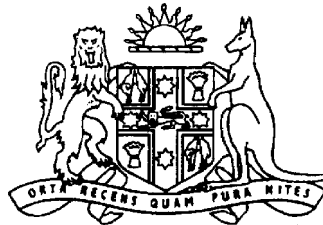


Passed by both Houses



New South Wales

Appropriation Bill 2004

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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 2004*



New South Wales

Appropriation Bill 2004

Act No , 2004

An Act to appropriate out of the Consolidated Fund sums for the recurrent services and capital works and services of the Government for the year 2004–05.

See also *Appropriation (Parliament) Act 2004, Appropriation (Special Offices) Act 2004, Crown Lands Legislation Amendment (Budget) Act 2004, Sustainable Energy Development Repeal Act 2004.*

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

Chairman of Committees of the Legislative Assembly.

Clause 1 Appropriation Bill 2004

Part 1 Preliminary

The Legislature of New South Wales enacts:

Part 1 Preliminary

1 Name of Act

This Act is the *Appropriation Act 2004*.

2 Commencement

This Act commences or is taken to have commenced on 1 July 2004.

3 Interpretation

In this Act, a reference to the year 2004–05 is a reference to the year from 1 July 2004 to 30 June 2005.

Part 2 Appropriations out of the Consolidated Fund

4 General appropriation from Consolidated Fund 2004–05 for recurrent services

- (1) Out of the Consolidated Fund there are hereby appropriated the sums identified in sections 6 to 24, inclusive, 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 the recurrent services of the Government for the year 2004–05.
- (2) The total sum appropriated out of the Consolidated Fund for the recurrent services of the Government for the year 2004–05, in accordance with the provisions of sections 6 to 24, inclusive, is the sum of \$32,039,760,000.
- (3) Any amounts expended for recurrent services under section 25 of the *Public Finance and Audit Act 1983* or any Supply Act on or after 1 July 2004 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 to 24, inclusive, as may be determined by the Treasurer.

5 General appropriation from Consolidated Fund 2004–05 for capital works and services

- (1) Out of the Consolidated Fund there are hereby appropriated the sums identified in sections 6 to 24, inclusive, 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 2004–05.
- (2) The total sum appropriated out of the Consolidated Fund for capital works and services for the year 2004–05, in accordance with the provisions of sections 6 to 24, inclusive, is the sum of \$2,711,319,000.
- (3) Any amounts expended for capital works and services under section 25 of the *Public Finance and Audit Act 1983* or any Supply Act on or after 1 July 2004 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 to 24, inclusive, as may be determined by the Treasurer.

Clause 6 Appropriation Bill 2004

Part 2 Appropriations out of the Consolidated Fund

6 Premier, Minister for the Arts and Minister for Citizenship

- (1) **RECURRENT SERVICES:** The sum of \$377,079,000 is hereby appropriated to the Premier, Minister for the Arts and Minister for Citizenship for the recurrent services of the following:

	\$,000
01. Cabinet Office	16,451
02. Parliamentary Counsel's Office	5,512
03. Premier's Department	94,009
04. Independent Pricing and Regulatory Tribunal	13,990
05. Natural Resources Commission	3,514
06. Ministry for the Arts	89,296
07. State Library of New South Wales	50,792
08. Australian Museum	20,581
09. Museum of Applied Arts and Sciences	27,865
10. Historic Houses Trust of New South Wales	15,897
11. Art Gallery of New South Wales	15,187
12. State Records Authority	4,690
13. New South Wales Film and Television Office	9,349
14. Community Relations Commission	9,946
	<hr/>
Total, Recurrent Services	377,079
	<hr/>

- (2) **CAPITAL WORKS AND SERVICES:** The sum of \$40,500,000 is hereby appropriated to the Premier, Minister for the Arts and Minister for Citizenship for the capital works and services of the following:

	\$,000
01. Cabinet Office	10
02. Parliamentary Counsel's Office	730
03. Premier's Department	3,364
04. Independent Pricing and Regulatory Tribunal	180
05. Natural Resources Commission	500
06. Ministry for the Arts	10,810
07. State Library of New South Wales	10,086
08. Australian Museum	4,420
09. Museum of Applied Arts and Sciences	4,898
10. Historic Houses Trust of New South Wales	2,277
11. Art Gallery of New South Wales	2,836
12. State Records Authority	345
13. New South Wales Film and Television Office	44
Total, Capital Works and Services	40,500

7 Attorney General and Minister for the Environment

- (1) **RECURRENT SERVICES:** The sum of \$764,711,000 is hereby appropriated to the Attorney General and Minister for the Environment for the recurrent services of the following:

Clause 7 Appropriation Bill 2004

Part 2 Appropriations out of the Consolidated Fund

	\$,000
01. Attorney General's Department	355,397
02. Judicial Commission of New South Wales	3,751
03. Legal Aid Commission of New South Wales	75,087
04. Department of Environment and Conservation	298,133
05. Environmental Trust	16,443
06. Royal Botanic Gardens and Domain Trust	15,900
	<hr/>
Total, Recurrent Services	764,711
	<hr/>

(2) **CAPITAL WORKS AND SERVICES:** The sum of \$113,985,000 is hereby appropriated to the Attorney General and Minister for the Environment for the capital works and services of the following:

	\$,000
01. Attorney General's Department	84,305
02. Judicial Commission of New South Wales	48
03. Legal Aid Commission of New South Wales	2,937
04. Department of Environment and Conservation	24,660
05. Royal Botanic Gardens and Domain Trust	2,035
	<hr/>
Total, Capital Works and Services	113,985
	<hr/>

8 Minister for Community Services, Minister for Ageing, Minister for Disability Services and Minister for Youth

- (1) **RECURRENT SERVICES:** The sum of \$2,152,953,000 is hereby appropriated to the Minister for Community Services, Minister for Ageing, Minister for Disability Services and Minister for Youth for the recurrent services of the following:

	\$,000
01. Department of Community Services	842,743
02. Office of the Children's Guardian	2,943
03. Department of Ageing, Disability and Home Care	1,299,468
04. Commission for Children and Young People	7,799
Total, Recurrent Services	2,152,953

- (2) **CAPITAL WORKS AND SERVICES:** The sum of \$50,673,000 is hereby appropriated to the Minister for Community Services, Minister for Ageing, Minister for Disability Services and Minister for Youth for the capital works and services of the following:

	\$,000
01. Department of Community Services	13,693
02. Office of the Children's Guardian	40
03. Department of Ageing, Disability and Home Care	36,763
04. Commission for Children and Young People	177
Total, Capital Works and Services	50,673

Clause 9 Appropriation Bill 2004

Part 2 Appropriations out of the Consolidated Fund

9 Minister for Education and Training and Minister for Aboriginal Affairs

- (1) **RECURRENT SERVICES:** The sum of \$7,664,105,000 is hereby appropriated to the Minister for Education and Training and Minister for Aboriginal Affairs for the recurrent services of the following:

	\$,000
01. Department of Education and Training	7,549,852
02. Office of the Board of Studies	80,951
03. Department of Aboriginal Affairs	33,302
	<hr/>
Total, Recurrent Services	7,664,105
	<hr/>

- (2) **CAPITAL WORKS AND SERVICES:** The sum of \$351,791,000 is hereby appropriated to the Minister for Education and Training and Minister for Aboriginal Affairs for the capital works and services of the following:

	\$,000
01. Department of Education and Training	351,052
02. Office of the Board of Studies	700
03. Department of Aboriginal Affairs	39
	<hr/>
Total, Capital Works and Services	351,791
	<hr/>

10 Minister for Energy and Utilities and Minister for Science and Medical Research

- (1) **RECURRENT SERVICES:** The sum of \$247,299,000 is hereby appropriated to the Minister for Energy and Utilities and Minister for Science and Medical Research for the recurrent services of the following:

	\$,000
01. Department of Energy, Utilities and Sustainability	146,644
02. Payments for Water and Sewerage Assistance	91,622
03. Ministry for Science and Medical Research	9,033
	<hr/>
Total, Recurrent Services	247,299
	<hr/>

- (2) **CAPITAL WORKS AND SERVICES:** The sum of \$1,739,000 is hereby appropriated to the Minister for Energy and Utilities and Minister for Science and Medical Research for the capital works and services of the following:

	\$,000
01. Department of Energy, Utilities and Sustainability	1,388
02. Ministry for Science and Medical Research	351
	<hr/>
Total, Capital Works and Services	1,739
	<hr/>

11 Minister for Gaming and Racing

- (1) **RECURRENT SERVICES:** The sum of \$38,130,000 is hereby appropriated to the Minister for Gaming and Racing for the recurrent services of the following:

Clause 12 Appropriation Bill 2004

Part 2 Appropriations out of the Consolidated Fund

	\$,000
01. Department of Gaming and Racing	32,005
02. Casino Control Authority	6,125
Total, Recurrent Services	<u>38,130</u>

(2) **CAPITAL WORKS AND SERVICES:** The sum of \$2,515,000 is hereby appropriated to the Minister for Gaming and Racing for the capital works and services of the following:

	\$,000
01. Department of Gaming and Racing	2,445
02. Casino Control Authority	70
Total, Capital Works and Services	<u>2,515</u>

12 Minister for Health

(1) **RECURRENT SERVICES:** The sum of \$7,906,170,000 is hereby appropriated to the Minister for Health for the recurrent services of the following:

	\$,000
01. Department of Health	7,895,601
02. Health Care Complaints Commission	10,569
Total, Recurrent Services	<u>7,906,170</u>

- (2) **CAPITAL WORKS AND SERVICES:** The sum of \$431,950,000 is hereby appropriated to the Minister for Health for the capital works and services of the following:

	\$,000
01. Department of Health	431,950
Total, Capital Works and Services	431,950

13 Minister for Infrastructure and Planning and Minister for Natural Resources

- (1) **RECURRENT SERVICES:** The sum of \$377,769,000 is hereby appropriated to the Minister for Infrastructure and Planning and Minister for Natural Resources for the recurrent services of the following:

	\$,000
01. Heritage Office	6,711
02. Department of Infrastructure, Planning and Natural Resources	316,021
03. Department of Lands	55,037
Total, Recurrent Services	377,769

- (2) **CAPITAL WORKS AND SERVICES:** The sum of \$27,346,000 is hereby appropriated to the Minister for Infrastructure and Planning and Minister for Natural Resources for the capital works and services of the following:

	\$,000
01. Heritage Office	19

Clause 14 Appropriation Bill 2004

Part 2 Appropriations out of the Consolidated Fund

	\$,000
02. Department of Infrastructure, Planning and Natural Resources	25,175
03. Department of Lands	2,152
Total, Capital Works and Services	<u>27,346</u>

14 Minister for Justice

- (1) **RECURRENT SERVICES:** The sum of \$580,781,000 is hereby appropriated to the Minister for Justice for the recurrent services of the following:

	\$,000
01. Department of Corrective Services	580,781
Total, Recurrent Services	<u>580,781</u>

- (2) **CAPITAL WORKS AND SERVICES:** The sum of \$109,338,000 is hereby appropriated to the Minister for Justice for the capital works and services of the following:

	\$,000
01. Department of Corrective Services	109,338
Total, Capital Works and Services	<u>109,338</u>

15 Minister for Juvenile Justice and Minister for Western Sydney

- (1) **RECURRENT SERVICES:** The sum of \$111,178,000 is hereby appropriated to the Minister for Juvenile Justice and Minister for Western Sydney for the recurrent services of the following:

	\$,000
01. Department of Juvenile Justice	111,178
	<hr/>
Total, Recurrent Services	111,178
	<hr/>

- (2) **CAPITAL WORKS AND SERVICES:** The sum of \$36,375,000 is hereby appropriated to the Minister for Juvenile Justice and Minister for Western Sydney for the capital works and services of the following:

	\$,000
01. Department of Juvenile Justice	36,375
	<hr/>
Total, Capital Works and Services	36,375
	<hr/>

16 Minister for Mineral Resources

- (1) **RECURRENT SERVICES:** The sum of \$34,065,000 is hereby appropriated to the Minister for Mineral Resources for the recurrent services of the following:

	\$,000
01. Coal Compensation Board	34,065
	<hr/>
Total, Recurrent Services	34,065
	<hr/>

Clause 17 Appropriation Bill 2004

Part 2 Appropriations out of the Consolidated Fund

- (2) **CAPITAL WORKS AND SERVICES:** The sum of \$90,000 is hereby appropriated to the Minister for Mineral Resources for the capital works and services of the following:

	\$,000
01. Coal Compensation Board	90
Total, Capital Works and Services	<u>90</u>

17 Minister for Police

- (1) **RECURRENT SERVICES:** The sum of \$1,654,514,000 is hereby appropriated to the Minister for Police for the recurrent services of the following:

	\$,000
01. Ministry for Police	11,341
02. NSW Police	1,619,427
03. New South Wales Crime Commission	9,053
04. Police Integrity Commission	14,693
Total, Recurrent Services	<u>1,654,514</u>

- (2) **CAPITAL WORKS AND SERVICES:** The sum of \$79,891,000 is hereby appropriated to the Minister for Police for the capital works and services of the following:

	\$,000
01. Ministry for Police	529
02. NSW Police	77,051

	\$,000
03. New South Wales Crime Commission	1,611
04. Police Integrity Commission	700
Total, Capital Works and Services	<u>79,891</u>

18 Minister for Primary Industries

- (1) **RECURRENT SERVICES:** The sum of \$265,185,000 is hereby appropriated to the Minister for Primary Industries for the recurrent services of the following:

	\$,000
01. Department of Primary Industries	247,413
02. Rural Assistance Authority	17,772
Total, Recurrent Services	<u>265,185</u>

- (2) **CAPITAL WORKS AND SERVICES:** The sum of \$23,013,000 is hereby appropriated to the Minister for Primary Industries for the capital works and services of the following:

	\$,000
01. Department of Primary Industries	22,963
02. Rural Assistance Authority	50
Total, Capital Works and Services	<u>23,013</u>

Clause 19 Appropriation Bill 2004

Part 2 Appropriations out of the Consolidated Fund

19 Minister for Roads and Minister for Housing

- (1) **RECURRENT SERVICES:** The sum of \$1,845,300,000 is hereby appropriated to the Minister for Roads and Minister for Housing for the recurrent services of the following:

	\$,000
01. Roads and Traffic Authority	1,400,219
02. Payments to Other Government Bodies Under the Control of the Minister	445,081
	<hr/>
Total, Recurrent Services	1,845,300
	<hr/>

- (2) **CAPITAL WORKS AND SERVICES:** The sum of \$1,015,172,000 is hereby appropriated to the Minister for Roads and Minister for Housing for the capital works and services of the following:

	\$,000
01. Roads and Traffic Authority	1,015,172
	<hr/>
Total, Capital Works and Services	1,015,172
	<hr/>

20 Minister for Rural Affairs, Minister for Local Government and Minister for Emergency Services

- (1) **RECURRENT SERVICES:** The sum of \$559,835,000 is hereby appropriated to the Minister for Rural Affairs, Minister for Local Government and Minister for Emergency Services for the recurrent services of the following:

	\$,000
01. Department of Local Government	84,225

	\$,000
02. New South Wales Fire Brigades	421,062
03. Department of Rural Fire Service	32,974
04. State Emergency Service	21,574
	<hr/>
Total, Recurrent Services	559,835
	<hr/>

- (2) **CAPITAL WORKS AND SERVICES:** The sum of \$18,792,000 is hereby appropriated to the Minister for Rural Affairs, Minister for Local Government and Minister for Emergency Services for the capital works and services of the following:

	\$,000
01. Department of Local Government	150
02. New South Wales Fire Brigades	14,964
03. State Emergency Service	3,678
	<hr/>
Total, Capital Works and Services	18,792
	<hr/>

21 Special Minister of State, Minister for Commerce, Minister for Industrial Relations and Minister for the Central Coast

- (1) **RECURRENT SERVICES:** The sum of \$174,354,000 is hereby appropriated to the Special Minister of State, Minister for Commerce, Minister for Industrial Relations and Minister for the Central Coast for the recurrent services of the following:

	\$,000
01. Department of Commerce	174,354
	<hr/>
Total, Recurrent Services	174,354
	<hr/>

Clause 22 Appropriation Bill 2004

Part 2 Appropriations out of the Consolidated Fund

- (2) **CAPITAL WORKS AND SERVICES:** The sum of \$19,255,000 is hereby appropriated to the Special Minister of State, Minister for Commerce, Minister for Industrial Relations and Minister for the Central Coast for the capital works and services of the following:

	\$,000
01. Department of Commerce	19,255
Total, Capital Works and Services	<u>19,255</u>

22 Minister for Tourism and Sport and Recreation and Minister for Women

- (1) **RECURRENT SERVICES:** The sum of \$133,000,000 is hereby appropriated to the Minister for Tourism and Sport and Recreation and Minister for Women for the recurrent services of the following:

	\$,000
01. Department of Tourism, Sport and Recreation	92,521
02. Sydney Olympic Park Authority	38,205
03. Centennial Park and Moore Park Trust	2,274
Total, Recurrent Services	<u>133,000</u>

- (2) **CAPITAL WORKS AND SERVICES:** The sum of \$27,681,000 is hereby appropriated to the Minister for Tourism and Sport and Recreation and Minister for Women for the capital works and services of the following:

	\$,000
01. Department of Tourism, Sport and Recreation	9,988
02. Sydney Olympic Park Authority	9,778

	\$,000
03. Centennial Park and Moore Park Trust	7,915
Total, Capital Works and Services	<u>27,681</u>

23 Minister for Transport Services and Minister for the Hunter

- (1) **RECURRENT SERVICES:** The sum of \$2,607,938,000 is hereby appropriated to the Minister for Transport Services and Minister for the Hunter for the recurrent services of the following:

	\$,000
01. Ministry of Transport	2,592,265
02. Independent Transport Safety and Reliability Regulator	15,673
Total, Recurrent Services	<u>2,607,938</u>

- (2) **CAPITAL WORKS AND SERVICES:** The sum of \$16,232,000 is hereby appropriated to the Minister for Transport Services and Minister for the Hunter for the capital works and services of the following:

	\$,000
01. Ministry of Transport	16,232
Total, Capital Works and Services	<u>16,232</u>

24 Treasurer and Minister for State Development

- (1) **RECURRENT SERVICES:** The sum of \$4,545,394,000 is hereby appropriated to the Treasurer and Minister for State Development for the recurrent services of the following:

	\$,000
01. Treasury	399,679
02. Crown Finance Entity	3,799,226
03. Advance to the Treasurer	240,000
04. Department of State and Regional Development	106,489
	<hr/>
Total, Recurrent Services	4,545,394
	<hr/>

- (2) **CAPITAL WORKS AND SERVICES:** The sum of \$344,981,000 is hereby appropriated to the Treasurer and Minister for State Development for the capital works and services of the following:

	\$,000
01. Treasury	18,308
02. Crown Finance Entity	216,563
03. Advance to the Treasurer	110,000
04. Department of State and Regional Development	110
	<hr/>
Total, Capital Works and Services	344,981
	<hr/>

Part 3 Additional appropriation for health related services

25 Additional appropriation from Consolidated Fund 2004–05 for recurrent services

- (1) Out of the Consolidated Fund there is hereby appropriated the sum identified in section 26, to the Minister specified in relation to that sum, for recurrent services, which sum may be issued and applied for or towards the use and purpose expressed in that section for the recurrent services of the Government for the year 2004–05.
- (2) The total sum appropriated out of the Consolidated Fund in accordance with the provisions of this Part is the sum of \$46,000,000.
- (3) The sum appropriated by this Part is in addition to any other sum appropriated by this Act for recurrent services.
- (4) Any amounts expended for recurrent services under section 25 of the *Public Finance and Audit Act 1983* or any Supply Act on or after 1 July 2004 and before the date of assent to this Act are taken to have been expended out of such of the sum for recurrent services set out in section 26 as may be determined by the Treasurer.

26 Special appropriation to Minister for Health—additional revenue from gaming machine taxes

RECURRENT SERVICES: The sum of \$46,000,000 is hereby appropriated to the Minister for Health for the recurrent services of the following:

	\$,000
01. Department of Health	46,000
Total, Recurrent Services	46,000

Note. This Part allocates the additional revenue raised in connection with changes to gaming machine taxes to the Minister for Health for spending on recurrent health related services.

See also the *Appropriation (Health Super-Growth Fund) Act 2003*. That Act requires the income from the investment of the sum appropriated by that Act to be paid into the Health Super-Growth Fund and applied for or towards public

Clause 26 Appropriation Bill 2004

Part 3 Additional appropriation for health related services

health capital works and services. It is estimated that \$23,000,000 in income will be paid into the Fund in the year 2004–05 and available for expenditure on public health capital works and services.

Part 4 General

27 Variation of authorised payments from Consolidated Fund

- (1) In this section, *purpose* means a purpose specified in Part 2 or 3 in relation to a Minister to which a sum is appropriated for recurrent services or for capital works and services.
- (2) Payment of a sum appropriated under Part 2 or 3 for a purpose may not be made in excess of the sum specified for the purpose or, if the same purpose is specified in Parts 2 and 3, the total sum specified for that purpose, except as provided by this section or Division 4 of Part 2 of the *Public Finance and Audit Act 1983*.
- (3) If the exigencies of government so require, the Treasurer may authorise the payment of a sum in excess of the sum or total sum 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 subsections (4) and (5).
- (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.
- (5) A sum appropriated under Part 3 may only be paid out for a purpose specified in Part 3.
- (6) This section does not apply to sums appropriated by another Act.
- (7) 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.
- (8) The Treasurer is to inform the Auditor-General of every authorisation given under this section.

28 Appointment of person to carry out the functions of the Treasurer under section 27

- (1) The Treasurer may appoint a person to carry out the Treasurer's functions under section 27.
- (2) Any such appointment is subject to such conditions (if any) as the Treasurer determines.
- (3) The Treasurer may revoke any such appointment at any time.

Clause 29 Appropriation Bill 2004

Part 4 General

- (4) A person appointed under this section has, in place of the Treasurer, the Treasurer's function under section 27 (8) of informing the Auditor-General of every authorisation given by the person under section 27.

29 Delayed restructures

- (1) Without limiting section 27, if the responsibility for a service or function for which an appropriation is made in this Act is transferred after 1 July 2004 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.
- (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.