



New South Wales

Appropriation (Special Offices) Bill 2010

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.
This Bill is cognate with the *Appropriation Bill 2010*.

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 2010–11 of the offices specified:

	Recurrent Services	Capital Works and Services
Independent Commission Against Corruption	\$17,986,000	\$240,000
Ombudsman's Office	\$21,460,000	\$314,000
New South Wales Electoral Commission	\$58,447,000	\$6,937,000
Office of the Director of Public Prosecutions	\$88,459,000	\$1,548,000

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 2010.

Clause 3 makes provision for interpretation of references to the 2010–11 financial year and other matters of interpretation.

Clause 4 is an interpretive provision relating to net cost of services and capital expenditure information included in the proposed Act.

Clauses 5–10 provide for the appropriations for the year 2010–11 in respect of the offices mentioned in the Overview, in the amounts described in the Overview. The total amounts appropriated are:

- (a) \$186,352,000 for recurrent services, and
- (b) \$9,039,000 for capital works and services.

The clause also contains details, for information only, of the net cost of services and capital expenditure for the service groups of each of the special offices.

Clause 11 enables the Treasurer to authorise payment for a purpose in excess of the sum appropriated for the purpose, in specified circumstances.

Clause 12 allows that function to be delegated by the Treasurer.

Clause 13 mirrors a provision that is contained in the *Appropriation Bill 2010* that allows the Treasurer to apply an appropriation differently in the event that responsibility for a service or function is transferred.



New South Wales

Appropriation (Special Offices) Bill 2010

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Interpretation	2
4 Net cost of services and capital expenditure information	2
5 Appropriation from Consolidated Fund 2010–11 for recurrent services of certain offices	2
6 Appropriation from Consolidated Fund 2010–11 for capital works and services of certain offices	3
7 Independent Commission Against Corruption	3
8 Ombudsman's Office	4
9 New South Wales Electoral Commission	5
10 Office of the Director of Public Prosecutions	5
11 Variation of authorised payments from Consolidated Fund	6
12 Appointment of person to carry out the functions of the Treasurer under section 11	7
13 Delayed restructures	7



New South Wales

Appropriation (Special Offices) Bill 2010

No. , 2010

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 2010–11.

The Legislature of New South Wales enacts:**1 Name of Act**

This Act is the *Appropriation (Special Offices) Act 2010*.

2 Commencement

This Act commences or is taken to have commenced on 1 July 2010.

3 Interpretation

- (1) In this Act, a reference to the year 2010–11 is a reference to the year from 1 July 2010 to 30 June 2011.
- (2) A reference in the *Public Finance and Audit Act 1983* to an or the Appropriation Act includes a reference to this Act.

4 Net cost of services and capital expenditure information

- (1) A note included in this Act that is described as “Net cost of services” sets out the net cost of services for the recurrent services of the agency for which an appropriation is made by this Act, disaggregated across the relevant service groups and Ministers to whom the agency is responsible.
- (2) A note included in this Act that is described as “Capital expenditure” sets out the expenditure on capital works and services of the agency for which an appropriation is made by this Act, disaggregated across the relevant service groups and Ministers to whom the agency is responsible.
- (3) A note referred to in subsection (1) or (2) is included for information only and does not form part of this Act.

5 Appropriation from Consolidated Fund 2010–11 for recurrent services of certain offices

- (1) Out of the Consolidated Fund there are hereby appropriated the sums identified in sections 7–10, 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 2010–11.
- (2) The total sum appropriated out of the Consolidated Fund for recurrent services for the year 2010–11, in accordance with the provisions of sections 7–10, is the sum of \$186,352,000.

- (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 2010 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 7–10, as may be determined by the Treasurer.

6 Appropriation from Consolidated Fund 2010–11 for capital works and services of certain offices

- (1) Out of the Consolidated Fund there are hereby appropriated the sums identified in sections 7–10, 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 2010–11.
- (2) The total sum appropriated out of the Consolidated Fund for capital works and services for the year 2010–11, in accordance with the provisions of sections 7–10, is the sum of \$9,039,000.
- (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 2010 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 7–10, as may be determined by the Treasurer.

7 Independent Commission Against Corruption

(1) Recurrent appropriation

The sum of \$17,986,000 is appropriated to the Premier and Minister for Redfern Waterloo for the recurrent services of the Independent Commission Against Corruption.

Note (net cost of services): This recurrent appropriation will fund net cost of services of \$19,311,000, as follows:

Premier		\$,000
01	Corruption Investigation, Prevention, Research and Education	19,311

(2) **Capital appropriation**

The sum of \$240,000 is appropriated to the Premier and Minister for Redfern Waterloo for the capital works and services of the Independent Commission Against Corruption.

Note (capital expenditure): This capital appropriation will fund capital expenditure of \$240,000, as follows:

Premier		\$,000
01	Corruption Investigation, Prevention, Research and Education	240

8 Ombudsman’s Office

(1) **Recurrent appropriation**

The sum of \$21,460,000 is appropriated to the Premier and Minister for Redfern Waterloo for the recurrent services of the Ombudsman’s Office.

Note (net cost of services): This recurrent appropriation will fund net cost of services of \$23,085,000, as follows:

Premier		\$,000
01	Complaint Resolution, Investigation, Oversight and Scrutiny	23,085

(2) **Capital appropriation**

The sum of \$314,000 is appropriated to the Premier and Minister for Redfern Waterloo for the capital works and services of the Ombudsman’s Office.

Note (capital expenditure): This capital appropriation will fund capital expenditure of \$314,000, as follows:

Premier		\$,000
01	Complaint Resolution, Investigation, Oversight and Scrutiny	314

9 New South Wales Electoral Commission

(1) Recurrent appropriation

The sum of \$58,447,000 is appropriated to the Premier and Minister for Redfern Waterloo for the recurrent services of the New South Wales Electoral Commission.

Note (net cost of services): This recurrent appropriation will fund net cost of services of \$64,249,000, as follows:

Premier		\$,000
01	Conduct and Management of Elections	64,249

(2) Capital appropriation

The sum of \$6,937,000 is appropriated to the Premier and Minister for Redfern Waterloo for the capital works and services of the New South Wales Electoral Commission.

Note (capital expenditure): This capital appropriation will fund capital expenditure of \$6,937,000, as follows:

Premier		\$,000
01	Conduct and Management of Elections	6,937

10 Office of the Director of Public Prosecutions

(1) Recurrent appropriation

The sum of \$88,459,000 is appropriated to the Attorney General, Minister for Citizenship and Minister for Regulatory Reform for the recurrent services of the Office of the Director of Public Prosecutions.

Note (net cost of services): This recurrent appropriation will fund net cost of services of \$99,366,000, disaggregated as follows:

Attorney General		\$,000
01	Prosecutions	94,769
02	Victim and Witness Assistance	4,597
	Total	<u>99,366</u>

(2) **Capital appropriation**

The sum of \$1,548,000 is appropriated to the Attorney General, Minister for Citizenship and Minister for Regulatory Reform for the capital works and services of the Office of the Director of Public Prosecutions.

Note (capital expenditure): This capital appropriation will fund capital expenditure of \$1,548,000, as follows:

Attorney General		\$,000
01	Prosecutions	1,548

11 Variation of authorised payments from Consolidated Fund

- (1) In this section, *purpose* means a purpose, specified in sections 7–10 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 sections 7–10 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*.
- (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).
- (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) This section does not apply to sums appropriated by another Act.
- (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.
- (7) The Treasurer is to inform the Auditor-General of every authorisation given under this section.
- (8) An authorisation under this section may be given before or after the relevant payment is made.

12 Appointment of person to carry out the functions of the Treasurer under section 11

- (1) The Treasurer may appoint a person to carry out the Treasurer's functions under section 11.
- (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.
- (4) A person appointed under this section has, in place of the Treasurer, the Treasurer's function under section 11 (7) of informing the Auditor-General of every authorisation given by the person under section 11.

13 Delayed restructures

- (1) Without limiting section 11, if the responsibility for a service or function for which an appropriation is made in this Act is transferred on or after 1 July 2010 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.