



New South Wales

Appropriation Act 2023 No 24

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Appropriation Act 2023 No 24

Act No 24, 2023

An Act to appropriate out of the Consolidated Fund sums for the services of the Government for the year 2023–24. [Assented to 27 September 2023]

See also the *Appropriation (Parliament) Act 2023* and the *Treasury and Revenue Legislation Amendment Act 2023*.

The Legislature of New South Wales enacts—

Part 1 Preliminary

1 Name of Act

This Act is the *Appropriation Act 2023*.

2 Commencement

This Act commences on the date of assent to this Act.

3 Definitions

In this Act—

services includes the following—

- (a) capital works and services,
- (b) recurrent services,
- (c) repayment of debt.

year 2023–24 means the year from 1 July 2023 to 30 June 2024.

Part 2 Appropriations—Departments

Note— The total amount appropriated out of the Consolidated Fund for services for the year 2023–24 in accordance with this part is \$116,956,491,772.

Division 1 Cabinet Office

4 Cabinet Office

This Act appropriates the sum of \$101,633,359 to the Premier out of the Consolidated Fund for the services of The Cabinet Office for the year 2023–24.

Note— The appropriation, together with funds from other sources, is intended to fund expenses to the sum of \$102,176,214.

Division 2 Communities and Justice

5 Department of Communities and Justice

This Act appropriates the sum of \$19,551,556,812 to the Attorney General out of the Consolidated Fund for the services of the Department of Communities and Justice for the year 2023–24.

Note— The appropriation, together with funds from other sources, is intended to fund—

- (a) expenses to the sum of \$20,594,206,602 and
- (b) capital expenditure to the sum of \$228,615,000.

Division 3 Customer Service

6 Department of Customer Service

This Act appropriates the sum of \$2,058,565,049 to the Minister for Customer Service and Digital Government out of the Consolidated Fund for the services of the Department of Customer Service for the year 2023–24.

Note— The appropriation, together with funds from other sources, is intended to fund—

- (a) expenses to the sum of \$3,137,022,797, and
- (b) capital expenditure to the sum of \$213,980,000.

7 Digital Restart Fund

This Act appropriates the sum of \$66,000,000 to the Minister for Customer Service and Digital Government out of the Consolidated Fund for payment into the Digital Restart Fund established under the *Digital Restart Fund Act 2020*.

8 Rental Bond Interest Account

This Act appropriates the sum of \$67,079,000 to the Minister for Customer Service and Digital Government out of the Consolidated Fund for payment into the Rental Bond Interest Account established under the *Residential Tenancies Act 2010*.

Division 4 Education

9 Department of Education

This Act appropriates the sum of \$22,465,320,057 to the Deputy Premier out of the Consolidated Fund for the services of the Department of Education for the year 2023–24.

Note— The appropriation, together with funds from other sources, is intended to fund—

- (a) expenses to the sum of \$22,607,859,719, and
- (b) capital expenditure to the sum of \$2,586,183,000.

Division 5 Environment and Planning

10 Department of Planning and Environment

This Act appropriates the sum of \$6,805,162,909 to the Minister for Climate Change out of the Consolidated Fund for the services of the Department of Planning and Environment for the year 2023–24.

Note— The appropriation, together with funds from other sources, is intended to fund—

- (a) expenses to the sum of \$8,408,545,356, and
- (b) capital expenditure to the sum of \$543,909,000.

Division 6 Health

11 Ministry of Health

This Act appropriates the sum of \$19,050,823,984 to the Minister for Health out of the Consolidated Fund for the services of the Ministry of Health for the year 2023–24.

Note— The appropriations under this section and Part 3 are intended to fund—

- (a) expenses to the sum of \$30,951,806,405, and
- (b) capital expenditure to the sum of \$3,303,110,000.

Division 7 Jobs and Tourism

12 Department of Enterprise, Investment and Trade

This Act appropriates the sum of \$1,734,098,894 to the Minister for Jobs and Tourism out of the Consolidated Fund for the services of the Department of Enterprise, Investment and Trade for the year 2023–24.

Note— The appropriation, together with funds from other sources, is intended to fund—

- (a) expenses to the sum of \$1,533,586,535, and
- (b) capital expenditure to the sum of \$430,412,000.

Division 8 Premier's Department

13 Premier's Department

This Act appropriates the sum of \$389,067,826 to the Premier out of the Consolidated Fund for the services of the Premier's Department for the year 2023–24.

Note— The appropriation, together with funds from other sources, is intended to fund—

- (a) expenses to the sum of \$440,698,465, and
- (b) capital expenditure to the sum of \$21,348,000.

Division 9 Regional NSW

14 Department of Regional NSW

This Act appropriates the sum of \$1,312,234,887 to the Minister for Regional New South Wales out of the Consolidated Fund for the services of the Department of Regional NSW for the year 2023–24.

Note— The appropriation, together with funds from other sources, is intended to fund—

- (a) expenses to the sum of \$2,692,658,174, and
- (b) capital expenditure to the sum of \$85,057,000.

15 Regional Development Trust Fund

This Act appropriates the sum of \$25,000,000 to the Minister for Regional New South Wales out of the Consolidated Fund for payment into the Regional Development Trust Fund established under the *Regional Development Act 2004*.

Division 10 Transport

16 Department of Transport

This Act appropriates the sum of \$24,674,462,346 to the Minister for Transport out of the Consolidated Fund for the services of the Department of Transport for the year 2023–24.

Note— The appropriation, together with funds from other sources, is intended to fund—

- (a) expenses to the sum of \$28,508,813,560, and
- (b) capital expenditure to the sum of \$8,669,205,000.

Division 11 Treasury

17 Treasury

This Act appropriates the sum of \$4,083,080,257 to the Treasurer out of the Consolidated Fund for the services of Treasury for the year 2023–24.

Note— The appropriation, together with funds from other sources, is intended to fund—

- (a) expenses to the sum of \$3,317,941,480, and
- (b) capital expenditure to the sum of \$1,215,428,000.

18 Administered items

This Act appropriates the sum of \$13,662,552,895 to the Treasurer out of the Consolidated Fund for the purposes of the activities or services administered by the Treasurer on behalf of the State generally for the year 2023–24.

Note— The appropriation, together with funds from other sources, is intended to fund expenses to the sum of \$14,092,884,325.

19 NSW Generations Fund

This Act appropriates the sum of \$512,587,497 to the Treasurer out of the Consolidated Fund for payment into the NSW Generations (Community Services and Facilities) Fund established under the *NSW Generations Funds Act 2018*.

20 NSW Shared Equity Scheme Fund

This Act appropriates the sum of \$227,266,000 to the Treasurer out of the Consolidated Fund for payment into the NSW Shared Equity Scheme Fund established under the *First Home Owner Grant and Shared Equity Act 2000*.

21 Appropriation to Treasurer relating to integrity agencies

- (1) This Act appropriates the sum of \$20,000,000 to the Treasurer out of the Consolidated Fund for contingencies in relation to the integrity agencies for the year 2023–24.
- (2) In this section—
integrity agency means each of the following—
 - (a) the Audit Office of New South Wales,
 - (b) the Independent Commission Against Corruption,
 - (c) the Law Enforcement Conduct Commission,

- (d) the New South Wales Electoral Commission,
- (e) the Ombudsman's Office.

22 Appropriation to Treasurer for natural disasters

This Act appropriates the sum of \$150,000,000 to the Treasurer out of the Consolidated Fund for expenditure related to the Government's response to address a natural disaster or the impacts of a natural disaster in the Northern Rivers or Central West regions.

Part 3 Additional appropriation for health related services

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

- (1) This Act appropriates the sum of \$561,837,782 to the Minister for Health out of the Consolidated Fund for the services of the Ministry of Health for the year 2023–24.
- (2) The sum appropriated is in addition to any other sum appropriated by this Act.

Part 4 Appropriations—Special Offices

Note— The total amount appropriated out of the Consolidated Fund for services for the year 2023–24 in accordance with this part is \$601,782,606.

24 Independent Commission Against Corruption

This Act appropriates the sum of \$42,422,429 to the Premier out of the Consolidated Fund for the services of the Independent Commission Against Corruption for the year 2023–24.

Note— The appropriation, together with funds from other sources, is intended to fund—

- (a) expenses to the sum of \$41,330,359, and
- (b) capital expenditure to the sum of \$2,484,000.

25 Independent Pricing and Regulatory Tribunal

This Act appropriates the sum of \$33,934,820 to the Premier out of the Consolidated Fund for the services of the Independent Pricing and Regulatory Tribunal for the year 2023–24.

Note— The appropriation, together with funds from other sources, is intended to fund—

- (a) expenses to the sum of \$37,638,812, and
- (b) capital expenditure to the sum of \$180,000.

26 Judicial Commission of New South Wales

This Act appropriates the sum of \$6,279,443 to the Attorney General out of the Consolidated Fund for the services of the Judicial Commission of New South Wales for the year 2023–24.

Note— The appropriation, together with funds from other sources, is intended to fund—

- (a) expenses to the sum of \$7,644,593, and
- (b) capital expenditure to the sum of \$150,000.

27 Law Enforcement Conduct Commission

This Act appropriates the sum of \$26,130,403 to the Premier out of the Consolidated Fund for the services of the Law Enforcement Conduct Commission for the year 2023–24.

Note— The appropriation, together with funds from other sources, is intended to fund—

- (a) expenses to the sum of \$26,493,686, and
- (b) capital expenditure to the sum of \$1,100,000.

28 New South Wales Electoral Commission

This Act appropriates the sum of \$167,811,577 to the Premier out of the Consolidated Fund for the services of the New South Wales Electoral Commission for the year 2023–24.

Note— The appropriation, together with funds from other sources, is intended to fund—

- (a) expenses to the sum of \$167,317,893, and
- (b) capital expenditure to the sum of \$16,679,000.

29 Office of the Children’s Guardian

This Act appropriates the sum of \$30,680,075 to the Minister for Families and Communities out of the Consolidated Fund for the services of the Office of the Children’s Guardian for the year 2023–24.

Note— The appropriation, together with funds from other sources, is intended to fund—

- (a) expenses to the sum of \$62,676,851, and
- (b) capital expenditure to the sum of \$1,439,000.

30 Office of the Director of Public Prosecutions

This Act appropriates the sum of \$211,001,214 to the Attorney General out of the Consolidated Fund for the services of the Office of the Director of Public Prosecutions for the year 2023–24.

Note— The appropriation, together with funds from other sources, is intended to fund—

- (a) expenses to the sum of \$222,837,697, and
- (b) capital expenditure to the sum of \$4,027,000.

31 Ombudsman’s Office

This Act appropriates the sum of \$52,878,380 to the Premier out of the Consolidated Fund for the services of the Ombudsman’s Office for the year 2023–24.

Note— The appropriation, together with funds from other sources, is intended to fund—

- (a) expenses to the sum of \$53,788,620, and
- (b) capital expenditure to the sum of \$1,768,000.

32 Public Service Commission

This Act appropriates the sum of \$30,644,265 to the Premier out of the Consolidated Fund for the services of the Public Service Commission for the year 2023–24.

Note— The appropriation, together with funds from other sources, is intended to fund—

- (a) expenses to the sum of \$40,390,400, and
- (b) capital expenditure to the sum of \$666,000.

Part 5 Commonwealth transfer payments

33 Appropriation for Commonwealth transfer payments

- (1) This Act appropriates the sum of \$6,305,600,000 to the Treasurer out of the Consolidated Fund for Commonwealth transfer payments to non-government schools and local government for services for the year 2023–24.
- (2) The sum appropriated is in addition to any other sum appropriated by this Act.
- (3) The sum appropriated is subject to the *Government Sector Finance Act 2018*, section 4.11.

Part 6 Variations to authorised payments

34 Payments not to be in excess of sums specified

- (1) Payment of a sum must not be made from the Consolidated Fund for a purpose for the year 2023–24 if the sum is more than the sum appropriated for the purpose by this Act or the *Appropriation (Parliament) Act 2023*.
- (2) Subsection (1) does not limit a payment authorised by—
 - (a) this part, or
 - (b) the *Government Sector Finance Act 2018*, Part 4.

35 Variations—contingencies relating to integrity agencies

- (1) The Treasurer may authorise the payment of a sum appropriated by this Act for a purpose specified in Part 4 for an integrity agency other than the Audit Office of New South Wales that is more than the sum specified for the purpose if—
 - (a) the Treasurer is of the opinion that—
 - (i) the sum appropriated for the purpose is insufficient to enable the purpose to be effectively and efficiently carried out, and
 - (ii) the additional sum is reasonably necessary for the integrity agency to effectively and efficiently carry out the purpose, and
 - (b) an equivalent sum is not paid out from the sum appropriated to the Treasurer by section 21.
- (2) The Treasurer may authorise the payment of a sum from the sum appropriated to the Treasurer by section 21 to the Audit Office of New South Wales for the services of the Office if the Treasurer is of the opinion that the sum is reasonably necessary for the Office to effectively and efficiently carry out the functions the Office and provide the services of the Office.
- (3) In this section—
integrity agency has the same meaning as in section 21.

36 Variations—Government’s response to natural disasters

The Treasurer may authorise the payment of a sum appropriated for a purpose by this Act or the *Appropriation (Parliament) Act 2023* that is more than the sum specified for the purpose if—

- (a) the Treasurer is of the opinion that the additional sum is reasonably necessary because of expenditure related to the Government’s response to address a natural disaster or the impacts of a natural disaster in the Northern Rivers or Central West regions, and
- (b) an equivalent sum is not paid out from the sum appropriated to the Treasurer by section 22.

37 Variations—exigencies of Government and appropriations insufficient for purpose

- (1) The Treasurer may authorise the payment of a sum appropriated by this Act or the *Appropriation (Parliament) Act 2023* for a purpose that is more than the sum specified for the purpose if—
 - (a) the Treasurer is of the opinion that the exigencies of Government require the payment, and
 - (b) 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.

- (2) The Treasurer may authorise the payment of a sum appropriated by this Act for a purpose that is more than the sum specified for the purpose if—
 - (a) the Treasurer is of the opinion that the sum appropriated for the purpose is insufficient to enable the purpose to be effectively and efficiently carried out, and
 - (b) an equivalent sum is identified as surplus to another purpose by the Minister in relation to whom the other purpose is specified, whether the other purpose is specified in relation to the same or a different Minister, and
 - (c) the equivalent sum is not paid out for the other purpose.
- (3) The Treasurer must not, under this section, authorise the payment of a sum appropriated under a part of this Act to be paid out for a purpose other than a purpose specified in the part.

38 Treasurer must not increase fixed salary or wages

The Treasurer must not authorise the payment of a sum under this part that increases salary or wages if the amount of the salary or wages is fixed by law.

39 Part does not apply to sums appropriated by another Act

This part does not apply to sums appropriated by another Act except as otherwise provided in this part.

40 Treasurer must inform Auditor-General of authorisations

- (1) The Treasurer must inform the Auditor-General of every authorisation given under this part.
- (2) An authorisation under this part may be given before or after the payment is made.

Part 7 General

41 Appointment of person to carry out functions of Treasurer under Part 6

- (1) The Treasurer may appoint a person to carry out the Treasurer's functions under Part 6.
- (2) The appointment is subject to the conditions, if any, that the Treasurer decides.
- (3) The Treasurer may revoke the appointment at any time.
- (4) A person appointed under this section has, in place of the Treasurer, the Treasurer's function under section 40 of informing the Auditor-General of every authorisation given by the person under Part 6.

42 Appointment of accountable authority to identify surplus

- (1) A Minister may appoint the accountable authority for a GSF agency for which the Minister is the responsible Minister to carry out the Minister's functions under section 37(2)(b).
- (2) The appointment is subject to the conditions, if any, that the Minister determines.
- (3) The Minister may revoke the appointment at any time.
- (4) In this section—
accountable authority, for a GSF agency, has the same meaning as in the *Government Sector Finance Act 2018*.
GSF agency has the same meaning as in the *Government Sector Finance Act 2018*.

43 Budget-related information

- (1) Budget-related information—
 - (a) does not form part of this Act, and
 - (b) does not affect the application of an amount appropriated by this Act.
- (2) In this section—
budget-related information means—
 - (a) notes included in this Act relating to expenses and capital expenditure, and
 - (b) Budget Papers of the Government tabled in Parliament in connection with the Bill for this Act.
this Act includes the *Appropriation (Parliament) Act 2023*.

44 Payments authorised on lapse of appropriation

- An amount is taken to have been expended out of a sum appropriated for a purpose by this Act if the amount—
- (a) was paid for the purpose out of the Consolidated Fund under the *Government Sector Finance Act 2018*, section 4.10, and
 - (b) was paid on or after 1 July 2023 and before the date of assent to this Act.

[Second reading speech made in—
Legislative Assembly on 19 September 2023
Legislative Council on 21 September 2023]