

[Act 2001 No 2]



New South Wales

## **Appropriation (Budget Variations) Bill 2001**

### **Explanatory note**

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

#### **Overview of Bill**

The object of this Bill is to appropriate additional amounts from the Consolidated Fund for recurrent services and capital works and services for the years 2000–2001 and 1999–2000 for the purpose of giving effect to certain Budget variations required by the exigencies of Government.

The additional amounts appropriated for the 2000–2001 year are:

- (a) \$168,429,000 in adjustment of the vote “Advance to the Treasurer”, and
- (b) \$100,623,000 for recurrent services and capital works and services in accordance with section 22 (1) of the *Public Finance and Audit Act 1983*, and
- (c) \$478,138,000 for additional recurrent services.

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\* Amended in committee—see table at end of volume.

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The additional amounts appropriated for the 1999–2000 year are:

- (a) \$29,252,000 in adjustment of the vote “Advance to the Treasurer”, and
- (b) \$53,533,000 for recurrent services and capital works and services in accordance with section 22 (1) of the *Public Finance and Audit Act 1983*.

## Outline of provisions

### Part 1 Preliminary

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides that the proposed Act is taken to have commenced on 1 July 2000, which is the date of commencement of the *Appropriation Act 2000*.

### Part 2 Budget variations 2000–2001

**Clause 3** appropriates the additional amount in adjustment of the vote “Advance to the Treasurer”, 2000–2001, the details of which are set out in Column 1 of Schedule 1.

**Clause 4** 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. Because 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 2001–2002 financial year.

**Clause 5** appropriates the additional amounts for recurrent services, the details of which are set out in Column 3 of Schedule 1.

### Part 3 Budget variations 1999–2000

**Clause 6** appropriates the additional amount in adjustment of the vote “Advance to the Treasurer”, 1999–2000, the details of which are set out in Column 1 of Schedule 2.

**Clause 7** appropriates the additional amounts for recurrent services and capital works and services (subclause (1)) under section 22 (1) of the *Public Finance and Audit Act 1983*, the details of which are set out in Column 2 of Schedule 2. Because 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 2001–2002 financial year.

## **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 year 1999–2000 or 2000–2001.

**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 *Appropriation Act 2000*. (This emphasises that the appropriations are part of the budgetary process for the year 1999–2000 or 2000–2001, and ensures that terms are construed consistently.) Subclause (2) is consequential on subclause (1) and makes it clear that the appropriations are not limited to meeting shortfalls from other appropriations. Subclause (3) validates any payment of the appropriated sums before the date of assent to the proposed Act. Subclause (3) also provides that the proposed subsection applies whether or not the proposed Act is assented to during or after the year 1999–2000 or 2000–2001. (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 approval or expenditure, before the date of assent to the proposed Act, of any sum to which the proposed Act applies.