

2008

The Parliament of the  
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

*Presented and read a first time*

**Appropriation (Drought and Equine  
Influenza Assistance) Bill (No. 1)  
2007-2008**

**No. , 2008**

*(Finance and Deregulation)*

**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  
drought and equine influenza assistance, 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 **drought and equine influenza assistance, 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 (Drought and Equine*  
11 *Influenza Assistance) Act (No. 1) 2007-2008.*

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:

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

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 2008.

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.

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 Additional Estimates Statements** means the Portfolio  
6 Additional Estimates Statements that were tabled in the Senate or  
7 the House of Representatives in relation to the Bill for the  
8 *Appropriation Act (No. 3) 2007-2008* and the Bill for the  
9 *Appropriation Act (No. 4) 2007-2008*.

10 **Portfolio Budget Statements** means the Portfolio Budget  
11 Statements that were tabled in the Senate or the House of  
12 Representatives in relation to the Bill for the *Appropriation Act*  
13 *(No. 1) 2007-2008* and the Bill for the *Appropriation Act (No. 2)*  
14 *2007-2008*.

15 **Portfolio Supplementary Additional Estimates Statements** means  
16 the Portfolio Supplementary Additional Estimates Statements that  
17 were tabled in the Senate or the House of Representatives in  
18 relation to the Bill for this Act and the Bill for the *Appropriation*  
19 *(Drought and Equine Influenza Assistance) Act (No. 2) 2007-2008*.

20 **Portfolio Supplementary Estimates Statements** means the  
21 Portfolio Supplementary Estimates Statements that were tabled in  
22 the Senate or the House of Representatives in relation to the Bill  
23 for the *Appropriation (Northern Territory National Emergency*  
24 *Response) Act (No. 1) 2007-2008* and the Bill for the  
25 *Appropriation (Northern Territory National Emergency Response)*  
26 *Act (No. 2) 2007-2008*.

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

#### 29 **4 Portfolio Statements**

30 (1) The Portfolio Budget Statements, Portfolio Supplementary  
31 Estimates Statements, Portfolio Additional Estimates Statements  
32 and Portfolio Supplementary Additional Estimates Statements are

**Part 1 Preliminary**

**Section 5**

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1 hereby declared to be relevant documents for the purposes of  
2 section 15AB of the *Acts Interpretation Act 1901*.

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

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

12 **5 Notional payments, receipts etc.**

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

15 Note: This section applies, for example, to a “payment” between Agencies  
16 that are both part of the Commonwealth. One of the effects of this  
17 section is that the payment will be debited from an appropriation for  
18 the paying Agency, even though no payment is actually made from the  
19 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 \$506,905,000.

Note 1: Items in Schedule 1 can be adjusted under Part 3 of this Act and under section 12 of the *Appropriation Act (No. 1) 2007-2008* (as modified by section 11 of this Act).

Note 2: See also sections 30 to 32 of the *Financial Management and Accountability Act 1997*, which provide for adjustments of amounts appropriated by this Act.

### 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.

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**Part 3—Adjustments to basic appropriations****9 Reduction of appropriations upon request**

- (1) The Finance Minister may, upon written request by a Minister, make a written determination reducing a departmental item for an entity for which the Minister is responsible by the amount specified in the determination.
- (2) The Finance Minister may, upon written request by the Chief Executive of an entity for which the Finance Minister is responsible, make a written determination reducing a departmental item for that entity by the amount specified in the determination.
- (3) Where a determination is made, the amount specified in the item is taken to have been reduced by the amount specified in the determination.
- (4) However, a determination is of no effect if the determination has not been requested under subsection (1) or (2).
- (5) 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) or (2);
  - (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.
- (6) For the purposes of paragraph (5)(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.
- (7) To avoid doubt, where a previous determination has been made in relation to an item, the reference in paragraph (5)(b) to the amount specified in the item is taken to be a reference to the amount specified in the item as reduced by that previous determination and any other previous determination.

Section 10

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

10 **10 Advance to the Finance Minister—recovery**

11 If an amount determined by the Finance Minister under section 11  
12 of the *Appropriation Act (No. 1) 2007-2008* is recovered from an  
13 amount set out in Schedule 1 to this Act, the determined amount is  
14 to be disregarded for the purposes of subsection 11(3) of the  
15 *Appropriation Act (No. 1) 2007-2008*.

16 **11 Comcover receipts**

17 After the commencement of this Act, section 12 of the  
18 *Appropriation Act (No. 1) 2007-2008* has effect as if the reference  
19 to an **available item** included a reference to:

- 20 (a) an item in Schedule 1 to this Act; and  
21 (b) an item in Schedule 2 to the *Appropriation (Drought and*  
22 *Equine Influenza Assistance) Act (No. 2) 2007-2008*.

23 Note: Section 12 of the *Appropriation Act (No. 1) 2007-2008* provides for  
24 amounts to be added to available items for an Agency in respect of  
25 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, including the operation of this Act as affected by the *Financial Management and Accountability Act 1997*.

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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	Agriculture, Fisheries and Forestry	506,905
	<b>Total</b>	<b>506,905</b>

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# APPROPRIATIONS

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

**Supplementary Appropriation (bold figures)—2007-2008**  
*Appropriation Act (No. 1), Appropriation (Northern Territory National Emergency Response) Act (No. 1) and Appropriation Bill (No. 3) (italic figures)—2007-2008*

Portfolio	Departmental Outputs \$'000	Administered Expenses \$'000	Total \$'000
Agriculture, Fisheries and Forestry	<b>28,631</b> <i>360,657</i>	<b>478,274</b> <i>392,012</i>	<b>506,905</b> <i>752,669</i>
Attorney-General's	-	-	-
Broadband, Communications and the Digital Economy	<i>3,211,923</i>	<i>664,727</i>	<i>3,876,650</i>
Communications, Information Technology and the Arts	-	-	-
Defence	<i>1,119,793</i>	<i>807,789</i>	<i>951,574</i>
Education, Employment and Workplace Relations	-	-	-
Education, Science and Training	<i>20,144,028</i>	<i>105,947</i>	<i>20,249,975</i>
Employment and Workplace Relations	-	-	-
Environment, Water, Heritage and the Arts	<i>167,233</i>	<i>492,224</i>	<i>659,457</i>
Families, Housing, Community Services and Indigenous Affairs	-	-	-
Finance and Deregulation	<i>490,750</i>	<i>1,978,062</i>	<i>2,468,812</i>
Foreign Affairs and Trade	-	-	-
Health and Ageing	<i>1,622,419</i>	<i>2,866,805</i>	<i>4,489,224</i>
Human Services	-	-	-
Immigration and Citizenship	<i>1,171,683</i>	<i>1,491,797</i>	<i>2,663,480</i>
Industry, Tourism and Resources	-	-	-
Infrastructure, Transport, Regional Development and Local Government	<i>1,576,240</i>	<i>1,587,113</i>	<i>3,163,353</i>
Innovation, Industry, Science and Research	-	-	-
	<i>507,585</i>	<i>222,378</i>	<i>729,963</i>
	-	-	-
	<i>1,298,933</i>	<i>2,906,838</i>	<i>4,205,771</i>
	-	-	-
	<i>901,569</i>	<i>4,859,575</i>	<i>5,761,144</i>
	-	-	-
	<i>1,872,739</i>	<i>153,237</i>	<i>2,025,976</i>
	-	-	-
	<i>1,400,679</i>	<i>262,005</i>	<i>1,662,684</i>
	-	-	-
	<i>335,848</i>	<i>681,018</i>	<i>1,016,866</i>
	-	-	-
	<i>330,652</i>	<i>522,964</i>	<i>853,616</i>
	-	-	-
	<i>876,938</i>	<i>24,333</i>	<i>901,271</i>

Continued



**SUMMARY**

**Supplementary Appropriation (bold figures)—2007-2008**  
*Appropriation Act (No. 1), Appropriation (Northern Territory National Emergency Response) Act (No. 1) and Appropriation Bill (No. 3) (italic figures)—2007-2008*

Portfolio	Departmental Outputs \$'000	Administered Expenses \$'000	Total \$'000
Prime Minister and Cabinet	-	-	-
	<i>310,918</i>	<i>10,166</i>	<i>321,084</i>
Resources, Energy and Tourism	-	-	-
	<i>280,865</i>	<i>34,065</i>	<i>314,930</i>
Treasury	-	-	-
	<i>3,724,577</i>	<i>11,316</i>	<i>3,735,893</i>
<b>Total:</b>	<b>28,631</b>	<b>478,274</b>	<b>506,905</b>
	<i>41,849,814</i>	<i>20,074,371</i>	<i>61,924,185</i>

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

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**AGRICULTURE, FISHERIES AND FORESTRY PORTFOLIO**

**SUMMARY**

**Supplementary Appropriation (bold figures)—2007-2008**  
*Appropriation Act (No. 1), Appropriation (Northern Territory National Emergency Response) Act (No. 1) and Appropriation Bill (No. 3) (italic figures)—2007-2008*

Entity	Departmental Outputs \$'000	Administered Expenses \$'000	Total \$'000
Department of Agriculture, Fisheries and Forestry	<b>28,631</b> <i>338,805</i>	<b>478,274</b> <i>392,012</i>	<b>506,905</b> <i>730,817</i>
Australian Pesticides and Veterinary Medicines Authority	- 630	- -	- 630
Biosecurity Australia	- <i>21,222</i>	- -	- <i>21,222</i>
<b>Total: Agriculture, Fisheries and Forestry</b>	<b>28,631</b> <i>360,657</i>	<b>478,274</b> <i>392,012</i>	<b>506,905</b> <i>752,669</i>

**AGRICULTURE, FISHERIES AND FORESTRY PORTFOLIO**

**Supplementary Appropriation (bold figures)—2007-2008**  
*Appropriation Act (No. 1), Appropriation (Northern Territory National Emergency Response) Act (No. 1) and Appropriation Bill (No. 3) (italic figures)—2007-2008*  
 Actual Available Appropriation (light figures)—2006-2007

	Departmental Outputs \$'000	Administered Expenses \$'000	Total \$'000
<b>DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY</b>			
<b>Outcome 1 -</b>			
More sustainable, competitive and profitable	<b>28,631</b>	<b>478,274</b>	<b>506,905</b>
Australian agricultural, food, fisheries and forestry industries	<i>338,805</i>	<i>392,012</i>	<i>730,817</i>
	<i>347,128</i>	<i>577,860</i>	<i>924,988</i>
<b>Total: Department of Agriculture, Fisheries and Forestry</b>	<b>28,631</b>	<b>478,274</b>	<b>506,905</b>



