



New South Wales

Appropriation (Budget Variations) Bill 2003

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 2002–2003 and 2001–2002 for the purpose of giving effect to certain Budget variations required by the exigencies of Government.

The additional amounts appropriated for the 2002–2003 year are:

- (a) \$286,267,000 in adjustment of the vote “Advance to the Treasurer”, and
- (b) \$845,273,000 for recurrent services and capital works and services in accordance with section 22 (1) of the *Public Finance and Audit Act 1983*, and
- (c) \$425,000,000 for additional recurrent services and capital works and services.

The additional amounts appropriated for the 2001–2002 year are:

- (a) \$212,806,000 in adjustment of the vote “Advance to the Treasurer”, and
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- (b) \$1,184,463,000 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 2002 which is the date of commencement of the *Appropriation Act 2002*.

Part 2 Budget variations 2002–2003

Clause 3 appropriates the additional amount in adjustment of the vote “Advance to the Treasurer”, 2002–2003, 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 2003–2004 financial year.

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

Part 3 Budget variations 2001–2002

Clause 6 appropriates the additional amount in adjustment of the vote “Advance to the Treasurer”, 2001–2002, 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 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 2003–2004 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 2001–2002 or 2002–2003.

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 2002*. (This emphasises that the appropriations are part of budgetary process for the year 2001–2002 or 2002–2003, 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 2001–2002 or 2002–2003. (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.

Clause 11 validates, to the extent (if any) to which it may be necessary to do so, expenditure and payments committed, incurred or authorised by an officer of an authority pending the making of a relevant determination by the Treasurer under section 24 of the *Public Finance and Audit Act 1983*.

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