2004-2005

The Parliament of the Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

Appropriation (Parliamentary Departments) Bill (No. 1) 2005-2006

No. , 2005

(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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14
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

The Parliament of Australia enacts:

Part 1—Preliminary

1 Short title

This Act may be cited as the Appropriation (Parliamentary Departments) Act (No. 1) 2005-2006.
Part 1 Preliminary

Section 2

2 Commencement

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

3 Definitions

In this Act, unless the contrary intention appears:

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

administered item means an amount set out in Schedule 1 opposite an outcome of a Parliamentary Department under the heading “Administered Expenses”.

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

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

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

current year means the financial year ending on 30 June 2006.

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

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

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;
Section 4

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

*other departmental item* means an amount set out in Schedule 1 in relation to a Parliamentary Department:
(a) opposite the heading “Equity Injections”; or
(b) opposite the heading “Loans”; or
(c) opposite the heading “Previous Years’ Outputs”.

*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 Parliamentary Services.

*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 Parliamentary Services—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.

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

### 4 Portfolio Budget Statements

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

Section 5

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

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

5 Notional payments, receipts etc.

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

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

4 Appropriation (Parliamentary Departments) Bill (No. 1) 2005-2006 No. 4, 2005
Part 2—Basic appropriations

6 Summary of basic appropriations

The total of the items specified in Schedule 1 is $167,413,000.

Note 1: Items in Schedule 1 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 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;

then the Finance Minister, under subsection (1), must issue out of the Consolidated Revenue Fund, under that item, amounts that are
Part 2  Basic appropriations

Section 8

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

8 Administered items—basic appropriation

(1) For an administered item for an outcome of a Parliamentary
Department, 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
Parliamentary Department 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 a Parliamentary Department
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.

9 Administered assets and liabilities items—basic appropriation

(1) For an administered assets and liabilities 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
administered assets and liabilities item for a Parliamentary
Department may only be applied for expenditure for the purpose of
carrying out activities for the purpose of contributing to achieving
any outcome that is specified in Schedule 1 in relation to the
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 a departmental item, an administered assets and liabilities item or an other 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
Part 2 Basic appropriations

Section 11

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

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

(8) A determination made under subsection (1) is a legislative instrument and, despite subsection 44(2) of the Legislative Instruments Act 2003, section 42 of that Act applies to the determination. However, Part 6 of that Act does not apply to the determination.

(9) A written request made under subsection (1) is not a legislative instrument.
Part 3—Additions to basic appropriations

12 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”.

13 Departmental items and other departmental items—adjustments and borrowings

(1) The responsible Presiding Officer may, during the current year, 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 under subsection (1) for the Department of the Senate cannot be more than $200,000.

(3) The total of the amounts determined under subsection (1) for the Department of the House of Representatives cannot be more than $200,000.

(4) The total of the amounts determined under subsection (1) for the Department of Parliamentary Services cannot be more than $200,000.

(5) A determination made under subsection (1) is a legislative instrument, but neither section 42 nor Part 6 of the Legislative Instruments Act 2003 applies to the determination.

(6) After the commencement of this Act, a determination must not be made under, or for the purposes of:
Part 3 Additions to basic appropriations

Section 14

(a) section 10 of the Appropriation (Parliamentary Departments) Act 1999-2000; or
(b) section 12 of the Appropriation (Parliamentary Departments) Act (No. 1) 2000-2001; or
(c) section 12 of the Appropriation (Parliamentary Departments) Act (No. 2) 2000-2001; or
(d) section 12 of the Appropriation (Parliamentary Departments) Act (No. 1) 2001-2002; or
(e) section 12 of the Appropriation (Parliamentary Departments) Act (No. 2) 2001-2002; or
(f) section 12 of the Appropriation (Parliamentary Departments) Act (No. 1) 2002-2003; or
(g) section 12 of the Appropriation (Parliamentary Departments) Act (No. 2) 2003-2004; or
(h) section 14 of the Appropriation (Parliamentary Departments) Act (No. 2) 2003-2004; or
(i) section 13 of the Appropriation (Parliamentary Departments) Act (No. 1) 2004-2005; or
(j) section 13 of the Appropriation (Parliamentary Departments) Act (No. 2) 2004-2005.

14 Advance to the responsible Presiding Officer

(1) This section applies if the responsible Presiding Officer is satisfied that:
(a) there is an urgent need for expenditure in the current year;
and
(b) the 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 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 responsible Presiding Officer, to make
provision for so much (if any) of the expenditure as the responsible Presiding Officer determines.

(3) The total of the amounts determined under subsection (2) for the Department of the Senate cannot be more than $300,000.

(4) The total of the amounts determined under subsection (2) for the Department of the House of Representatives cannot be more than $300,000.

(5) The total of the amounts determined under subsection (2) for the Department of Parliamentary Services cannot be more than $1 million.

(6) A determination made under subsection (2) is a legislative instrument, but neither section 42 nor Part 6 of the Legislative Instruments Act 2003 applies to the determination.

(7) After the commencement of this Act, a determination must not be made under, or for the purposes of:

   (a) section 11 of the Appropriation (Parliamentary Departments) Act 1999-2000; or
   (b) section 13 of the Appropriation (Parliamentary Departments) Act (No. 1) 2000-2001; or
   (c) section 13 of the Appropriation (Parliamentary Departments) Act (No. 2) 2000-2001; or
   (d) section 13 of the Appropriation (Parliamentary Departments) Act (No. 1) 2001-2002; or
   (e) section 13 of the Appropriation (Parliamentary Departments) Act (No. 2) 2001-2002; or
   (f) section 13 of the Appropriation (Parliamentary Departments) Act (No. 1) 2002-2003; or
   (g) section 13 of the Appropriation (Parliamentary Departments) Act (No. 1) 2003-2004; or
   (h) section 15 of the Appropriation (Parliamentary Departments) Act (No. 2) 2003-2004; or
   (i) section 14 of the Appropriation (Parliamentary Departments) Act (No. 1) 2004-2005; or
   (j) section 14 of the Appropriation (Parliamentary Departments) Act (No. 2) 2004-2005.
**Part 3** Additions to basic appropriations

Section 15

**15 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.

   Note: The Comcover Account is a Special Account for the purposes of the *Financial Management and Accountability Act 1997*.

2. Amounts totalling the full amount of the Comcover payment must be added to an item or items for the Parliamentary Department.

3. The items and respective amounts are to be determined by the responsible Presiding Officer. In making a determination, the responsible Presiding Officer must comply with any written directions given by the Finance Minister.

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

5. Neither a determination nor a written direction made under subsection (3) is a legislative instrument.
Part 4—Miscellaneous

16 Crediting amounts to Special Accounts

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.

17 Appropriation of the Consolidated Revenue Fund

The Consolidated Revenue Fund is appropriated as necessary for the purposes of this Act.
### Schedule 1—Services for which money is appropriated

Note: See sections 6 and 17.

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### SUMMARY

**Appropriation (plain figures)—2005-2006**  
**Actual Available Appropriation (italic figures)—2004-2005**

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<th>Agency</th>
<th>Departmental Outputs $'000</th>
<th>Administered Expenses $'000</th>
<th>Non-operating $'000</th>
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167,413 Appropriation (Parliamentary Departments) Bill (No. 1) 2005-2006 No. , 2005
### SEVENATE

**Appropriation (plain figures)—2005-2006**

**Actual Available Appropriation (italic figures)—2004-2005**

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<th>Departmental Outputs</th>
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<td><strong>SENATE</strong></td>
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<td>Operating Outcome 1 -</td>
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<td>Effective provision of services to support the functioning of the Senate as a House of the Commonwealth Parliament</td>
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*Appropriation (Parliamentary Departments) Bill (No. 1) 2005-2006* No. 1, 2005 17
### HOUSE OF REPRESENTATIVES

**Appropriation (plain figures)—2005-2006**

**Actual Available Appropriation (italic figures)—2004-2005**

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### Operating Outcome 1 -

The House of Representatives fulfils its role as a representative and legislative body

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<td>Departmental Outputs</td>
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**Total: House of Representatives**

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Department of Parliamentary Services

Appropriation (plain figures)—2005-2006
Actual Available Appropriation (italic figures)—2004-2005

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DEPARTMENT OF PARLIAMENTARY SERVICES

Operating

Outcome 1 -
Occupants of Parliament House are supported by integrated services and facilities, Parliament functions effectively and its work and building are accessible to the public

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Total: Operating

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Non-operating

Equity Injections

Administered Assets and Liabilities

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Total: Department of Parliamentary Services

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