

2004-2005

The Parliament of the  
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

*Presented and read a first time*

**Appropriation (Regional  
Telecommunications Services) Bill  
2005-2006**

**No.     , 2005**

*(Finance and Administration)*

**A Bill for an Act to appropriate money out of the  
Consolidated Revenue Fund for the ordinary  
annual services of the Government in relation to  
regional telecommunications services, 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 the ordinary**  
3 **annual services of the Government in relation to**  
4 **regional telecommunications services, and for**  
5 **related purposes**

6 The Parliament of Australia enacts:

7 **Part 1—Preliminary**  
8

9 **1 Short title**

10 This Act may be cited as the *Appropriation (Regional*  
11 *Telecommunications Services) Act 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:

6                   **administered item** means an amount set out in Schedule 1 opposite  
7                   an outcome of an entity under the heading “Administered  
8                   Expenses”.

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

- 10                   (a) an Agency within the meaning of the *Financial Management*  
11                   *and Accountability Act 1997*;  
12                   (b) the High Court.

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

15                   **Commonwealth authority** has the same meaning as in the  
16                   *Commonwealth Authorities and Companies Act 1997*.

17                   **Commonwealth company** has the same meaning as in the  
18                   *Commonwealth Authorities and Companies Act 1997*.

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

20                   **departmental item** means the total amount set out in Schedule 1 in  
21                   relation to an entity under the heading “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                   **entity** means any of the following:

- 27                   (a) an Agency;  
28                   (b) a Commonwealth authority;  
29                   (c) a Commonwealth company;  
30                   (d) the Australian National Training Authority.

1                    **expenditure** means payments for expenses, acquiring assets,  
2                    making loans or paying liabilities.

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

4                    **item** means an administered item or a departmental item.

5                    **Portfolio Budget Statements** means the Portfolio Budget  
6                    Statements that were tabled in the Senate or the House of  
7                    Representatives in relation to the Bill for the *Appropriation Act*  
8                    (*No. 1*) 2005-2006 and the Bill for the *Appropriation Act (No. 2)*  
9                    2005-2006.

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

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

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

#### 18                  **4 Portfolio Budget Statements and Portfolio Supplementary** 19                  **Estimates Statements**

20                  (1) The Portfolio Budget Statements and Portfolio Supplementary  
21                  Estimates Statements are hereby declared to be relevant documents  
22                  for the purposes of section 15AB of the *Acts Interpretation Act*  
23                  1901.

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

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

**Part 1** Preliminary

Section 5

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1 **5 Notional payments, receipts etc.**

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

4 Note: This section applies, for example, to a “payment” between Agencies  
5 that are both part of the Commonwealth. One of the effects of this  
6 section is that the payment will be debited from an appropriation for  
7 the paying Agency, even though no payment is actually made from the  
8 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 \$219,218,000.

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) 2005-2006* (as modified by section 11 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 an entity, 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, subsections (3) and (4) impose 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 an entity may only be applied for the departmental expenditure of the entity.

Note: The acquisition of new departmental assets will usually be funded from an other departmental item (in another Appropriation Act).

- (3) If:
- (a) an Act provides that an entity must be paid amounts that are appropriated by the Parliament for the purposes of the entity; and
  - (b) Schedule 1 contains a departmental item for that entity;
- then the Finance Minister, under subsection (1), must issue out of the Consolidated Revenue Fund the full amount specified in the item.

Section 8

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- 1 (4) If a departmental item for an Agency includes provision for  
2 payment of remuneration and allowances to the holder of:  
3 (a) a public office (within the meaning of the *Remuneration*  
4 *Tribunal Act 1973*); or  
5 (b) an office specified in a Schedule to the *Remuneration and*  
6 *Allowances Act 1990*;  
7 then the Finance Minister, under subsection (1), must issue out of  
8 the Consolidated Revenue Fund, under that item, amounts that are  
9 sufficient to pay the remuneration and allowances and must apply  
10 the amounts for that purpose.

11 **8 Administered items—basic appropriation**

- 12 (1) For an administered item for an outcome of an entity, the Finance  
13 Minister may issue out of the Consolidated Revenue Fund amounts  
14 that do not exceed, in total, the lesser of:  
15 (a) the amount specified in the item; and  
16 (b) the amount determined by the Finance Minister in relation to  
17 the item, having regard to the expenses incurred by the entity  
18 in the current year in relation to the item.

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

23 Note: The acquisition of new administered assets will usually be funded  
24 from an administered assets and liabilities item (in another  
25 Appropriation Act).

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

28 **9 Reduction of appropriations upon request**

- 29 (1) The Finance Minister may, upon written request by a Minister,  
30 make a written determination under this section reducing a  
31 departmental item for an entity for which the Minister is  
32 responsible by the amount specified in the determination.

- 1 (2) The Finance Minister may, upon written request by the Chief  
2 Executive of an entity for which the Finance Minister is  
3 responsible, make a written determination under this section  
4 reducing a departmental item for that entity by the amount  
5 specified in the determination.
- 6 (3) Where a determination is made, the amount specified in the item is  
7 taken to have been reduced by the amount specified in the  
8 determination.
- 9 (4) However, a determination is of no effect if the determination has  
10 not been requested under subsection (1) or (2).
- 11 (5) In addition, a determination reduces an amount specified in the  
12 item only to the extent that the amount of the reduction is no  
13 greater than the lesser of the following:  
14 (a) the amount requested under subsection (1) or (2);  
15 (b) the difference between the amount specified in the item and  
16 the amount issued out of the Consolidated Revenue Fund by  
17 the Finance Minister in respect of that item.
- 18 (6) For the purposes of paragraph (5)(b), an amount is not taken to  
19 have been issued by the Finance Minister until the amount is paid  
20 out of the Consolidated Revenue Fund.
- 21 (7) To avoid doubt, where a previous determination has been made in  
22 relation to an item, the reference in paragraph (5)(b) to the amount  
23 specified in the item is taken to be a reference to the amount  
24 specified in the item as reduced by that previous determination and  
25 any other previous determination.
- 26 (8) To avoid doubt, a determination under this section applies despite  
27 any other provision of this Act.
- 28 (9) A determination made under subsection (1) or (2) is a legislative  
29 instrument and, despite subsection 44(2) of the *Legislative*  
30 *Instruments Act 2003*, section 42 of that Act applies to the  
31 determination. However, Part 6 of that Act does not apply to the  
32 determination.
- 33 (10) A written request made under subsection (1) or (2) is not a  
34 legislative instrument.

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## Part 3—Additions to basic appropriations

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### 10 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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### 11 Comcover receipts

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After the commencement of this Act, section 13 of the *Appropriation Act (No. 1) 2005-2006* has effect as if the reference to an *available item* included a reference to an item in Schedule 1 to this Act.

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Note: Section 13 of the *Appropriation Act (No. 1) 2005-2006* provides for amounts to be added to available items for an Agency in respect of Comcover payments to the Agency.

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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 Reference	Portfolio	Total \$'000
14	Communications, Information Technology and the Arts	219,218
	<b>Total</b>	<b>219,218</b>

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# APPROPRIATIONS

**Schedule 1** Services for which money is appropriated**SUMMARY****Supplementary Appropriation (bold figures) — 2005-2006**  
*Budget Appropriation (italic figures) — 2005-2006*

Portfolio	Departmental Outputs \$'000	Administered Expenses \$'000	Total \$'000
Agriculture, Fisheries and Forestry	- <i>327,977</i>	- <i>310,070</i>	- <i>638,047</i>
Attorney-General's	- <i>2,503,949</i>	- <i>354,501</i>	- <i>2,858,450</i>
Communications, Information Technology and the Arts	<b>3,459</b> <i>1,766,896</i>	<b>215,759</b> <i>380,854</i>	<b>219,218</b> <i>2,147,750</i>
Defence	- <i>16,360,272</i>	- <i>78,566</i>	- <i>16,438,838</i>
Education, Science and Training	- <i>1,150,258</i>	- <i>1,372,999</i>	- <i>2,523,257</i>
Employment and Workplace Relations	- <i>1,531,950</i>	- <i>2,621,601</i>	- <i>4,153,551</i>
Environment and Heritage	- <i>549,446</i>	- <i>442,395</i>	- <i>991,841</i>
Family and Community Services	- <i>1,503,342</i>	- <i>1,033,849</i>	- <i>2,537,191</i>
Finance and Administration	- <i>1,132,888</i>	- <i>224,486</i>	- <i>1,357,374</i>
Foreign Affairs and Trade	- <i>1,094,909</i>	- <i>1,967,421</i>	- <i>3,062,330</i>
Health and Ageing	- <i>505,039</i>	- <i>3,191,225</i>	- <i>3,696,264</i>
Immigration and Multicultural and Indigenous Affairs	- <i>1,100,990</i>	- <i>353,832</i>	- <i>1,454,822</i>
Industry, Tourism and Resources	- <i>512,521</i>	- <i>527,397</i>	- <i>1,039,918</i>
Prime Minister and Cabinet	- <i>224,548</i>	- <i>281,400</i>	- <i>505,948</i>
Continued			

**SUMMARY**

**Supplementary Appropriation (bold figures) — 2005-2006**  
*Budget Appropriation (italic figures) — 2005-2006*

Portfolio	Departmental Outputs \$'000	Administered Expenses \$'000	Total \$'000
Transport and Regional Services	-	-	-
	<i>283,732</i>	<i>436,070</i>	<i>719,802</i>
Treasury	-	-	-
	<i>3,239,825</i>	<i>6,010</i>	<i>3,245,835</i>
<b>Total: Bill 3</b>	<b>3,459</b>	<b>215,759</b>	<b>219,218</b>
	<i>33,788,542</i>	<i>13,582,676</i>	<i>47,371,218</i>

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

**COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE  
ARTS PORTFOLIO**

**SUMMARY**

**Supplementary Appropriation (bold figures) — 2005-2006**  
*Budget Appropriation (italic figures) — 2005-2006*

Agency	Departmental Outputs \$'000	Administered Expenses \$'000	Total \$'000
Department of Communications, Information Technology and the Arts	<b>3,459</b> <i>114,340</i>	<b>215,759</b> <i>380,854</i>	<b>219,218</b> <i>495,194</i>
Australia Council	- <i>149,248</i>	- -	- <i>149,248</i>
Australian Broadcasting Authority	- <i>17,270</i>	- -	- <i>17,270</i>
Australian Broadcasting Corporation	- <i>773,488</i>	- -	- <i>773,488</i>
Australian Communications Authority	- <i>57,172</i>	- -	- <i>57,172</i>
Australian Film Commission	- <i>51,991</i>	- -	- <i>51,991</i>
Australian Film, Television and Radio School	- <i>19,690</i>	- -	- <i>19,690</i>
Australian National Maritime Museum	- <i>23,314</i>	- -	- <i>23,314</i>
Australian Sports Commission	- <i>168,631</i>	- -	- <i>168,631</i>
Australian Sports Drug Agency	- <i>9,169</i>	- -	- <i>9,169</i>
National Archives of Australia	- <i>66,381</i>	- -	- <i>66,381</i>
National Gallery of Australia	- <i>40,657</i>	- -	- <i>40,657</i>
National Library of Australia	- <i>58,786</i>	- -	- <i>58,786</i>
National Museum of Australia	- <i>39,784</i>	- -	- <i>39,784</i>
Special Broadcasting Service Corporation	- <i>176,975</i>	- -	- <i>176,975</i>
<b>Total: Communications, Information Technology and the Arts</b>	<b>3,459</b> <i>1,766,896</i>	<b>215,759</b> <i>380,854</i>	<b>219,218</b> <i>2,147,750</i>

**COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS PORTFOLIO**

**Supplementary Appropriation (bold figures) — 2005-2006**

*Budget Appropriation (italic figures) — 2005-2006*

Actual Available Appropriation (light figures) — 2004-2005

	Departmental Outputs \$'000	Administered Expenses \$'000	Total \$'000
<b>DEPARTMENT OF COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS</b>			
<b>Outcome 3 -</b>			
Development of services and provision of a regulatory environment which encourages a sustainable and effective communications sector for the benefit of all Australians and an internationally competitive information economy and Information and Communications Technology industry	<b>3,459</b>	<b>215,759</b>	<b>219,218</b>
	<i>63,456</i>	<i>170,848</i>	<i>234,304</i>
	66,817	176,233	243,372
<b>Total: Department of Communications, Information Technology and the Arts</b>	<b>3,459</b>	<b>215,759</b>	<b>219,218</b>

