

2004-2005

The Parliament of the  
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

*Presented and read a first time*

**Appropriation (Parliamentary  
Departments) Bill (No. 2) 2004-2005**

**No.     , 2005**

*(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) 2004-2005.*

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 2005.

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) 2004-2005*.

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.

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## Part 2—Basic appropriations

### 6 Summary of basic appropriations

The total of the items specified in Schedule 1 is \$349,000.

Note 1: Items in Schedule 1 can be increased under Part 3 of this Act and under section 15 of the *Appropriation (Parliamentary Departments) Act (No. 1) 2004-2005* (as modified by section 15 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

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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 (3) A determination under paragraph (1)(b) is not a legislative  
22 instrument for the purposes of the *Legislative Instruments Act*  
23 *2003*.

24 **9 Administered assets and liabilities items—basic appropriation**

25 (1) For an administered assets and liabilities item for a Parliamentary  
26 Department, the Finance Minister may issue out of the  
27 Consolidated Revenue Fund amounts that do not exceed, in total,  
28 the amount specified in the item.

29 (2) An amount issued out of the Consolidated Revenue Fund for an  
30 administered assets and liabilities item for a Parliamentary  
31 Department may only be applied for expenditure for the purpose of  
32 carrying out activities for the purpose of contributing to achieving  
33 any outcome that is specified in Schedule 1 in relation to the  
34 Parliamentary Department.

**10 Other departmental items—basic appropriation**

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- 2 (1) For an other departmental item for a Parliamentary Department, the  
3 Finance Minister may issue out of the Consolidated Revenue Fund  
4 amounts that do not exceed, in total, the amount specified in the  
5 item.
- 6 (2) An amount issued out of the Consolidated Revenue Fund for an  
7 other departmental item for a Parliamentary Department may only  
8 be applied for the departmental expenditure of the Parliamentary  
9 Department.

**11 Reduction of appropriations upon request**

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

## Part 2 Basic appropriations

### Section 11

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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 subsection (1) is a legislative instrument for  
6 the purposes of the *Legislative Instruments Act 2003* and, despite  
7 subsection 44(2) of that Act, section 42 of that Act applies to the  
8 determination. However, Part 6 of that Act does not apply to the  
9 determination.
- 10 (9) A written request by a responsible Presiding Officer under  
11 subsection (1) is not a legislative instrument for the purposes of the  
12 *Legislative Instruments Act 2003*.

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**Part 3—Additions to basic appropriations**

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**12 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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**13 Departmental items and other departmental items—adjustments and borrowings**

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(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.

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(2) The total of the amounts determined for the Department of the Senate:

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- (a) under this section; and
- (b) under section 13 of the *Appropriation (Parliamentary Departments) Act (No. 1) 2004-2005*;

cannot be more than \$200,000.

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(3) The total of the amounts determined for the Department of the House of Representatives:

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- (a) under this section; and
- (b) under section 13 of the *Appropriation (Parliamentary Departments) Act (No. 1) 2004-2005*;

cannot be more than \$200,000.

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(4) The total of the amounts determined for the Department of Parliamentary Services:

Section 14

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- 1 (a) under this section; and  
2 (b) under section 13 of the *Appropriation (Parliamentary*  
3 *Departments) Act (No. 1) 2004-2005*;  
4 cannot be more than \$200,000.
- 5 (5) A determination under subsection (1) is a legislative instrument for  
6 the purposes of the *Legislative Instruments Act 2003* but neither  
7 section 42 nor Part 6 of that Act applies to the determination.

8 **14 Advance to the responsible Presiding Officer—unforeseen**  
9 **expenditure etc.**

- 10 (1) This section applies if the responsible Presiding Officer is satisfied  
11 that:  
12 (a) there is an urgent need for expenditure that is not provided  
13 for, or is insufficiently provided for, in Schedule 1; and  
14 (b) the additional expenditure is not provided for, or is  
15 insufficiently provided for, in Schedule 1:  
16 (i) because of an erroneous omission or understatement; or  
17 (ii) because the additional expenditure was unforeseen until  
18 after the last day on which it was practicable to provide  
19 for it in the Bill for this Act before that Bill was  
20 introduced into the House of Representatives.
- 21 (2) This Act has effect as if Schedule 1 were amended, in accordance  
22 with a determination of the responsible Presiding Officer, to make  
23 provision for so much (if any) of the additional expenditure as the  
24 responsible Presiding Officer determines.
- 25 (3) The total of the amounts determined for the Department of the  
26 Senate:  
27 (a) under this section; and  
28 (b) under section 14 of the *Appropriation (Parliamentary*  
29 *Departments) Act (No. 1) 2004-2005*;  
30 cannot be more than \$300,000.
- 31 (4) The total of the amounts determined for the Department of the  
32 House of Representatives:  
33 (a) under this section; and

- 1 (b) under section 14 of the *Appropriation (Parliamentary*  
 2 *Departments) Act (No. 1) 2004-2005*;  
 3 cannot be more than \$300,000.
- 4 (5) The total of the amounts determined for the Department of  
 5 Parliamentary Services:  
 6 (a) under this section; and  
 7 (b) under section 14 of the *Appropriation (Parliamentary*  
 8 *Departments) Act (No. 1) 2004-2005*;  
 9 cannot be more than \$1 million.
- 10 (6) However, if an amount determined by a responsible Presiding  
 11 Officer under section 14 of the *Appropriation (Parliamentary*  
 12 *Departments) Act (No. 1) 2004-2005* is recovered from an amount  
 13 set out in Schedule 1 to this Act, the determined amount is to be  
 14 disregarded for the purposes of subsections (3), (4) and (5).
- 15 (7) A determination under subsection (2) is a legislative instrument for  
 16 the purposes of the *Legislative Instruments Act 2003* but neither  
 17 section 42 nor Part 6 of that Act applies to the determination.

18 **15 Comcover receipts**

19 After the commencement of this Act, section 15 of the  
 20 *Appropriation (Parliamentary Departments) Act (No. 1)*  
 21 *2004-2005* has effect as if the reference to an item included a  
 22 reference to an item in the Schedule to this Act.

23 Note: Section 15 of the *Appropriation (Parliamentary Departments) Act*  
 24 *(No. 1) 2004-2005* provides for amounts to be added to items for a  
 25 Parliamentary Department in respect of Comcover payments to the  
 26 Parliamentary Department.

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## **Part 4—Miscellaneous**

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### **16 Crediting amounts to Special Accounts**

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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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### **17 Appropriation of the Consolidated Revenue Fund**

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

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## Schedule 1—Services for which money is appropriated

Note: See sections 6 and 17.

**Abstract**

Page Reference	Departments and Services	Total \$'000
16	Senate	64
17	House of Representatives	285
<b>Total</b>		<b>349</b>

# APPROPRIATIONS

**SUMMARY**

**Additional Appropriation (bold figures) — 2004-2005**  
*Budget Appropriation (italic figures) — 2004-2005*

Agency	Departmental Outputs \$'000	Administered Expenses \$'000	Non- operating \$'000	Total \$'000
Senate	- <i>29,437</i>	<b>64</b> <i>1,390</i>	- -	<b>64</b> <i>30,827</i>
House of Representatives	<b>121</b> <i>31,100</i>	<b>164</b> <i>1,212</i>	- -	<b>285</b> <i>32,312</i>
Department of Parliamentary Services	- <i>93,224</i>	- <i>10,600</i>	- <i>11,700</i>	- <i>115,524</i>
<b>Total: Parliamentary Departments</b>	<b>121</b> <i>153,761</i>	<b>228</b> <i>13,202</i>	- <i>11,700</i>	<b>349</b> <i>178,663</i>

Schedule 1 Services for which money is appropriated

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**SENATE**

**Additional Appropriation (bold figures) — 2004-2005**

*Budget Appropriation (italic figures) — 2004-2005*

Actual Available Appropriation (light figures) — 2003-2004

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	Departmental Outputs \$'000	Administered Expenses \$'000	Total \$'000
<b>SENATE</b>			
<b>Operating</b>			
<b>Outcome 1 -</b>			
Effective provision of services to support the functioning of the Senate as a House of the Commonwealth Parliament	- <i>29,437</i> 30,312	<b>64</b> <i>1,390</i> 1,298	<b>64</b> <i>30,827</i> 31,610
<b>Total: Senate</b>	-	<b>64</b>	<b>64</b>

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**HOUSE OF REPRESENTATIVES**

**Additional Appropriation (bold figures) — 2004-2005**

*Budget Appropriation (italic figures) — 2004-2005*

Actual Available Appropriation (light figures) — 2003-2004

	Departmental Outputs \$'000	Administered Expenses \$'000	Total \$'000
<b>HOUSE OF REPRESENTATIVES</b>			
<b>Operating</b>			
<b>Outcome 1 -</b>			
The House of Representatives fulfils its role as a representative and legislative body	<b>121</b> <i>31,100</i> 31,685	<b>164</b> <i>1,212</i> 1,198	<b>285</b> <i>32,312</i> 32,883
<b>Total: House of Representatives</b>	<b>121</b>	<b>164</b>	<b>285</b>



