and Community Services</i>			
<i>Housing portfolio restructure (Note. This capital expenditure is offset by equal recurrent expenditure savings)</i>		16,704	
Total Department of Family and Community Services		16,704	
TOTAL—CAPITAL WORKS AND SERVICES		16,704	
TOTAL —MINISTER FOR FAMILY AND COMMUNITY SERVICES, AND MINISTER FOR WOMEN		16,704	

	Column 1 Treasurer's Advance Amount \$,000	Column 2 s. 22 PF&A Act Amount \$,000	Column 3 Further appropriation Amount \$,000
E MINISTER FOR HEALTH, AND MINISTER FOR MEDICAL RESEARCH			
RECURRENT SERVICES			
<i>Ministry of Health</i>			
<i>Government Radio Network (additional funding based on a new pricing recommendation from IPART)</i>	564		
Total Ministry of Health	564		
TOTAL—RECURRENT SERVICES	564		
TOTAL—MINISTER FOR HEALTH, AND MINISTER FOR MEDICAL RESEARCH	564		
F THE LEGISLATURE			
RECURRENT SERVICES			
<i>The Legislature</i>			
<i>Security services, additional committee support, and assets procurement administration</i>	2,024		
<i>Redundancy payments for the former parliamentary members' electoral office staff following the 2011 State General Election (additional funding)</i>	438		
Total The Legislature	2,462		
TOTAL—RECURRENT SERVICES	2,462		
CAPITAL WORKS AND SERVICES			
<i>The Legislature</i>			
<i>Parliamentary email system replacement</i>	2,000		

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Schedule 1 Payments during 2011–12

	Column 1 Treasurer's Advance Amount \$,000	Column 2 s. 22 PF&A Act Amount \$,000	Column 3 Further appropriation Amount \$,000
Total The Legislature	2,000		
TOTAL—CAPITAL WORKS AND SERVICES	2,000		
TOTAL—THE LEGISLATURE	4,462		
G MINISTER FOR TRANSPORT			
CAPITAL WORKS AND SERVICES			
<i>Transport for NSW</i>			
<i>Light rail (Note. This capital expenditure is offset by equal recurrent expenditure savings)</i>	47,218		
Total Transport for NSW	47,218		
TOTAL—CAPITAL WORKS AND SERVICES	47,218		
TOTAL—MINISTER FOR TRANSPORT	47,218		
H TREASURER			
RECURRENT SERVICES			
<i>Crown Finance Entity</i>			
<i>Natural disaster expenditure following flooding in north-west and south-west NSW during 2011–12</i>		26,000	
Total Crown Finance Entity		26,000	
TOTAL—RECURRENT SERVICES		26,000	
CAPITAL WORKS AND SERVICES			
<i>Crown Finance Entity</i>			
<i>Additional natural disaster relief loans</i>		35,200	

	Column 1 Treasurer's Advance Amount \$,000	Column 2 s. 22 PF&A Act Amount \$,000	Column 3 Further appropriation Amount \$,000
<i>Additional contribution to State Super</i>			800,000
Total Crown Finance Entity		35,200	800,000
TOTAL—CAPITAL WORKS AND SERVICES		35,200	800,000
TOTAL—TREASURER		61,200	800,000
TREASURER'S ADVANCE FOR RECURRENT SERVICES	27,608		
TREASURER'S ADVANCE FOR CAPITAL WORKS AND SERVICES	65,934		
TOTAL—TREASURER'S ADVANCE	93,542		
SECTION 22 FOR RECURRENT SERVICES		26,000	
SECTION 22 FOR CAPITAL WORKS AND SERVICES		35,200	
TOTAL—SECTION 22		61,200	
ADDITIONAL APPROPRIATIONS FOR CAPITAL WORKS AND SERVICES			800,000
TOTAL—ADDITIONAL APPROPRIATIONS			800,000

Schedule 2 Payments during 2010–11 (not previously reported)

(Section 7)

		Column 1
		Treasurer's Advance
		Amount
		\$,000
A	PREMIER, AND MINISTER FOR WESTERN SYDNEY	
	RECURRENT SERVICES	
	<i>Independent Commission Against Corruption</i>	
	<i>Compensation for Government radio network price increases</i>	14
	Total Independent Commission Against Corruption	14
	TOTAL—RECURRENT SERVICES	14
	CAPITAL WORKS AND SERVICES	
	<i>New South Wales Electoral Commission</i>	
	<i>Office fit-out and IT system</i>	715
	Total New South Wales Electoral Commission	715
	TOTAL—CAPITAL WORKS AND SERVICES	715
	TOTAL—PREMIER, AND MINISTER FOR WESTERN SYDNEY	729
B	ATTORNEY GENERAL, AND MINISTER FOR JUSTICE	
	RECURRENT SERVICES	
	<i>Department of Attorney General and Justice</i>	
	<i>Statutory and Other Offices Remuneration Tribunal determination regarding judicial salaries</i>	2,245
	Total Department of Attorney General and Justice	2,245
	<i>Office of the Director of Public Prosecutions</i>	
	<i>Redundancy payment</i>	56
	Total Office of the Director of Public Prosecutions	56

	Column 1 Treasurer's Advance Amount \$,000
<i>Judicial Commission of New South Wales</i>	
<i>Conduct Division Inquiries</i>	60
Total Judicial Commission of New South Wales	<u>60</u>
TOTAL—RECURRENT SERVICES	<u>2,361</u>
CAPITAL WORKS AND SERVICES	
<i>NSW Police Force</i>	
<i>Relocation of police units from Zetland and Strawberry Hills</i>	4,820
Total NSW Police Force	<u>4,820</u>
TOTAL—CAPITAL WORKS AND SERVICES	<u>4,820</u>
TOTAL—ATTORNEY GENERAL, AND MINISTER FOR JUSTICE	<u>7,181</u>
C	MINISTER FOR EDUCATION
	RECURRENT SERVICES
	<i>Department of Education and Communities</i>
<i>Additional funding for non-government schools per capita grants</i>	6,768
<i>Additional funding for Aboriginal employment initiatives</i>	67
Total Department of Education and Communities	<u>6,835</u>
TOTAL—RECURRENT SERVICES	<u>6,835</u>
TOTAL—MINISTER FOR EDUCATION	<u>6,835</u>
D	THE LEGISLATURE
	RECURRENT SERVICES
	<i>The Legislature</i>
<i>Termination payments to members' staff following the 2011 State General Election</i>	4,300

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Schedule 2 Payments during 2010–11 (not previously reported)

		Column 1
		Treasurer's Advance
		Amount
		\$,000
	Total The Legislature	4,300
	TOTAL—RECURRENT SERVICES	4,300
	TOTAL—THE LEGISLATURE	4,300
E	TREASURER	
	CAPITAL WORKS AND SERVICES	
	<i>Treasury</i>	
	<i>Office of State Revenue accommodation</i>	4,100
	Total Treasury	4,100
	TOTAL—CAPITAL WORKS AND SERVICES	4,100
	TOTAL—TREASURER	4,100
	TREASURER'S ADVANCE FOR RECURRENT SERVICES	13,510
	TREASURER'S ADVANCE FOR CAPITAL WORKS AND SERVICES	9,635
	TOTAL—TREASURER'S ADVANCE	23,145