



New South Wales

Appropriation (Budget Variations) Bill 2009

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 2008–2009 and 2007–2008 for the purpose of giving effect to certain Budget variations required by the exigencies of Government.

The additional amounts appropriated for the 2008–2009 year are:

- (a) \$343,195,000 in adjustment of the vote “Advance to the Treasurer”, and
- (b) \$10,891,000 for recurrent services in accordance with section 22 (1) of the *Public Finance and Audit Act 1983*, and
- (c) \$520,505,000 for other additional recurrent services.

The additional amounts appropriated for the 2007–2008 year are:

- (a) \$303,144,000 in adjustment of the vote “Advance to the Treasurer”, and
 - (b) \$240,010,000 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 commences on the date of assent.

Part 2 Budget variations 2008–2009

Clause 3 appropriates the additional amount in adjustment of the vote “Advance to the Treasurer”, 2008–2009, the details of which are set out in Column 1 of Schedule 1.

Clause 4 appropriates the additional amounts for recurrent 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 2009–2010 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 2007–2008

Clause 6 appropriates the additional amount in adjustment of the vote “Advance to the Treasurer”, 2007–2008, 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 2009–2010 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 2007–2008 or 2008–2009.

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 year 2007–2008 or 2008–2009, 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 2007–2008 or 2008–2009. (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 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.