

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**

Contents

Part 1—Preliminary	1
1 Short title	1
2 Commencement	2
3 Definitions	2
4 Portfolio Budget Statements	3
5 Notional payments, receipts etc.	4
Part 2—Basic appropriations	5
6 Summary of basic appropriations	5
7 Departmental items—basic appropriation	5
8 Administered items—basic appropriation	6
9 Administered assets and liabilities items—basic appropriation.....	6
10 Other departmental items—basic appropriation	7
11 Reduction of appropriations on request	7
Part 3—Additions to basic appropriations	9
12 Net appropriations	9
13 Departmental items and other departmental items— adjustments and borrowings	9
14 Advance to the responsible Presiding Officer.....	10
15 Comcover receipts	12
Part 4—Miscellaneous	13
16 Crediting amounts to Special Accounts.....	13
17 Appropriation of the Consolidated Revenue Fund.....	13
Schedule 1—Services for which money is appropriated	14

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) 2005-2006.*

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 2006.

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

15 ***President*** means the President of the Senate.

16 ***responsible Presiding Officer*** means:

- 17 (a) in relation to the Department of the Senate—the President; or
 18 (b) in relation to the Department of the House of
 19 Representatives—the Speaker; or
 20 (c) in relation to the Department of Parliamentary Services—the
 21 President and the Speaker together.

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

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

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

27 **4 Portfolio Budget Statements**

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

Part 1 Preliminary

Section 5

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

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

7 **5 Notional payments, receipts etc.**

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

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

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

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 assets and liabilities item.

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

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
- 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 on request

- 10
- 11 (1) The Finance Minister may, upon written request by the responsible
12 Presiding Officer, make a written determination under this section
13 reducing a departmental item, an administered assets and liabilities
14 item or an other departmental item for an agency by the amount
15 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

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 made under subsection (1) is a legislative
6 instrument and, despite subsection 44(2) of the *Legislative*
7 *Instruments Act 2003*, 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 made under subsection (1) is not a legislative
11 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:

Section 14

- 1 (a) section 10 of the *Appropriation (Parliamentary*
2 *Departments) Act 1999-2000*; or
3 (b) section 12 of the *Appropriation (Parliamentary*
4 *Departments) Act (No. 1) 2000-2001*; or
5 (c) section 12 of the *Appropriation (Parliamentary*
6 *Departments) Act (No. 2) 2000-2001*; or
7 (d) section 12 of the *Appropriation (Parliamentary*
8 *Departments) Act (No. 1) 2001-2002*; or
9 (e) section 12 of the *Appropriation (Parliamentary*
10 *Departments) Act (No. 2) 2001-2002*; or
11 (f) section 12 of the *Appropriation (Parliamentary*
12 *Departments) Act (No. 1) 2002-2003*; or
13 (g) section 12 of the *Appropriation (Parliamentary*
14 *Departments) Act (No. 1) 2003-2004*; or
15 (h) section 14 of the *Appropriation (Parliamentary*
16 *Departments) Act (No. 2) 2003-2004*; or
17 (i) section 13 of the *Appropriation (Parliamentary*
18 *Departments) Act (No. 1) 2004-2005*; or
19 (j) section 13 of the *Appropriation (Parliamentary*
20 *Departments) Act (No. 2) 2004-2005*.

21 **14 Advance to the responsible Presiding Officer**

- 22 (1) This section applies if the responsible Presiding Officer is satisfied
23 that:
24 (a) there is an urgent need for expenditure in the current year;
25 and
26 (b) the expenditure is not provided for, or is insufficiently
27 provided for, in Schedule 1:
28 (i) because of an erroneous omission or understatement; or
29 (ii) because the expenditure was unforeseen until after the
30 last day on which it was practicable to provide for it in
31 the Bill for this Act before that Bill was introduced into
32 the House of Representatives.
- 33 (2) This Act has effect as if Schedule 1 were amended, in accordance
34 with a determination of the responsible Presiding Officer, to make

1 provision for so much (if any) of the expenditure as the responsible
 2 Presiding Officer determines.

- 3 (3) The total of the amounts determined under subsection (2) for the
 4 Department of the Senate cannot be more than \$300,000.
- 5 (4) The total of the amounts determined under subsection (2) for the
 6 Department of the House of Representatives cannot be more than
 7 \$300,000.
- 8 (5) The total of the amounts determined under subsection (2) for the
 9 Department of Parliamentary Services cannot be more than \$1
 10 million.
- 11 (6) A determination made under subsection (2) is a legislative
 12 instrument, but neither section 42 nor Part 6 of the *Legislative*
 13 *Instruments Act 2003* applies to the determination.
- 14 (7) After the commencement of this Act, a determination must not be
 15 made under, or for the purposes of:
- 16 (a) section 11 of the *Appropriation (Parliamentary*
 17 *Departments) Act 1999-2000*; or
 - 18 (b) section 13 of the *Appropriation (Parliamentary*
 19 *Departments) Act (No. 1) 2000-2001*; or
 - 20 (c) section 13 of the *Appropriation (Parliamentary*
 21 *Departments) Act (No. 2) 2000-2001*; or
 - 22 (d) section 13 of the *Appropriation (Parliamentary*
 23 *Departments) Act (No. 1) 2001-2002*; or
 - 24 (e) section 13 of the *Appropriation (Parliamentary*
 25 *Departments) Act (No. 2) 2001-2002*; or
 - 26 (f) section 13 of the *Appropriation (Parliamentary*
 27 *Departments) Act (No. 1) 2002-2003*; or
 - 28 (g) section 13 of the *Appropriation (Parliamentary*
 29 *Departments) Act (No. 1) 2003-2004*; or
 - 30 (h) section 15 of the *Appropriation (Parliamentary*
 31 *Departments) Act (No. 2) 2003-2004*; or
 - 32 (i) section 14 of the *Appropriation (Parliamentary*
 33 *Departments) Act (No. 1) 2004-2005*; or
 - 34 (j) section 14 of the *Appropriation (Parliamentary*
 35 *Departments) Act (No. 2) 2004-2005*.

Section 15

1 **15 Comcover receipts**

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

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

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

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

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

16 (5) Neither a determination nor a written direction made under
17 subsection (3) is a legislative instrument.

1

2
3**Part 4—Miscellaneous**

4

16 Crediting amounts to Special Accounts5
6
7
8

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.

9

17 Appropriation of the Consolidated Revenue Fund10
11

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

Schedule 1 Services for which money is appropriated

Schedule 1—Services for which money is appropriated

Note: See sections 6 and 17.

Abstract

Page Reference	Departments	Total \$'000
17	Senate	20,386
18	House of Representatives	23,071
19	Department of Parliamentary Services	123,956
Total		167,413

APPROPRIATIONS

Schedule 1 Services for which money is appropriated

SUMMARY

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

Agency	Departmental Outputs \$'000	Administered Expenses \$'000	Non- operating \$'000	Total \$'000
Senate	19,618 <i>19,602</i>	768 <i>1,454</i>	- -	20,386 <i>21,056</i>
House of Representatives	21,706 <i>21,443</i>	1,365 <i>1,376</i>	- -	23,071 <i>22,819</i>
Department of Parliamentary Services	112,850 <i>112,731</i>	10,630 <i>10,600</i>	476 <i>11,700</i>	123,956 <i>135,031</i>
Total: Parliamentary Departments	154,174 <i>153,776</i>	12,763 <i>13,430</i>	476 <i>11,700</i>	167,413 <i>178,906</i>

SENATE

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

	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	19,618 <i>19,602</i>	768 <i>1,454</i>	20,386 <i>21,056</i>
Total: Senate	19,618 <i>19,602</i>	768 <i>1,454</i>	20,386 <i>21,056</i>

Schedule 1 Services for which money is appropriated

HOUSE OF REPRESENTATIVES

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

	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	21,706 <i>21,443</i>	1,365 <i>1,376</i>	23,071 <i>22,819</i>
Total: House of Representatives	21,706 <i>21,443</i>	1,365 <i>1,376</i>	23,071 <i>22,819</i>

DEPARTMENT OF PARLIAMENTARY SERVICES

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

	Departmental Outputs \$'000	Administered Expenses \$'000	Total \$'000
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	112,850 <i>112,731</i>	10,630 <i>10,600</i>	123,480 <i>123,331</i>
Total: Operating	112,850 <i>112,731</i>	10,630 <i>10,600</i>	123,480 <i>123,331</i>
Non-operating			
Equity Injections			476
Administered Assets and Liabilities			-
			<i>11,700</i>
Total: Non-operating			476 <i>11,700</i>
Total: Department of Parliamentary Services			123,956 <i>135,031</i>

