

2002-2003-2004

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

Appropriation (Parliamentary Departments) Bill (No. 2) 2003-2004

No. , 2004

(Finance and Administration)

**A Bill for an Act to appropriate additional 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 additional money**
2 **out of the Consolidated Revenue Fund for**
3 **expenditure in relation to the Parliamentary**
4 **Departments, and for 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. 2) 2003-2004.*

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 assets and liabilities item** means an amount set out in
7 Schedule 1 in relation to a Parliamentary Department opposite the
8 heading “Administered Assets and Liabilities”.

9 **administered item** means an amount set out in Schedule 1 opposite
10 an outcome of a Parliamentary Department under the heading
11 “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 2004.

19 **departmental item** means the total amount set out in Schedule 1 in
20 relation to a Parliamentary Department under the heading
21 “Departmental Outputs”.

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

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

28 **Finance Minister** means the Minister administering this Act.

29 **item** means any of the following:

- 30 (a) a departmental item;
31 (b) an administered item;

- 1 (c) an administered assets and liabilities item;
 2 (d) an other departmental item.

3 **other departmental item** means an amount set out in Schedule 1 in
 4 relation to a Parliamentary Department:

- 5 (a) opposite the heading “Equity Injections”; or
 6 (b) opposite the heading “Loans”; or
 7 (c) opposite the heading “Previous Years’ Outputs”.

8 **Parliamentary Department** means any of the following:

- 9 (a) the Department of the Senate;
 10 (b) the Department of the House of Representatives;
 11 (c) the Department of Parliamentary Services.

12 **Portfolio Additional Estimates Statements** means the Portfolio
 13 Additional Estimates Statements that were tabled in the Senate or
 14 the House of Representatives in relation to the Bill for this Act.

15 **Portfolio Budget Statements** means the Portfolio Budget
 16 Statements that were tabled in the Senate or the House of
 17 Representatives in relation to the Bill for the *Appropriation*
 18 *(Parliamentary Departments) Act (No. 1) 2003-2004*.

19 **President** means the President of the Senate.

20 **responsible Presiding Officer** means:

- 21 (a) in relation to the Department of the Senate—the President; or
 22 (b) in relation to the Department of the House of
 23 Representatives—the Speaker; or
 24 (c) in relation to the Department of Parliamentary Services—the
 25 President and the Speaker together.

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

28 **Speaker** means the Speaker of the House of Representatives.

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

1 **4 Portfolio Budget Statements and Portfolio Additional Estimates**
2 **Statements**

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

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

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

14 **5 Notional payments, receipts etc.**

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

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

Part 2—Basic appropriations

6 Summary of basic appropriations

The total of the items specified in Schedule 1 is \$341,000.

Note 1: Items in the Schedule can be increased under Part 3 of this Act and under section 14 of the *Appropriation (Parliamentary Departments) Act (No. 1) 2003-2004* (as modified by section 16 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 an other departmental 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*;

Section 8

1 then the Finance Minister, under subsection (1), must issue out of
2 the Consolidated Revenue Fund, under that item, amounts that are
3 sufficient to pay the remuneration and allowances and must apply
4 the amounts for that purpose.

5 **8 Administered items—basic appropriation**

- 6 (1) For an administered item for an outcome of a Parliamentary
7 Department, the Finance Minister may issue out of the
8 Consolidated Revenue Fund amounts that do not exceed, in total,
9 the lesser of:
10 (a) the amount specified in the item; and
11 (b) the amount determined by the Finance Minister in relation to
12 the item, having regard to the expenses incurred by the
13 Parliamentary Department in the current year in relation to
14 the item.

- 15 (2) An amount issued out of the Consolidated Revenue Fund for an
16 administered item for an outcome of a Parliamentary Department
17 may only be applied for expenditure for the purpose of carrying out
18 activities for the purpose of contributing to achieving that outcome.

19 Note: The acquisition of *new* administered assets will usually be funded
20 from an administered assets and liabilities item.

21 **9 Administered assets and liabilities items—basic appropriation**

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

10 Other departmental items—basic appropriation

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

11 Reduction of appropriations on request

- (1) The Finance Minister may, upon written request by the responsible Presiding Officer, make a written determination under this section reducing an administered assets and liabilities item, an other departmental item or a departmental item for an agency by the amount specified in the determination.
- (2) Where a determination is made, the amount specified in the item is taken to have been reduced by the amount specified in the determination.
- (3) However, a determination is of no effect if the determination has not been requested under subsection (1).
- (4) In addition, a determination reduces an amount specified in the item only to the extent that the amount of the reduction is no greater than the lesser of the following:
 - (a) the amount requested under subsection (1);
 - (b) the difference between the amount specified in the item and the amount issued out of the Consolidated Revenue Fund by the Finance Minister in respect of that item.
- (5) For the purposes of paragraph (4)(b), an amount is not taken to have been issued by the Finance Minister until the amount is paid out of the Consolidated Revenue Fund.
- (6) To avoid doubt, where a previous determination has been made in relation to an item, the reference in paragraph (4)(b) to the amount specified in the item is taken to be a reference to the amount

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1 specified in the item as reduced by that previous determination and
2 any other previous determination.

3 (7) To avoid doubt, a determination under this section applies despite
4 any other provision of this Act.

5 (8) A determination under this section is a disallowable instrument for
6 the purposes of section 46A of the *Acts Interpretation Act 1901*.

7 **12 Reduction of appropriations from prior years upon request**

8 (1) The following table sets out the Acts in respect of which a
9 determination under this section may be made and the kinds of
10 items for each for which a determination may be made.
11

Table of Acts and items		
Column 1		Column 2
Item	Act name	Kinds of items
1	<i>Appropriation (Parliamentary Departments) Act 1999-2000</i>	Administered capital items Departmental capital items Departmental items
2	<i>Appropriation (Parliamentary Departments) Act (No. 2) 1999-2000</i>	Administered capital items Departmental capital items Departmental items
3	<i>Appropriation (Parliamentary Departments) Act (No. 1) 2000-2001</i>	Administered capital items Departmental capital items Departmental items
4	<i>Appropriation (Parliamentary Departments) Act (No. 2) 2000-2001</i>	Administered capital items Departmental capital items Departmental items
5	<i>Appropriation (Parliamentary Departments) Act (No. 1) 2001-2002</i>	Administered capital items Departmental capital items Departmental items
6	<i>Appropriation (Parliamentary Departments) Act (No. 2) 2001-2002</i>	Administered capital items Departmental capital items Departmental items

8 *Appropriation (Parliamentary Departments) Bill (No. 2) 2003-2004* No. , 2004

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Table of Acts and items

Column 1		Column 2
Item	Act name	Kinds of items
7	<i>Appropriation (Parliamentary Departments) Act (No. 1) 2002-2003</i>	Administered assets and liabilities items Other departmental items Departmental items
8	<i>Appropriation (Parliamentary Departments) Act (No. 1) 2003-2004</i>	Administered assets and liabilities items Other departmental items Departmental items

- 1 (2) The Finance Minister may, upon written request by the responsible
2 Presiding Officer, make a written determination under this section
3 reducing an item in an Act listed in column 1 of the table in
4 subsection (1) for an agency by the amount specified in the
5 determination.
- 6 (3) The item specified in a determination under subsection (2) must be
7 an item of a kind listed in column 2 of the table in subsection (1) in
8 the row relating to the Act covered by the determination.
- 9 (4) Where a determination is made, the amount specified in the item is
10 taken to have been reduced by the amount specified in the
11 determination.
- 12 (5) However, a determination is of no effect if the determination has
13 not been requested under subsection (2).
- 14 (6) In addition, a determination reduces an amount specified in the
15 item only to the extent that the amount of the reduction is no
16 greater than the lesser of the following:
17 (a) the amount requested under subsection (2);
18 (b) the difference between the amount specified in the item and
19 the amount issued out of the Consolidated Revenue Fund by
20 the Finance Minister in respect of that item.

Section 12

- 1 (7) For the purposes of paragraph (6)(b), an amount is not taken to
2 have been issued by the Finance Minister until the amount is paid
3 out of the Consolidated Revenue Fund.
- 4 (8) To avoid doubt, where a previous determination has been made in
5 relation to an item, the reference in paragraph (6)(b) to the amount
6 specified in the item is taken to be a reference to the amount
7 specified in the item as reduced by that previous determination and
8 any other previous determination.
- 9 (9) To avoid doubt, a determination under this section applies despite
10 any other provision in this Act.
- 11 (10) A determination under this section is a disallowable instrument for
12 the purposes of section 46A of the *Acts Interpretation Act 1901*.

Part 3—Additions to basic appropriations

13 Net appropriations

- (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.
- (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”.

14 Departmental items and other departmental items—adjustments and borrowings

- (1) The responsible Presiding Officer may determine that the amount specified in a departmental item or in an other departmental item is to be increased by an amount specified in the determination.
- (2) The total of the amounts determined for the Department of the Senate:
 - (a) under this section; and
 - (b) under section 12 of the *Appropriation (Parliamentary Departments) Act (No. 1) 2003-2004*;cannot be more than \$200,000.
- (3) The total of the amounts determined for the Department of the House of Representatives:
 - (a) under this section; and
 - (b) under section 12 of the *Appropriation (Parliamentary Departments) Act (No. 1) 2003-2004*;cannot be more than \$200,000.
- (4) The total of the amounts determined for all the other Parliamentary Departments together:

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- 1 (a) under this section; and
2 (b) under section 12 of the *Appropriation (Parliamentary*
3 *Departments) Act (No. 1) 2003-2004*;
4 cannot be more than \$200,000.
- 5 (5) The responsible Presiding Officer must give the Parliament details
6 of amounts determined under this section.

7 **15 Advance to the responsible Presiding Officer—unforeseen**
8 **expenditure etc.**

- 9 (1) This section applies if the responsible Presiding Officer is satisfied
10 that:
11 (a) there is an urgent need for expenditure that is not provided
12 for, or is insufficiently provided for, in Schedule 1; and
13 (b) the additional expenditure is not provided for, or is
14 insufficiently provided for, in Schedule 1:
15 (i) because of an erroneous omission or understatement; or
16 (ii) because the additional expenditure was unforeseen until
17 after the last day on which it was practicable to provide
18 for it in the Bill for this Act before that Bill was
19 introduced into the House of Representatives.
- 20 (2) This Act has effect as if Schedule 1 were amended, in accordance
21 with a determination of the responsible Presiding Officer, to make
22 provision for so much (if any) of the additional expenditure as the
23 responsible Presiding Officer determines.
- 24 (3) The total of the amounts determined for the Department of the
25 Senate:
26 (a) under this section; and
27 (b) under section 13 of the *Appropriation (Parliamentary*
28 *Departments) Act (No. 1) 2003-2004*;
29 cannot be more than \$300,000.
- 30 (4) The total of the amounts determined for the Department of the
31 House of Representatives:
32 (a) under this section; and

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- 1 (b) under section 13 of the *Appropriation (Parliamentary*
2 *Departments) Act (No. 1) 2003-2004*;
3 cannot be more than \$300,000.
- 4 (5) The total of the amounts determined for all the other Parliamentary
5 Departments together:
6 (a) under this section; and
7 (b) under section 13 of the *Appropriation (Parliamentary*
8 *Departments) Act (No. 1) 2003-2004*;
9 cannot be more than \$1 million.
- 10 (6) The responsible Presiding Officer must give the Parliament details
11 of amounts determined under this section.

16 Comcover receipts

13 After the commencement of this Act, section 14 of the
14 *Appropriation (Parliamentary Departments) Act (No. 1)*
15 *2003-2004* has effect as if the reference to an item included a
16 reference to an item in the Schedule to this Act.

17 Note: Section 14 of the *Appropriation (Parliamentary Departments) Act*
18 *(No. 1) 2003-2004* provides for amounts to be added to items for a
19 Parliamentary Department in respect of Comcover payments to the
20 Parliamentary Department.

1

2

Part 4—Miscellaneous

3

4

17 Crediting amounts to Special Accounts

5

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.

6

7

8

9

18 Appropriation of the Consolidated Revenue Fund

10

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

11

Schedule 1—Services for which money is appropriated

Note: See sections 6 and 18.

Abstract

Page		Total
Reference	Departments and Services	\$'000
18	Senate	24
19	House of Representatives	42
20	Department of Parliamentary Services	275
Total		341

DEPARTMENTS AND SERVICES

SUMMARY**Additional Appropriation (bold figures) — 2003-2004***Budget Appropriation (italic figures) — 2003-2004*

Agency	Departmental Outputs \$'000	Administered Expenses \$'000	Non- operating \$'000	Total \$'000
Senate	24 <i>30,288</i>	- <i>1,298</i>	- -	24 <i>31,586</i>
House of Representatives	42 <i>31,643</i>	- <i>1,198</i>	- -	42 <i>32,841</i>
Department of Parliamentary Services	275 -	- -	- -	275 -
Joint House Department	- <i>34,198</i>	- <i>10,654</i>	- -	- <i>44,852</i>
Parliamentary Library	- <i>17,387</i>	- -	- -	- <i>17,387</i>
Parliamentary Reporting Staff	- <i>40,613</i>	- -	- -	- <i>40,613</i>
Total: Parliamentary Departments	341 <i>154,129</i>	- <i>13,150</i>	- -	341 <i>167,279</i>

Schedule 1 Services for which money is appropriated

SENATE

Additional Appropriation (bold figures) — 2003-2004

Budget Appropriation (italic figures) — 2003-2004

Actual Available Appropriation (light figures) — 2002-2003

	Departmental Outputs \$'000	Administered Expenses \$'000	Total \$'000
SENATE			
Operating			
Outcome 1 -			
Effective provision of services to support the functioning of the Senate as a House of the Commonwealth Parliament	24 <i>30,288</i> 28,246	- <i>1,298</i> 1,123	24 <i>31,586</i> 29,369
Total: Senate	24	-	24

HOUSE OF REPRESENTATIVES**Additional Appropriation (bold figures) — 2003-2004***Budget Appropriation (italic figures) — 2003-2004*

Actual Available Appropriation (light figures) — 2002-2003

	Departmental Outputs \$'000	Administered Expenses \$'000	Total \$'000
HOUSE OF REPRESENTATIVES			
Operating			
Outcome 1 -			
The House of Representatives fulfils its role as a representative and legislative body	42 <i>31,643</i> 28,872	- <i>1,198</i> 1,066	42 <i>32,841</i> 29,938
Total: House of Representatives	42	-	42

Schedule 1 Services for which money is appropriated

DEPARTMENT OF PARLIAMENTARY SERVICES

Additional Appropriation (bold figures) — 2003-2004

Budget Appropriation (italic figures) — 2003-2004

Actual Available Appropriation (light figures) — 2002-2003

	Departmental Outputs \$'000	Administered Expenses \$'000	Total \$'000
DEPARTMENT OF PARLIAMENTARY SERVICES			
Operating			
Outcome 1 -			
Parliament functions effectively and its work and building are accessible to the Australian community	275 - -	- - -	275 - -
Total: Department of Parliamentary Services	275	-	275

