

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. 2)
2007-2008**

No. , 2008

(Finance and Deregulation)

**A Bill for an Act to appropriate money out of the
Consolidated Revenue Fund for certain
expenditure in relation to drought and equine
influenza assistance, and for related purposes**

Contents

| | |
|---|----|
| Part 1—Preliminary | 1 |
| 1 Short title | 1 |
| 2 Commencement | 2 |
| 3 Definitions | 2 |
| 4 Portfolio Statements | 4 |
| 5 Notional payments, receipts etc. | 4 |
| Part 2—Basic appropriations | 5 |
| 6 Summary of basic appropriations | 5 |
| 7 State, ACT, NT and local government items—basic appropriation | 5 |
| 8 Administered items—basic appropriation | 5 |
| 9 Administered assets and liabilities items—basic appropriation | 6 |
| 10 Other departmental items—basic appropriation | 7 |
| Part 3—Adjustments to basic appropriations | 8 |
| 11 Advance to the Finance Minister—recovery | 8 |
| 12 Reduction of appropriations upon request | 8 |
| Part 4—Miscellaneous | 10 |
| 13 Crediting amounts to Special Accounts | 10 |
| 14 Conditions etc. applying to State, ACT, NT and local government items | 10 |
| 15 Appropriation of the Consolidated Revenue Fund..... | 11 |
| Schedule 1—Payments to or for the States, ACT, NT and local government | 12 |
| Schedule 2—Services for which money is appropriated | 13 |

1 **A Bill for an Act to appropriate money out of the**
2 **Consolidated Revenue Fund for certain**
3 **expenditure in relation to drought and equine**
4 **influenza assistance, and for 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 (Drought and Equine*
10 *Influenza Assistance) Act (No. 2) 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 assets and liabilities item*** means an amount set out in
7 Schedule 2 in relation to an entity opposite the heading
8 “Administered Assets and Liabilities”.

9 ***administered item*** means an amount set out in Schedule 2 opposite
10 an outcome of an entity under the heading “New Administered
11 Expenses”.

12 ***Agency*** means:

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

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

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

20 ***current year*** means the financial year ending on 30 June 2008.

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

- 22 (a) an Agency;
23 (b) a Commonwealth authority;
24 (c) a Commonwealth company.

25 ***expenditure*** means payments for expenses, acquiring assets,
26 making loans or paying liabilities.

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

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

- 29 (a) a State, ACT, NT and local government item;
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- 1 (b) an administered item;
2 (c) an administered assets and liabilities item;
3 (d) an other departmental item.

4 ***other departmental item*** means an amount set out in Schedule 2 in
5 relation to an entity:

- 6 (a) opposite the heading “Equity Injections”; or
7 (b) opposite the heading “Loans”; or
8 (c) opposite the heading “Previous Years’ Outputs”.

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

14 ***Portfolio Budget Statements*** means the Portfolio Budget
15 Statements that were tabled in the Senate or the House of
16 Representatives in relation to the Bill for the *Appropriation Act*
17 *(No. 1) 2007-2008* and the Bill for the *Appropriation Act (No. 2)*
18 *2007-2008*.

19 ***Portfolio Supplementary Additional Estimates Statements*** means
20 the Portfolio Supplementary Additional Estimates Statements that
21 were tabled in the Senate or the House of Representatives in
22 relation to the Bill for this Act and the Bill for the *Appropriation*
23 *(Drought and Equine Influenza Assistance) Act (No. 1) 2007-2008*.

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

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

Section 4

1 **State, ACT, NT and local government item** means an amount set
2 out in Schedule 2 opposite an outcome of an entity under the
3 heading “Payments to States, ACT, NT and local government”.

4 **4 Portfolio Statements**

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

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

11 (2) If the Portfolio Budget Statements, Portfolio Supplementary
12 Estimates Statements, Portfolio Additional Estimates Statements or
13 Portfolio Supplementary Additional Estimates Statements indicate
14 that activities of a particular kind were intended to be treated as
15 activities in respect of a particular outcome, then expenditure for
16 the purpose of carrying out those activities is taken to be
17 expenditure for the purpose of contributing to achieving the
18 outcome.

19 **5 Notional payments, receipts etc.**

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

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

Part 2—Basic appropriations

6 Summary of basic appropriations

The total of the items specified in Schedule 2 is \$545,127,000.

Note 1: Items in Schedule 2 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 the *Appropriation (Drought and Equine Influenza Assistance) Act (No. 1) 2007-2008*).

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 State, ACT, NT and local government items—basic appropriation

(1) For a State, ACT, NT and local government 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 a State, ACT, NT and local government item for an outcome of an entity may only be applied for the purpose of making payments to or for the States, the Australian Capital Territory, the Northern Territory and local government authorities for the purpose of contributing to achieving that outcome.

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

8 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:

Section 9

- 1 (a) the amount specified in the item; and
2 (b) the amount determined by the Finance Minister in relation to
3 the item, having regard to the expenses incurred by the entity
4 in the current year in relation to the item.
- 5 (2) An amount issued out of the Consolidated Revenue Fund for an
6 administered item for an outcome of an entity may only be applied
7 for expenditure for the purpose of carrying out activities for the
8 purpose of contributing to achieving that outcome.
- 9 Note: The acquisition of new administered assets will usually be funded
10 from an administered assets and liabilities item.
- 11 (3) A determination made under paragraph (1)(b) is not a legislative
12 instrument.

13 **9 Administered assets and liabilities items—basic appropriation**

- 14 (1) For an administered assets and liabilities item for an entity, the
15 Finance Minister may issue out of the Consolidated Revenue Fund
16 amounts that do not exceed, in total, the amount specified in the
17 item.
- 18 (2) An amount issued out of the Consolidated Revenue Fund for an
19 administered assets and liabilities item for an entity may only be
20 applied for expenditure for the purpose of carrying out activities
21 for the purpose of contributing to achieving any outcome that is
22 specified in relation to the entity:
- 23 (a) in Schedule 2 to this Act; or
24 (b) in Schedule 1 to the *Appropriation (Drought and Equine
25 Influenza Assistance) Act (No. 1) 2007-2008*; or
26 (c) in Schedule 2 to the *Appropriation Act (No. 4) 2007-2008*; or
27 (d) in Schedule 1 to the *Appropriation Act (No. 3) 2007-2008*; or
28 (e) in Schedule 2 to the *Appropriation (Northern Territory
29 National Emergency Response) Act (No. 2) 2007-2008*; or
30 (f) in Schedule 1 to the *Appropriation (Northern Territory
31 National Emergency Response) Act (No. 1) 2007-2008*; or
32 (g) in Schedule 2 to the *Appropriation Act (No. 2) 2007-2008*; or
33 (h) in Schedule 1 to the *Appropriation Act (No. 1) 2007-2008*.

10 Other departmental items—basic appropriation

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2 (1) For an other departmental item for an entity, the Finance Minister
3 may issue out of the Consolidated Revenue Fund amounts that do
4 not exceed, in total, the amount specified in the item.

5 Note: Generally, the Finance Minister is permitted, but not obliged, to issue
6 the amounts out of the Consolidated Revenue Fund. However,
7 subsection (3) imposes an obligation on the Finance Minister to issue
8 the amounts in certain circumstances.

- 9 (2) An amount issued out of the Consolidated Revenue Fund for an
10 other departmental item may only be applied for the departmental
11 expenditure of the entity.

- 12 (3) If:

13 (a) an Act provides that an entity must be paid amounts that are
14 appropriated by the Parliament for the purposes of the entity;
15 and

16 (b) Schedule 2 contains an other departmental item for that
17 entity;

18 then the Finance Minister, under subsection (1), must issue out of
19 the Consolidated Revenue Fund the full amount specified in the
20 item.

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Part 3—Adjustments to basic appropriations

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11 Advance to the Finance Minister—recovery

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If an amount determined by the Finance Minister under section 12 of the *Appropriation Act (No. 2) 2007-2008* is recovered from an amount set out in Schedule 2 to this Act, the determined amount is to be disregarded for the purposes of subsection 12(3) of the *Appropriation Act (No. 2) 2007-2008*.

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12 Reduction of appropriations upon request

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(1) The Finance Minister may, upon written request by a Minister, make a written determination reducing an administered assets and liabilities item or an other departmental item for an entity for which the Minister is responsible by the amount specified in the determination.

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(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 an administered assets and liabilities item or an other departmental item for that entity by the amount specified in the determination.

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(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.

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(4) However, a determination is of no effect if the determination has not been requested under subsection (1) or (2).

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(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.

- 1 (6) For the purposes of paragraph (5)(b), an amount is not taken to
2 have been issued by the Finance Minister until the amount is paid
3 out of the Consolidated Revenue Fund.
- 4 (7) To avoid doubt, where a previous determination has been made in
5 relation to an item, the reference in paragraph (5)(b) to the amount
6 specified in the item is taken to be a reference to the amount
7 specified in the item as reduced by that previous determination and
8 any other previous determination.
- 9 (8) To avoid doubt, a determination made under subsection (1) or (2)
10 applies despite any other provision of this Act.
- 11 (9) A determination made under subsection (1) or (2) is a legislative
12 instrument and, despite subsection 44(2) of the *Legislative*
13 *Instruments Act 2003*, section 42 (disallowance) of that Act applies
14 to the determination. However, Part 6 (sunsetting) of that Act does
15 not apply to the determination.
- 16 (10) A written request made under subsection (1) or (2) is not a
17 legislative instrument.

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Part 4—Miscellaneous

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13 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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14 Conditions etc. applying to State, ACT, NT and local government items

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(1) This section applies to any payment made out of money appropriated by a State, ACT, NT and local government item for an outcome specified in column 2 of the table in Schedule 1.

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(2) The payment:

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(a) must be made on the terms and conditions (if any) from time to time determined, in the way described in subsection (3), as applying to payments made:

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(i) in relation to the outcome; and

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(ii) to or for a State, the Australian Capital Territory, the Northern Territory or a local government authority; and

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(iii) out of money appropriated by an annual Appropriation Act; and

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(b) must be made in accordance with any determination in writing made by the Minister specified, in column 4 of the table in Schedule 1, for the outcome as to amounts and times of payments.

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(3) The way of determining the terms and conditions applying to payments described in paragraph (2)(a) is for the Minister specified, in column 3 of the table in Schedule 1, for the outcome to make the determination in writing before or after the commencement of this Act.

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- 1 (4) Determinations mentioned in paragraph (2)(a) and determinations
2 made under paragraph (2)(b) are not legislative instruments.
- 3 (5) This section does not limit the Commonwealth's power to:
4 (a) apply terms and conditions to payments made out of money
5 that is not appropriated by a State, ACT, NT and local
6 government item; or
7 (b) determine the amounts and times of those payments.

8 **15 Appropriation of the Consolidated Revenue Fund**

9 The Consolidated Revenue Fund is appropriated as necessary for
10 the purposes of this Act, including the operation of this Act as
11 affected by the *Financial Management and Accountability Act*
12 1997.

Schedule 1—Payments to or for the States, ACT, NT and local government

Note: See section 14.

| Column 1 | Column 2 | Column 3 | Column 4 |
|---|---|--|--|
| Entity | Outcome | Minister determining conditions | Minister determining payments |
| Department of Agriculture, Fisheries and Forestry | More sustainable, competitive and profitable Australian agricultural, food, fisheries and forestry industries | Minister for Agriculture, Fisheries and Forestry | Minister for Agriculture, Fisheries and Forestry |

Schedule 2—Services for which money is appropriated

Note: See sections 6 and 15.

Abstract

| Page Reference | Portfolio | Total \$'000 |
|----------------|-------------------------------------|-----------------|
| 17 | Agriculture, Fisheries and Forestry | 545,127 |
| Total | | 545,127 |

APPROPRIATIONS

SUMMARY**Supplementary Appropriation (bold figures)—2007-2008**

Appropriation Act (No. 2), Appropriation (Northern Territory National Emergency Response) Act (No. 2) and Appropriation Bill (No. 4) (italic figures)—2007-2008

| Portfolio | Payments to States, ACT, NT and local government \$'000 | New Administered Expenses \$'000 | Non- operating \$'000 | Total \$'000 |
|---|---|---|-----------------------------|------------------|
| Agriculture, Fisheries and Forestry | 545,127 | - | - | 545,127 |
| | <i>489,495</i> | - | <i>662</i> | <i>490,157</i> |
| Attorney-General's | - | - | - | - |
| | <i>41,861</i> | - | <i>354,632</i> | <i>396,493</i> |
| Broadband, Communications and the Digital Economy | - | - | - | - |
| | - | - | <i>24,134</i> | <i>24,134</i> |
| Communications, Information Technology and the Arts | - | - | - | - |
| | <i>20,500</i> | - | <i>8,249</i> | <i>28,749</i> |
| Defence | - | - | - | - |
| | <i>28,916</i> | - | <i>2,103,026</i> | <i>2,131,942</i> |
| Education, Employment and Workplace Relations | - | - | - | - |
| | - | - | <i>21,460</i> | <i>21,460</i> |
| Education, Science and Training | - | - | - | - |
| | - | - | <i>7,343</i> | <i>7,343</i> |
| Employment and Workplace Relations | - | - | - | - |
| | - | - | <i>13,861</i> | <i>13,861</i> |
| Environment and Water Resources | - | - | - | - |
| | <i>152,157</i> | <i>53,831</i> | <i>99,076</i> | <i>305,064</i> |
| Families, Community Services and Indigenous Affairs | - | - | - | - |
| | <i>2,137,382</i> | - | <i>117,115</i> | <i>2,254,497</i> |
| Finance and Administration | - | - | - | - |
| | - | - | <i>108,008</i> | <i>108,008</i> |
| Foreign Affairs and Trade | - | - | - | - |
| | - | - | <i>527,469</i> | <i>527,469</i> |
| Health and Ageing | - | - | - | - |
| | <i>1,490,311</i> | - | <i>18,209</i> | <i>1,508,520</i> |
| Human Services | - | - | - | - |
| | - | <i>3,492</i> | <i>146,088</i> | <i>149,580</i> |
| Immigration and Citizenship | - | - | - | - |
| | <i>3,577</i> | - | <i>174,124</i> | <i>177,701</i> |
| Industry, Tourism and Resources | - | - | - | - |
| | <i>41,243</i> | - | <i>58,976</i> | <i>100,219</i> |
| Infrastructure, Transport, Regional Development and Local Government | - | - | - | - |
| | <i>2,398,219</i> | - | <i>13,590</i> | <i>2,411,809</i> |

Continued

Schedule 2 Services for which money is appropriated

SUMMARY

Supplementary Appropriation (bold figures)—2007-2008
Appropriation Act (No. 2), Appropriation (Northern Territory National Emergency Response) Act (No. 2) and Appropriation Bill (No. 4) (italic figures)—2007-2008

| Portfolio | Payments to States, ACT, NT and local government \$'000 | New Administered Expenses \$'000 | Non-operating \$'000 | Total \$'000 |
|--|--|-------------------------------------|-------------------------|-----------------|
| Innovation, Industry, Science and Research | - | - | - | - |
| | - | - | 59,827 | 59,827 |
| Prime Minister and Cabinet | - | - | - | - |
| | - | - | 9,580 | 9,580 |
| Resources, Energy and Tourism | - | - | - | - |
| | 11,704 | - | 2,656 | 14,360 |
| Treasury | - | - | - | - |
| | 179,521 | - | 196,947 | 376,468 |
| Total: | 545,127 | - | - | 545,127 |
| | 6,994,886 | 57,323 | 4,065,032 | 11,117,241 |

AGRICULTURE, FISHERIES AND FORESTRY PORTFOLIO

Supplementary Appropriation (bold figures)—2007-2008
Appropriation Act (No.2), Appropriation (Northern Territory National Emergency Response) Act (No.2) and Appropriation Bill (No.4) (italic figures)—2007-2008
 Actual Available Appropriation (light figures)—2006-2007

| | Payments to States, ACT, NT and local government \$'000 | New Administered Expenses \$'000 | Total \$'000 |
|---|---|---|--------------------|
| DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY | | | |
| Operating | | | |
| Outcome 1 - | | | |
| More sustainable, competitive and profitable | 545,127 | - | 545,127 |
| Australian agricultural, food, fisheries and forestry industries | 489,495 618,166 | - | 489,495 618,166 |
| Total: Department of Agriculture, Fisheries and Forestry | 545,127 | - | 545,127 |
