

2004-2005

The Parliament of the  
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

*Presented and read a first time*

**Appropriation (Tsunami Financial  
Assistance and Australia-Indonesia  
Partnership) Bill 2004-2005**

**No.     , 2005**

*(Finance and Administration)*

**A Bill for an Act to appropriate money out of the  
Consolidated Revenue Fund for certain  
expenditure in relation to Tsunami financial  
assistance and the Australia-Indonesia Partnership  
for Reconstruction and Development, 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 certain**  
3 **expenditure in relation to Tsunami financial**  
4 **assistance and the Australia-Indonesia Partnership**  
5 **for Reconstruction and Development, and for**  
6 **related purposes**

7 The Parliament of Australia enacts:

1 **Part 1—Preliminary**

2

3 **1 Short title**

4 This Act may be cited as the *Appropriation (Tsunami Financial*  
5 *Assistance and Australia-Indonesia Partnership) Act 2004-2005*.

6 **2 Commencement**

7 This Act commences on the day on which it receives the Royal  
8 Assent.

9 **3 Definitions**

10 In this Act, unless the contrary intention appears:

11 ***administered assets and liabilities item*** means an amount set out in  
12 Schedule 1 in relation to an entity opposite the heading  
13 “Administered Assets and Liabilities”.

14 ***administered item*** means an amount set out in Schedule 1 opposite  
15 an outcome of an entity under the heading “New Administered  
16 Expenses”.

17 ***Agency*** means any of the following:

- 18 (a) an Agency within the meaning of the *Financial Management*  
19 *and Accountability Act 1997*;  
20 (b) the High Court.

21 ***Commonwealth authority*** has the same meaning as in the  
22 *Commonwealth Authorities and Companies Act 1997*.

23 ***Commonwealth company*** has the same meaning as in the  
24 *Commonwealth Authorities and Companies Act 1997*.

25 ***current year*** means the financial year ending on 30 June 2005.

26 ***entity*** means any of the following:

- 27 (a) an Agency;  
28 (b) a Commonwealth authority;

- 1 (c) a Commonwealth company;  
2 (d) the Australian National Training Authority.

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

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

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

- 7 (a) an administered item;  
8 (b) an administered assets and liabilities item;  
9 (c) an other departmental item.

10 **other departmental item** means an amount set out in Schedule 1 in  
11 relation to an entity:

- 12 (a) opposite the heading “Equity Injections”; or  
13 (b) opposite the heading “Loans”; or  
14 (c) opposite the heading “Previous Years’ Outputs”.

15 **Portfolio Additional Estimates Statements** means the Portfolio  
16 Additional Estimates Statements that were tabled in the Senate or  
17 the House of Representatives in relation to the Bill for the  
18 *Appropriation Act (No. 3) 2004-2005* and the Bill for the  
19 *Appropriation Act (No. 4) 2004-2005*.

20 **Portfolio Budget Statements** means the Portfolio Budget  
21 Statements that were tabled in the Senate or the House of  
22 Representatives in relation to the Bill for the *Appropriation Act*  
23 *(No. 1) 2004-2005* and the Bill for the *Appropriation Act (No. 2)*  
24 *2004-2005*.

25 **Portfolio Supplementary Additional Estimates Statements** means  
26 the Portfolio Supplementary Additional Estimates Statements that  
27 were tabled in the Senate or the House of Representatives in  
28 relation to the Bill for this Act and the Bill for the *Appropriation*  
29 *(Tsunami Financial Assistance) Act 2004-2005*.

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

1       **4 Portfolio Statements**

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

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

7               (2) If the Portfolio Budget Statements, Portfolio Additional Estimates  
8               Statements or Portfolio Supplementary Additional Estimates  
9               Statements indicate that activities of a particular kind were  
10              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 \$1,001,526,000.

Note 1: Items in Schedule 1 can be increased under Part 3 of this Act and under section 13 of the *Appropriation Act (No. 1) 2004-2005* (as modified by section 11 of the *Appropriation (Tsunami Financial Assistance) Act 2004-2005*).

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 Administered items—basic appropriation

(1) For an administered item for an outcome of an entity, the Finance Minister may issue out of the Consolidated Revenue Fund amounts that do not exceed, in total, the lesser of:

(a) the amount specified in the item; and

(b) the amount determined by the Finance Minister in relation to the item, having regard to the expenses incurred by the entity in the current year in relation to the item.

(2) An amount issued out of the Consolidated Revenue Fund for an administered item for an outcome of an entity may only be applied for expenditure for the purpose of carrying out activities for the purpose of contributing to achieving that outcome.

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

(3) A determination made under paragraph (1)(b) is not a legislative instrument.

### 8 Administered assets and liabilities items—basic appropriation

(1) For an administered assets and liabilities item for an entity, the Finance Minister may issue out of the Consolidated Revenue Fund

Section 9

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- 1 amounts that do not exceed, in total, the amount specified in the  
2 item.
- 3 (2) An amount issued out of the Consolidated Revenue Fund for an  
4 administered assets and liabilities item for an entity may only be  
5 applied for expenditure for the purpose of carrying out activities  
6 for the purpose of contributing to achieving any outcome that is  
7 specified in relation to the entity:
- 8 (a) in Schedule 1 to this Act; or  
9 (b) in Schedule 1 to the *Appropriation (Tsunami Financial  
10 Assistance) Act 2004-2005*; or  
11 (c) in Schedule 2 to the *Appropriation Act (No. 4) 2004-2005*; or  
12 (d) in Schedule 1 to the *Appropriation Act (No. 3) 2004-2005*; or  
13 (e) in Schedule 2 to the *Appropriation Act (No. 2) 2004-2005*; or  
14 (f) in Schedule 1 to the *Appropriation Act (No. 1) 2004-2005*.

15 **9 Other departmental items—basic appropriation**

- 16 (1) For an other departmental item for an entity, the Finance Minister  
17 may issue out of the Consolidated Revenue Fund amounts that do  
18 not exceed, in total, the amount specified in the item.
- 19 Note: Generally, the Finance Minister is permitted, but not obliged, to issue  
20 the amounts out of the Consolidated Revenue Fund. However,  
21 subsection (3) imposes an obligation on the Finance Minister to issue  
22 the amounts in certain circumstances.
- 23 (2) An amount issued out of the Consolidated Revenue Fund for an  
24 other departmental item may only be applied for the departmental  
25 expenditure of the entity.
- 26 (3) If:
- 27 (a) an Act provides that an entity must be paid amounts that are  
28 appropriated by the Parliament for the purposes of the entity;  
29 and  
30 (b) Schedule 1 contains an other departmental item for that  
31 entity;
- 32 then the Finance Minister, under subsection (1), must issue out of  
33 the Consolidated Revenue Fund the full amount specified in the  
34 item.

**10 Reduction of appropriations upon request**

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

Section 10

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- 1           (9) A determination made under subsection (1) or (2) is a legislative  
2           instrument and, despite subsection 44(2) of the *Legislative*  
3           *Instruments Act 2003*, section 42 of that Act applies to the  
4           determination. However, Part 6 of that Act does not apply to the  
5           determination.
- 6           (10) A written request made under subsection (1) or (2) is not a  
7           legislative instrument.

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**Part 3—Additions to basic appropriations****11 Advance to the Finance Minister**

- (1) This section applies if the Finance Minister is satisfied that:
- (a) there is an urgent need for expenditure that is not provided for, or is insufficiently provided for, in Schedule 1; and
  - (b) the additional expenditure is not provided for, or is insufficiently provided for, in Schedule 1:
    - (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 Schedule 1 were amended, in accordance with a determination of the Finance Minister, to make provision for so much (if any) of the additional expenditure as the Finance Minister determines.
- (3) The total of the amounts determined by the Finance Minister:
- (a) under this section; and
  - (b) under section 13 of the *Appropriation Act (No. 2) 2004-2005*; and
  - (c) under section 13 of the *Appropriation Act (No. 4) 2004-2005*;
- cannot be more than \$215 million.
- (4) However, if:
- (a) an amount determined by the Finance Minister under section 13 of the *Appropriation Act (No. 2) 2004-2005* is recovered from an amount set out in Schedule 2 to the *Appropriation Act (No. 4) 2004-2005*; or
  - (b) an amount determined by the Finance Minister under section 13 of the *Appropriation Act (No. 2) 2004-2005* or section 13 of the *Appropriation Act (No. 4) 2004-2005* is recovered from an amount set out in Schedule 1 to this Act;

**Part 3** Additions to basic appropriations

Section 11

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- 1                   the determined amount is to be disregarded for the purposes of  
2                   subsection (3).
- 3                   (5) A determination made under subsection (2) is a legislative  
4                   instrument, but neither section 42 nor Part 6 of the *Legislative*  
5                   *Instruments Act 2003* applies to the determination.

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## **Part 4—Miscellaneous**

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### **12 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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### **13 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

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## Schedule 1—Services for which money is appropriated

Note: See sections 6 and 13.

**Abstract**

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| Page<br>Reference | Portfolios                 | Total<br>\$'000  |
|-------------------|----------------------------|------------------|
| 16                | Defence                    | 488              |
| 17                | Finance and Administration | 94               |
| 18                | Foreign Affairs and Trade  | 1,000,944        |
| <b>Total</b>      |                            | <b>1,001,526</b> |

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# **APPROPRIATIONS**

**Schedule 1** Services for which money is appropriated

**SUMMARY**

**Supplementary Appropriation (bold figures) — 2004-2005**  
*Appropriation Act No. 2 and Appropriation Bill No. 4 (italic figures) — 2004-2005*

| Portfolio   | Specific<br>Payments to<br>the States and<br>Territories<br>\$'000 | New<br>Administered<br>Expenses<br>\$'000 | Non-<br>operating<br>\$'000 | Total<br>\$'000  |
|---|--|---|-----------------------------|------------------|
| Agriculture, Fisheries and Forestry                     | -  | -   | -                           | -                |
|   | <i>464,986</i>   | -   | <i>5,860</i>                | <i>470,846</i>   |
| Attorney-General's                                      | -  | -   | -                           | -                |
|   | <i>95,908</i>  | -   | <i>114,038</i>              | <i>209,946</i>   |
| Communications, Information<br>Technology and the Arts  | -  | -   | -                           | -                |
|   | <i>1,125</i>   | -   | <i>29,292</i>               | <i>30,417</i>    |
| Defence   | -  | -   | <b>488</b>                  | <b>488</b>       |
|   | -  | -   | <i>375,498</i>              | <i>375,498</i>   |
| Veterans' Affairs                                       | -  | -   | -                           | -                |
|   | <i>7,290</i>   | -   | <i>14,256</i>               | <i>21,546</i>    |
| Education, Science and Training                         | -  | -   | -                           | -                |
|   | -  | -   | <i>50,916</i>               | <i>50,916</i>    |
| Employment and Workplace Relations                      | -  | -   | -                           | -                |
|   | -  | -   | <i>26,516</i>               | <i>26,516</i>    |
| Environment and Heritage                                | -  | -   | -                           | -                |
|   | <i>29,938</i>  | -   | <i>25,900</i>               | <i>55,838</i>    |
| Family and Community Services                           | -  | -   | -                           | -                |
|   | <i>1,974,745</i>   | -   | <i>650</i>                  | <i>1,975,395</i> |
| Finance and Administration                              | -  | -   | <b>94</b>                   | <b>94</b>        |
|   | -  | -   | <i>296,875</i>              | <i>296,875</i>   |
| Foreign Affairs and Trade                               | -  | <b>1,000,830</b>                          | <b>114</b>                  | <b>1,000,944</b> |
|   | -  | -   | <i>189,503</i>              | <i>189,503</i>   |
| Health and Ageing                                       | -  | -   | -                           | -                |
|   | <i>1,083,570</i>   | -   | <i>60,644</i>               | <i>1,144,214</i> |
| Immigration and Multicultural and<br>Indigenous Affairs | -  | -   | -                           | -                |
|   | <i>2,140</i>   | -   | <i>72,491</i>               | <i>74,631</i>    |
| Industry, Tourism and Resources                         | -  | -   | -                           | -                |
|   | <i>51,930</i>  | -   | <i>172,628</i>              | <i>224,558</i>   |

Continued

**SUMMARY**

**Supplementary Appropriation (bold figures) — 2004-2005**  
*Appropriation Act No. 2 and Appropriation Bill No. 4 (italic figures) — 2004-2005*

| Portfolio                       | Specific<br>Payments to<br>the States and<br>Territories<br>\$'000 | New<br>Administered<br>Expenses<br>\$'000 | Non-<br>operating<br>\$'000 | Total<br>\$'000  |
|---------------------------------|--|---|-----------------------------|------------------|
| Prime Minister and Cabinet      | -  | -   | -                           | -                |
|                                 | -  | 50,000                                    | 7,682                       | 57,682           |
| Transport and Regional Services | -  | -   | -                           | -                |
|                                 | 190,901  | -   | 102,210                     | 293,111          |
| Treasury                        | -  | -   | -                           | -                |
|                                 | 178,509  | -   | 64,066                      | 242,575          |
| <b>Total:</b>                   | -  | <b>1,000,830</b>                          | <b>696</b>                  | <b>1,001,526</b> |
|                                 | 4,081,042  | 50,000                                    | 1,609,025                   | 5,740,067        |

Schedule 1 Services for which money is appropriated

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**DEFENCE PORTFOLIO**

**Supplementary Appropriation (bold figures) — 2004-2005**  
*Appropriation Act No. 2 and Appropriation Bill No. 4 (italic figures) — 2004-2005*  
Actual Available Appropriation (light figures) — 2003-2004

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|                                     | Specific<br>Payments to<br>the States and<br>Territories | New<br>Administered<br>Expenses | Total          |
|-------------------------------------|--|---------------------------------|----------------|
|                                     | \$'000   | \$'000                          | \$'000         |
| <b>DEPARTMENT OF DEFENCE</b>        |  |                                 |                |
| <b>Non-operating</b>                |  |                                 |                |
| Equity Injections                   |  |                                 | <b>488</b>     |
|                                     |  |                                 | <i>375,498</i> |
|                                     |  |                                 | <i>706,334</i> |
| <b>Total: Department of Defence</b> |  |                                 | <b>488</b>     |

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**FINANCE AND ADMINISTRATION PORTFOLIO**

**Supplementary Appropriation (bold figures) — 2004-2005**  
*Appropriation Act No. 2 and Appropriation Bill No. 4 (italic figures) — 2004-2005*  
 Actual Available Appropriation (light figures) — 2003-2004

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|   | Specific<br>Payments to<br>the States and<br>Territories | New<br>Administered<br>Expenses | Total         |
|---|--|---------------------------------|---------------|
|   | \$'000   | \$'000                          | \$'000        |
| <b>HEALTH INSURANCE COMMISSION</b>        |  |                                 |               |
| <b>Non-operating</b>                      |  |                                 |               |
| Equity Injections                         |  |                                 | <b>94</b>     |
|   |  |                                 | <i>19,315</i> |
|   |  |                                 | <i>34,197</i> |
| <b>Total: Health Insurance Commission</b> |  |                                 | <b>94</b>     |

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Schedule 1 Services for which money is appropriated

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**FOREIGN AFFAIRS AND TRADE PORTFOLIO**

**Supplementary Appropriation (bold figures) — 2004-2005**  
*Appropriation Act No. 2 and Appropriation Bill No. 4 (italic figures) — 2004-2005*  
 Actual Available Appropriation (light figures) — 2003-2004

|  | Specific<br>Payments to<br>the States and<br>Territories<br>\$'000 | New<br>Administered<br>Expenses<br>\$'000 | Total<br>\$'000  |
|--|--|---|------------------|
| <b>AUSTRALIAN AGENCY FOR<br/>INTERNATIONAL DEVELOPMENT</b>   |  |   |                  |
| <b>Operating</b>   |  |   |                  |
| <b>Outcome 2 -</b>   |  |   |                  |
| Australia's national interest advanced by<br>implementing a partnership between<br>Australia and Indonesia for reconstruction and<br>development | -  | <b>1,000,830</b>                          | <b>1,000,830</b> |
|  | -  | -   | -                |
|  | -  | -   | -                |
| <b>Total: Operating</b>  | <b>-</b>   | <b>1,000,830</b>                          | <b>1,000,830</b> |
| <b>Non-operating</b>   |  |   |                  |
| Administered Assets and Liabilities  |  |   | <b>114</b>       |
|  |  |   | <i>92,559</i>    |
|  |  |   | <i>209,049</i>   |
| <b>Total: Non-operating</b>  |  |   | <b>114</b>       |
| <b>Total: Australian Agency for<br/>International Development</b>  |  |   | <b>1,000,944</b> |

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*Appropriation (Tsunami Financial Assistance and Australia-Indonesia Partnership) Bill 2004-*

*2005 No. , 2005 1*