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The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

Appropriation (Parliamentary Departments) Bill (No. 1) 2001-2002

No. , 2001

(Finance and Administration)

**A Bill for an Act to appropriate money out of the
Consolidated Revenue Fund for expenditure in
relation to the Parliamentary Departments, and for
related purposes**

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1 **A Bill for an Act to appropriate money out of the**
2 **Consolidated Revenue Fund for expenditure in**
3 **relation to the Parliamentary Departments, and for**
4 **related purposes**

5 The Parliament of Australia enacts:

6 **Part 1—Preliminary**
7

8 **1 Short title**

9 This Act may be cited as the *Appropriation (Parliamentary*
10 *Departments) Act (No. 1) 2001-2002.*

Section 2

1 **2 Commencement**

2 This Act commences on the day on which it receives the Royal
3 Assent.

4 **3 Definitions**

5 In this Act, unless the contrary intention appears:

6 **administered capital item** means an amount set out in the Schedule
7 in relation to a Parliamentary Department opposite the heading
8 “Administered Capital”.

9 **administered item** means an amount set out in the Schedule
10 opposite an outcome of a Parliamentary Department under the
11 heading “Administered Expenses”.

12 **Agency** has the same meaning as in the *Financial Management and*
13 *Accountability Act 1997*.

14 Note: Each Parliamentary Department is an Agency for the purposes of the
15 *Financial Management and Accountability Act 1997*.

16 **Chief Executive** has the same meaning as in the *Financial*
17 *Management and Accountability Act 1997*.

18 **current year** means the financial year ending on 30 June 2002.

19 **departmental capital item** means an amount set out in the Schedule
20 in relation to a Parliamentary Department:

- 21 (a) opposite the heading “Equity Injections”; or
22 (b) opposite the heading “Loans”; or
23 (c) opposite the heading “Carryover from previous years”.

24 **departmental item** means the total amount set out in the Schedule
25 in relation to a Parliamentary Department under the heading
26 “Departmental Outputs”.

27 Note: The amounts set out opposite outcomes, under the heading
28 “Departmental Outputs”, are “notional”. They are not part of the item,
29 and do not in any way restrict the scope of the expenditure authorised
30 by the item.

Section 3

expenditure means payments for expenses, acquiring assets, making loans or paying liabilities.

Finance Minister means the Minister administering this Act.

item means any of the following:

- (a) a departmental item;
- (b) an administered item;
- (c) a departmental capital item;
- (d) an administered capital item.

Parliamentary Department means any of the following:

- (a) the Department of the Senate;
- (b) the Department of the House of Representatives;
- (c) the Department of the Parliamentary Library;
- (d) the Department of the Parliamentary Reporting Staff;
- (e) the Joint House Department.

Portfolio Budget Statements means the Portfolio Budget Statements that were tabled in the Senate or the House of Representatives in relation to the Bill for this Act.

President means the President of the Senate.

responsible Presiding Officer means:

- (a) in relation to the Department of the Senate—the President; or
- (b) in relation to the Department of the House of Representatives—the Speaker; or
- (c) in relation to the Department of the Parliamentary Library—the President and the Speaker together; or
- (d) in relation to the Department of the Parliamentary Reporting Staff—the President and the Speaker together; or
- (e) in relation to the Joint House Department—the President and the Speaker together.

section 31 agreement means an agreement under section 31 of the *Financial Management and Accountability Act 1997*.

Speaker means the Speaker of the House of Representatives.

Section 4

1 **Special Account** has the same meaning as in the *Financial*
2 *Management and Accountability Act 1997*.

3 **4 Portfolio Budget Statements**

4 (1) The Portfolio Budget Statements are hereby declared to be relevant
5 documents for the purposes of section 15AB of the *Acts*
6 *Interpretation Act 1901*.

7 Note: See paragraph 15AB(2)(g) of the *Acts Interpretation Act 1901*.

8 (2) If the Portfolio Budget Statements indicate that activities of a
9 particular kind were intended to be treated as activities in respect
10 of a particular outcome, then expenditure for the purpose of
11 carrying out those activities is taken to be expenditure for the
12 purpose of contributing to achieving the outcome.

13 **5 Notional payments, receipts etc.**

14 For the purposes of this Act, notional transactions between
15 Agencies are to be treated as if they were real transactions.

16 Note: This section applies, for example, to a “payment” between Agencies
17 that are both part of the Commonwealth. One of the effects of this
18 section is that the payment will be debited from an appropriation for
19 the paying Agency, even though no payment is actually made from the
20 Consolidated Revenue Fund.

Part 2—Basic appropriations

6 Summary of basic appropriations

The total of the items specified in the Schedule is \$164,761,000.

Note 1: Items in the Schedule can be increased under Part 3 of this Act.

Note 2: See also section 30A of the *Financial Management and Accountability Act 1997*, which provides for adjustment of appropriations to take account of GST.

7 Departmental items—basic appropriation

- (1) For a departmental item for a Parliamentary Department, the Finance Minister may issue out of the Consolidated Revenue Fund amounts that do not exceed, in total, the amount specified in the item.

Note: Generally, the Finance Minister is permitted, but not obliged, to issue the amounts out of the Consolidated Revenue Fund. However, subsection (3) imposes an obligation on the Finance Minister to issue the amounts in certain circumstances.

- (2) An amount issued out of the Consolidated Revenue Fund for a departmental item for a Parliamentary Department may only be applied for the departmental expenditure of the Parliamentary Department.

Note: The acquisition of *new* departmental assets will usually be funded from a departmental *capital* item.

- (3) If a departmental item for a Parliamentary Department includes provision for payment of remuneration and allowances to the holder of:

- (a) a public office (within the meaning of the *Remuneration Tribunal Act 1973*); or
- (b) an office specified in a Schedule to the *Remuneration and Allowances Act 1990*;

then the Finance Minister, under subsection (1), must issue out of the Consolidated Revenue Fund, under that item, amounts that are

Section 8

1 sufficient to pay the remuneration and allowances and must apply
2 the amounts for that purpose.

3 **8 Administered items—basic appropriation**

- 4 (1) For an administered item for an outcome of a Parliamentary
5 Department, the Finance Minister may issue out of the
6 Consolidated Revenue Fund amounts that do not exceed, in total,
7 the lesser of:
8 (a) the amount specified in the item; and
9 (b) the amount determined by the Finance Minister in relation to
10 the item, having regard to the expenses incurred by the
11 Parliamentary Department in the current year in relation to
12 the item.
- 13 (2) An amount issued out of the Consolidated Revenue Fund for an
14 administered item for an outcome of a Parliamentary Department
15 may only be applied for expenditure for the purpose of carrying out
16 activities for the purpose of contributing to achieving that outcome.
- 17 Note: The acquisition of *new* administered assets will usually be funded
18 from an administered *capital* item.

19 **9 Administered capital items—basic appropriation**

- 20 (1) For an administered capital item for a Parliamentary Department,
21 the Finance Minister may issue out of the Consolidated Revenue
22 Fund amounts that do not exceed, in total, the amount specified in
23 the item.
- 24 (2) An amount issued out of the Consolidated Revenue Fund for an
25 administered capital item for a Parliamentary Department may only
26 be applied for expenditure for the purpose of carrying out activities
27 for the purpose of contributing to achieving any outcome that is
28 specified in the Schedule in relation to the Parliamentary
29 Department.

30 **10 Departmental capital items—basic appropriation**

- 31 (1) For a departmental capital item for a Parliamentary Department,
32 the Finance Minister may issue out of the Consolidated Revenue

Section 10

- 1 Fund amounts that do not exceed, in total, the amount specified in
2 the item.
- 3 (2) An amount issued out of the Consolidated Revenue Fund for a
4 departmental capital item for a Parliamentary Department may
5 only be applied for the departmental expenditure of the
6 Parliamentary Department.

Section 11

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Part 3—Additions to basic appropriations

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11 Net appropriations

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(1) If a section 31 agreement applies to a departmental item, then the amount specified in the item is taken to be increased in accordance with the agreement, and on the conditions set out in the agreement. The increase cannot be more than the relevant receipts covered by the agreement.

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(2) For the purposes of section 31 of the *Financial Management and Accountability Act 1997*, each departmental item is taken to be marked “net appropriation”.

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12 Departmental items and departmental capital items— adjustments and borrowings

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(1) The responsible Presiding Officer may determine that the amount specified in a departmental item or departmental capital item is to be increased by an amount specified in the determination.

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(2) The total of the amounts determined under this section for the Department of the Senate cannot be more than \$200,000.

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(3) The total of the amounts determined under this section for the Department of the House of Representatives cannot be more than \$200,000.

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(4) The total of the amounts determined under this section for all the other Parliamentary Departments together cannot be more than \$200,000.

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(5) The responsible Presiding Officer must give the Parliament details of amounts determined under this section.

Section 13

13 Advance to the responsible Presiding Officer—unforeseen expenditure etc.

- (1) This section applies if the responsible Presiding Officer is satisfied that:
 - (a) there is an urgent need for expenditure that is not provided for, or is insufficiently provided for, in the Schedule; and
 - (b) the additional expenditure is not provided for, or is insufficiently provided for, in the Schedule:
 - (i) because of an erroneous omission or understatement; or
 - (ii) because the additional expenditure was unforeseen until after the last day on which it was practicable to provide for it in the Bill for this Act before that Bill was introduced into the House of Representatives.
- (2) This Act has effect as if the Schedule were amended, in accordance with a determination of the responsible Presiding Officer, to make provision for so much (if any) of the additional expenditure as the responsible Presiding Officer determines.
- (3) The total of the amounts determined under this section for the Department of the Senate cannot be more than \$300,000.
- (4) The total of the amounts determined under this section for the Department of the House of Representatives cannot be more than \$300,000.
- (5) The total of the amounts determined under this section for all the other Parliamentary Departments together cannot be more than \$1 million.
- (6) The responsible Presiding Officer must give the Parliament details of amounts determined under this section.

14 Comcover receipts

- (1) This section applies whenever an amount (the **Comcover payment**) is debited from The Comcover Account in respect of a payment to a Parliamentary Department.

(4) The responsible Presiding Officer may delegate his or her powers under this section to the Chief Executive of the Parliamentary Department.

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3**Part 4—Miscellaneous**

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15 Crediting amounts to Special Accounts5
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If any of the purposes of a Special Account is a purpose that is covered by an item (whether or not the item expressly refers to the Special Account), then amounts may be debited against the appropriation for that item and credited to that Special Account.

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16 Appropriation of the Consolidated Revenue Fund10
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The Consolidated Revenue Fund is appropriated as necessary for the purposes of this Act.