



ANNO TRICESIMO

**ELIZABETHAE II REGINAE**

**A.D. 1981**

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**No. 6 of 1981**

**An Act to amend the Public Finance Act, 1936-1975.**

[Assented to 5 March 1981]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "Public Finance Act Amendment Act, 1981".

(2) The Public Finance Act, 1936-1975, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Public Finance Act, 1936-1981".

Commence-  
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.

Repeal of  
s. 4.

3. Section 4 of the principal Act is repealed.

Repeal of  
ss. 27 and 27a  
and substitution  
of new section.

4. Sections 27 and 27a of the principal Act are repealed and the following section is substituted:

Treasurer may  
authorize  
special credits  
to Treasury  
accounts.

27. (1) Subject to this section, the Treasurer may, after consideration of the advice of the Under Treasurer or the Auditor-General, authorize credits in such amounts as he thinks fit, not exceeding the amount of reserves—

(a) arising in consequence of the repayment of borrowed moneys by the Treasurer out of the revenues of the State or by the Commonwealth for the benefit of the State, whether in accordance with the provisions of the Financial Agreement or otherwise;

(b) arising in consequence of the cancellation of State indebtedness for borrowed money by the Commonwealth or by any other lender, or by the assumption by the Commonwealth of full responsibility for the servicing and repayment of any borrowed moneys;

(c) arising in consequence of any recovery, other than a recovery of a revenue nature, from or in respect of any work or asset financed out of borrowed moneys, of any amount in excess of the unrecouped expenditure incurred thereon out of borrowed moneys;

(d) arising in consequence of grants of money made by the Commonwealth to the State for the purpose of capital works;

and

(e) arising or that will arise as a result of the performance by the National Debt Commission of an existing obligation to repay borrowed moneys from the National Debt Sinking Fund for the benefit of the State in accordance with the Financial Agreement,

to any Treasury account which records unrecouped capital expenditures.

(2) The amount of the credits that may be authorized under subsection (1) shall be reduced by the amount of any credits previously authorized under that subsection in respect of reserves that have not arisen at the time that the firstmentioned credits are authorized.

5. Section 32a of the principal Act is repealed and the following section is substituted:

32a. (1) In this section—

“Appropriation Act” means an Act (other than this Act) for the appropriation of moneys from the Consolidated Account and includes an Act for the appropriation of moneys from the General Revenue of the State or from the Loan Fund Account:

“the Governor’s Appropriation Fund” means the money that the Governor is by subsection (2) authorized to appropriate:

“the public purposes of the State” includes any purpose for which moneys are, under the provisions of any Act, required to be paid out of moneys to be provided or appropriated by Parliament.

(2) The Governor in any financial year may, without the authority of an Appropriation Act, appropriate by warrant to the public purposes of the State, an amount not exceeding the maximum prescribed by subsection (3).

(3) The maximum amount that may be appropriated under subsection (2) is—

(a) an amount equal to three per centum of the total amount appropriated by Appropriation Acts during the previous financial year;

less

(b) any amounts previously appropriated under this section and not recouped under subsection (4).

Repeal of s. 32a and substitution of new section.

Power to appropriate additional moneys for previously authorized purposes or to appropriate moneys for new purposes.

(4) Any money appropriated for any purpose by the Governor pursuant to this section in any financial year may be recouped to the Governor's Appropriation Fund out of any money subsequently voted by any Appropriation Act that provides for the issue and application of money from the Consolidated Account and is passed in the same financial year, and thereafter the balance of the Governor's Appropriation Fund shall be increased by the amount so recouped.

(5) For the purpose of determining the total amount that may be appropriated by the Governor in accordance with this section each amount so appropriated shall be included once only in that determination notwithstanding that it is, for any reason, recorded more than once in the Consolidated Account or in a schedule to that account.

(6) Where the moneys appropriated for a particular purpose are insufficient for that purpose and the moneys appropriated for another purpose exceed the moneys required for that purpose, the Governor may, by warrant, increase the appropriation for the firstmentioned purpose if, by the same warrant, he decreases the appropriation for the second-mentioned purpose by an amount equal to the amount by which the appropriation for the firstmentioned purpose is increased.

(7) The Governor may, by warrant, at any time reduce the moneys appropriated for a particular purpose.

Repeal of  
s. 32b.

6. Section 32b of the principal Act is repealed.

Amendment of  
s. 32c—  
Provisions as  
to warrants.

7. Section 32c of the principal Act is amended by striking out from paragraph (a) the passage "the Chief Secretary" and substituting the passage "a Minister of the Crown".

Repeal of  
s. 32g and  
substitution  
of new section

8. Section 32g of the principal Act is repealed and the following section is substituted:

Treasurer to  
prepare  
statement of  
moneys  
payable  
out of  
Consolidated  
Account.

32g. (1) The Treasurer shall, as often as occasion may require, calculate the amounts of money likely to become due and payable out of the Consolidated Account during a period not exceeding three months next after the calculation, and shall prepare a warrant in duplicate setting forth those amounts and such other particulars (if any) as are prescribed, and, after signing the warrant, shall transmit it for the approval and signature of the Governor.

(2) One copy of the warrant shall be transmitted to the Auditor-General, and the other copy shall be retained by the Treasurer.

(3) Any such warrant, when approved and signed by the Governor and countersigned by a Minister of the Crown, shall be the authority for the disbursement of the money to which it relates.

(4) No public money shall be disbursed unless and until its disbursement has been authorized as provided in this section, or otherwise in accordance with law.

Amendment of  
s. 32j—  
Sums  
appropriated  
for any year  
not to be  
expended after  
close of the  
year.

9. Section 32j of the principal Act is amended by striking out from subsection (1) the passage "the General Revenue" and substituting the passage "the Consolidated Account".

10. Section 35 of the principal Act is repealed and the following section is substituted:

Repeal of s. 35 and substitution of new section.

35. (1) Where the Commonwealth has made or makes any payment to the State pursuant to any Act of the Commonwealth or pursuant to an agreement or arrangement between the Commonwealth and the State and that Act, agreement or arrangement prescribes the purpose for which the payment must be applied the Treasurer may accept that payment from the Commonwealth and credit a suitable trust fund account therewith, and may, without any other authority than this Act, authorize the disbursement of that payment for the purposes set out in the Commonwealth Act, agreement or arrangement.

Treasurer may credit suitable trust funds with special grants from the Commonwealth.

(2) The Treasurer may establish and maintain at the Treasury an account to be called the "Treasurer's Advance Account".

(3) Where moneys are payable by the Commonwealth to the State pursuant to an Act of the Commonwealth or pursuant to an agreement or arrangement between the Commonwealth and the State and those moneys are as yet unpaid, the Treasurer may issue moneys from the Treasurer's Advance Account for the purpose of—

(a) making expenditure contemplated by the Commonwealth Act, agreement or arrangement;

or

(b) crediting an account from which the expenditure contemplated by the Commonwealth Act, agreement or arrangement has already been made,

and when moneys are subsequently received from the Commonwealth pursuant to the Commonwealth Act, agreement or arrangement those moneys shall be applied to reimburse the Treasurer's Advance Account in respect of that expenditure.

11. Sections 36 and 37 of the principal Act are repealed and the following section is substituted:

Repeal of ss. 36 and 37 and substitution of new section.

36. (1) The Treasurer may in respect of any Government Department or Instrumentality of the Crown authorize the opening of one or more Special Deposit Accounts for any purpose of or relating to that Department or Instrumentality.

Special Deposit Accounts.

(2) Any moneys payable to a Government Department or Instrumentality of the Crown may, with the approval of the Treasurer, be paid into a Special Deposit Account opened under this section.

(3) The Treasurer may pay any moneys appropriated or provided in accordance with law for the purposes of a Department or Instrumentality of the Crown into a Special Deposit Account opened under this section.

(4) Notwithstanding any provision of this Act, or any other law to the contrary the Treasurer may appropriate, issue and apply all or any moneys standing to the credit of a Special Deposit Account for any purpose for which that account was opened.

(5) Any account designated as a special deposit account, deposit account or department stores account established by the Treasurer before the commencement of the Public Finance Act Amendment Act, 1981, shall be deemed to be a special deposit account established under this section.

Repeal of  
s. 38 and  
substitution  
of new  
section.

The  
Consolidated  
Account.

12. Section 38 of the principal Act is repealed and the following section is substituted:

38. (1) The Treasurer shall establish and maintain an account at the Treasury entitled the "Consolidated Account".

(2) There shall be credited to the Consolidated Account the amounts of—

- (a) the moneys constituting the General Revenue of the State;
- (b) the moneys that immediately prior to the enactment of this section, stood to the credit of the Loan Fund Account;
- (c) all moneys received by the Treasurer after the enactment of this section in repayment of advances made or money expended from the Loan Account or out of money borrowed for the general purposes of the State under any Act;
- (d) all moneys received from the Commonwealth as a grant or loan towards the provision of capital works (not being moneys credited to a special account);
- (e) all moneys received by the Treasurer from the sale of lands belonging to the Crown;
- (f) all moneys borrowed pursuant to the Financial Agreement by or on behalf of the State and for which Commonwealth securities are issued;
- (g) any other moneys determined by the Treasurer.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

K. D. SEAMAN, Governor