

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.

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.

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

- 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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2 **Part 3—Additions to basic appropriations**

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4 **10 Net appropriations**

5 (1) If a section 31 agreement applies to a departmental item, then the
6 amount specified in the item is taken to be increased in accordance
7 with the agreement, and on the conditions set out in the agreement.
8 The increase cannot be more than the relevant receipts covered by
9 the agreement.

10 (2) For the purposes of section 31 of the *Financial Management and*
11 *Accountability Act 1997*, each departmental item is taken to be
12 marked “net appropriation”.

13 **11 Comcover receipts**

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

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

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2 **Part 4—Miscellaneous**

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4 **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.

9

13 Appropriation of the Consolidated Revenue Fund

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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 13.

Abstract

Page Reference	Portfolio	Total \$'000
14	Communications, Information Technology and the Arts	219,218
	Total	219,218

APPROPRIATIONS

Schedule 1 Services for which money is appropriated

SUMMARYSupplementary 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	3,459	215,759	219,218
	<i>1,766,896</i>	<i>380,854</i>	<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			

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

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>
Total: Bill 3	3,459 <i>33,788,542</i>	215,759 <i>13,582,676</i>	219,218 <i>47,371,218</i>

Schedule 1 Services for which money is appropriatedCOMMUNICATIONS, 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	3,459 <i>114,340</i>	215,759 <i>380,854</i>	219,218 <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>
Total: Communications, Information Technology and the Arts	3,459 <i>1,766,896</i>	215,759 <i>380,854</i>	219,218 <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	Administered Expenses	Total
	\$'000	\$'000	\$'000
DEPARTMENT OF COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS			
Outcome 3 -			
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	3,459 <i>63,456</i> 66,817	215,759 <i>170,848</i> 176,233	219,218 <i>234,304</i> 243,050
Total: Department of Communications, Information Technology and the Arts	3,459	215,759	219,218
