



Appropriation (Nation Building and Jobs) Act (No. 1) 2008-2009

No. 1, 2009

An Act to appropriate money out of the Consolidated Revenue Fund for the ordinary annual services of the Government in relation to nation building and jobs, and for related purposes

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

Contents

Part 1—Preliminary	2
1 Short title	2
2 Commencement	2
3 Definitions	2
4 Portfolio Statements	4
5 Notional payments, receipts etc	4
Part 2—Appropriation items	5
6 Summary of appropriations	5
7 Departmental items.....	5
8 Administered items.....	5
9 CAC Act body payment items	6
Part 3—Adjusting appropriation items	7
10 Reducing departmental items	7
11 Reducing administered items.....	7
12 Reducing CAC Act body payment items	8
Part 4—Miscellaneous	10
13 Crediting amounts to Special Accounts.....	10
14 Appropriation of the Consolidated Revenue Fund.....	10
Schedule 1—Services for which money is appropriated	11



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[Assented to 18 February 2009]

The Parliament of Australia enacts:

Part 1—Preliminary

1 Short title

This Act may be cited as the *Appropriation (Nation Building and Jobs) Act (No. 1) 2008-2009*.

2 Commencement

This Act commences on the day on which it receives the Royal Assent.

3 Definitions

In this Act:

administered item means an amount set out in Schedule 1 opposite an outcome for an Agency under the heading “Administered Expenses”.

Agency means:

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

CAC Act body means:

- (a) a Commonwealth authority within the meaning of the *Commonwealth Authorities and Companies Act 1997*; or
- (b) a Commonwealth company within the meaning of the *Commonwealth Authorities and Companies Act 1997*.

CAC Act body payment item means the total amount set out in Schedule 1 in relation to a CAC Act body under the heading “Administered Expenses”.

Note: The amounts set out opposite outcomes for CAC Act bodies, under the heading “Administered Expenses”, are “notional”. They are not part of the item, and do not in any way restrict the scope of the expenditure authorised by the item.

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

current year means the financial year ending on 30 June 2009.

departmental item means the total amount set out in Schedule 1 in relation to an Agency under the heading “Departmental Outputs”.

Note: The amounts set out opposite outcomes, under the heading “Departmental Outputs”, are “notional”. They are not part of the item, and do not in any way restrict the scope of the expenditure authorised by the item.

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

Finance Minister means the Minister administering this Act.

item means an administered item, a CAC Act body payment item or a departmental item.

Portfolio Additional Estimates Statements means the Portfolio Additional Estimates Statements that were tabled in the Senate or the House of Representatives in relation to the Bill for the *Appropriation Act (No. 3) 2008-2009* and the Bill for the *Appropriation Act (No. 4) 2008-2009*.

Portfolio Budget Statements means the Portfolio Budget Statements that were tabled in the Senate or the House of Representatives in relation to the Bill for the *Appropriation Act (No. 1) 2008-2009* and the Bill for the *Appropriation Act (No. 2) 2008-2009*.

Portfolio Supplementary Additional Estimates Statements means the Portfolio Supplementary Additional Estimates Statements that were tabled in the Senate or the House of Representatives in relation to the Bill for this Act and the Bill for the *Appropriation (Nation Building and Jobs) Act (No. 2) 2008-2009*.

Portfolio Supplementary Estimates Statements means the Portfolio Supplementary Estimates Statements that were tabled in the Senate or the House of Representatives in relation to the Bill for the *Appropriation (Economic Security Strategy) Act (No. 1)*

2008-2009 and the Bill for the *Appropriation (Economic Security Strategy) Act (No. 2) 2008-2009*.

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

4 Portfolio Statements

The Portfolio Budget Statements, Portfolio Supplementary Estimates Statements, Portfolio Additional Estimates Statements and Portfolio Supplementary Additional Estimates Statements are hereby declared to be relevant documents for the purposes of section 15AB of the *Acts Interpretation Act 1901*.

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

5 Notional payments, receipts etc.

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

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

Part 2—Appropriation items

6 Summary of appropriations

The total of the items specified in Schedule 1 is \$89,000,000.

Note 1: Items in Schedule 1 can be adjusted under Part 3 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

The amount specified in a departmental item for an Agency may be applied for the departmental expenditure of the Agency.

Note: The Finance Minister manages the expenditure of public money through the issue of drawing rights under the *Financial Management and Accountability Act 1997*.

8 Administered items

- (1) The amount specified in an administered item for an outcome for an Agency may be applied for expenditure for the purpose of contributing to achieving that outcome.

Note: The Finance Minister manages the expenditure of public money through the issue of drawing rights under the *Financial Management and Accountability Act 1997*.

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

9 CAC Act body payment items

- (1) The amount specified in a CAC Act body payment item for a CAC Act body may be paid to the body to be applied for the purposes of the body.

Note: The Finance Minister manages the expenditure of public money through the issue of drawing rights under the *Financial Management and Accountability Act 1997*.

- (2) If:
- (a) an Act provides that a CAC Act body must be paid amounts that are appropriated by the Parliament for the purposes of the body; and
 - (b) Schedule 1 contains a CAC Act body payment item for that body;
- then the body must be paid the full amount specified in the item.

Part 3—Adjusting appropriation items

10 Reducing departmental items

- (1) A written request to reduce a departmental item for an Agency may be made to the Finance Minister by:
 - (a) the Minister who is responsible for the Agency; or
 - (b) if the Finance Minister is responsible for the Agency—the Chief Executive of the Agency.
- (2) If a request is made under subsection (1), the Finance Minister may, by writing, determine that the item is to be reduced by the amount specified in the request.
- (3) However, the determination has no effect to the extent that it would reduce the item below nil, after subtracting amounts that have been applied under Part 2 in respect of the item.
- (4) The item is taken to be reduced in accordance with the determination.
- (5) A request made under subsection (1) is not a legislative instrument.
- (6) A determination made under subsection (2) is a legislative instrument and, despite subsection 44(2) of the *Legislative Instruments Act 2003*, section 42 (disallowance) of that Act applies to the determination. However, Part 6 (sunsetting) of that Act does not apply to the determination.

11 Reducing administered items

- (1) If:
 - (a) an annual report for an Agency for the current year is tabled in the Parliament; and
 - (b) the report specifies the amount required by the Agency in respect of an administered item for the Agency; and
 - (c) the required amount is less than the amount of the item;the item is taken to be reduced to the required amount.

Section 12

- (2) The Finance Minister may, by writing, determine that subsection (1):
 - (a) does not apply in relation to the item; or
 - (b) applies as if the amount specified in the annual report were the amount specified in the determination.
- (3) A determination made under subsection (2) is a legislative instrument and, despite subsection 44(2) of the *Legislative Instruments Act 2003*, section 42 (disallowance) of that Act applies to the determination. However, Part 6 (sunsetting) of that Act does not apply to the determination.

12 Reducing CAC Act body payment items

- (1) A written request to reduce a CAC Act body payment item for a CAC Act body may be made to the Finance Minister by:
 - (a) the Minister who is responsible for the body; or
 - (b) if the Finance Minister is responsible for the body—the Secretary of the Department.

Note: For *Department*, see subsection 19A(3) of the *Acts Interpretation Act 1901*.

- (2) If a request is made under subsection (1), the Finance Minister may, by writing, determine that the item is to be reduced by the amount specified in the request.
- (3) However, the determination has no effect to the extent that it would reduce the item below nil, after subtracting amounts that have been paid to the body in respect of the item.
- (4) The item is taken to be reduced in accordance with the determination.
- (5) Subsection 9(2) does not limit the reduction of a CAC Act body payment item under this section.
- (6) A request made under subsection (1) is not a legislative instrument.
- (7) A determination made under subsection (2) is a legislative instrument and, despite subsection 44(2) of the *Legislative Instruments Act 2003*, section 42 (disallowance) of that Act applies

to the determination. However, Part 6 (sunsetting) of that Act does not apply to the determination.

Part 4—Miscellaneous

13 Crediting amounts to Special Accounts

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.

14 Appropriation of the Consolidated Revenue Fund

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*.

Schedule 1—Services for which money is appropriated

Note: See sections 6 and 14.

Abstract

Page Reference	Portfolio	Total \$'000
14	Environment, Water, Heritage and the Arts	39,000
16	Treasury	50,000
Total		89,000

APPROPRIATIONS

SUMMARY**Additional Appropriation (bold figures)—2008-2009**
Budget and Supplementary Appropriation (italic figures)—2008-2009

Portfolio	Departmental Outputs \$'000	Administered Expenses \$'000	Total \$'000
Agriculture, Fisheries and Forestry	-	-	-
	<i>356,378</i>	<i>454,952</i>	<i>811,330</i>
Attorney-General's	-	-	-
	<i>3,282,381</i>	<i>592,774</i>	<i>3,875,155</i>
Broadband, Communications and the Digital Economy	-	-	-
	<i>196,702</i>	<i>1,258,649</i>	<i>1,455,351</i>
Defence	-	-	-
	<i>19,790,819</i>	<i>133,228</i>	<i>19,924,047</i>
Education, Employment and Workplace Relations	-	-	-
	<i>2,163,107</i>	<i>4,786,063</i>	<i>6,949,170</i>
Environment, Water, Heritage and the Arts	-	39,000	39,000
	<i>743,521</i>	<i>1,966,860</i>	<i>2,710,381</i>
Families, Housing, Community Services and Indigenous Affairs	-	-	-
	<i>1,533,195</i>	<i>1,765,063</i>	<i>3,298,258</i>
Finance and Deregulation	-	-	-
	<i>323,379</i>	<i>200,086</i>	<i>523,465</i>
Foreign Affairs and Trade	-	-	-
	<i>1,348,773</i>	<i>3,175,632</i>	<i>4,524,405</i>
Health and Ageing	-	-	-
	<i>641,998</i>	<i>5,262,698</i>	<i>5,904,696</i>
Human Services	-	-	-
	<i>1,689,621</i>	<i>139,184</i>	<i>1,828,805</i>
Immigration and Citizenship	-	-	-
	<i>1,224,795</i>	<i>483,808</i>	<i>1,708,603</i>
Infrastructure, Transport, Regional Development and Local Government	-	-	-
	<i>229,964</i>	<i>486,634</i>	<i>716,598</i>
Innovation, Industry, Science and Research	-	-	-
	<i>310,608</i>	<i>1,624,605</i>	<i>1,935,213</i>
Prime Minister and Cabinet	-	-	-
	<i>377,263</i>	<i>42,770</i>	<i>420,033</i>
Resources, Energy and Tourism	-	-	-
	<i>207,845</i>	<i>432,961</i>	<i>640,806</i>
Treasury	38,500	11,500	50,000
	<i>3,786,552</i>	<i>8,434</i>	<i>3,794,986</i>
Total: Bill 1	38,500	50,500	89,000
	<i>38,206,901</i>	<i>22,814,401</i>	<i>61,021,302</i>

Schedule 1 Services for which money is appropriated

ENVIRONMENT, WATER, HERITAGE AND THE ARTS PORTFOLIO

SUMMARY

Additional Appropriation (bold figures)—2008-2009
Budget and Supplementary Appropriation (italic figures)—2008-2009

Entity	Departmental Outputs \$'000	Administered Expenses \$'000	Total \$'000
Department of the Environment, Water, Heritage and the Arts	469,866	39,000 1,562,396	39,000 2,032,262
<i>Payments to CAC Act bodies:</i>			
Australia Council		-	-
		160,640	160,640
Australian Film, Television and Radio School		-	-
		23,301	23,301
Australian National Maritime Museum		-	-
		23,069	23,069
National Film and Sound Archive		-	-
		25,172	25,172
National Gallery of Australia		-	-
		41,796	41,796
National Library of Australia		-	-
		57,680	57,680
National Museum of Australia		-	-
		40,275	40,275
Screen Australia		-	-
		31,389	31,389
Sydney Harbour Federation Trust		-	-
		24	24
Bureau of Meteorology	-	-	-
	244,804	-	244,804
Great Barrier Reef Marine Park Authority	-	-	-
	20,480	800	21,280
National Water Commission	-	-	-
	8,371	318	8,689
Total: Environment, Water, Heritage and the Arts	- 743,521	39,000 1,966,860	39,000 2,710,381

ENVIRONMENT, WATER, HERITAGE AND THE ARTS PORTFOLIO

Additional Appropriation (bold figures)—2008-2009
Budget and Supplementary Appropriation (italic figures)—2008-2009
 Actual Available Appropriation (light figures)—2007-2008

	Departmental Outputs \$'000	Administered Expenses \$'000	Total \$'000
DEPARTMENT OF THE ENVIRONMENT, WATER, HERITAGE AND THE ARTS			
Outcome 1 -			
The environment, especially those aspects that are matters of national environmental significance, is protected and conserved	-	39,000	39,000
	<i>254,069</i>	<i>677,782</i>	<i>935,025</i>
	<i>271,269</i>	<i>702,841</i>	<i>974,110</i>
Total: Department of the Environment, Water, Heritage and the Arts	-	39,000	39,000

Schedule 1 Services for which money is appropriated

TREASURY PORTFOLIO

SUMMARY

Additional Appropriation (bold figures)—2008-2009
Budget and Supplementary Appropriation (italic figures)—2008-2009

Entity	Departmental Outputs \$'000	Administered Expenses \$'000	Total \$'000
Department of the Treasury	-	-	-
	<i>146,446</i>	<i>5,000</i>	<i>151,446</i>
Australian Bureau of Statistics	-	-	-
	<i>282,775</i>	-	<i>282,775</i>
Australian Competition and Consumer Commission	-	-	-
	<i>139,227</i>	-	<i>139,227</i>
Australian Office of Financial Management	-	-	-
	<i>8,467</i>	<i>10</i>	<i>8,477</i>
Australian Prudential Regulation Authority	-	-	-
	<i>5,036</i>	-	<i>5,036</i>
Australian Securities and Investments Commission	-	-	-
	<i>298,963</i>	<i>3,424</i>	<i>302,387</i>
Australian Taxation Office	38,500	11,500	50,000
	<i>2,861,097</i>	-	<i>2,861,097</i>
Commonwealth Grants Commission	-	-	-
	<i>7,809</i>	-	<i>7,809</i>
Corporations and Markets Advisory Committee	-	-	-
	<i>1,031</i>	-	<i>1,031</i>
Inspector General of Taxation	-	-	-
	<i>2,167</i>	-	<i>2,167</i>
National Competition Council	-	-	-
	<i>2,781</i>	-	<i>2,781</i>
Office of the Auditing and Assurance Standards Board	-	-	-
	-	-	-
Office of the Australian Accounting Standards Board	-	-	-
	-	-	-
Productivity Commission	-	-	-
	<i>30,753</i>	-	<i>30,753</i>
Total: Treasury	38,500	11,500	50,000
	<i>3,786,552</i>	<i>8,434</i>	<i>3,794,986</i>

TREASURY PORTFOLIO

Additional Appropriation (bold figures)—2008-2009
Budget and Supplementary Appropriation (italic figures)—2008-2009
Actual Available Appropriation (light figures)—2007-2008

	Departmental Outputs \$'000	Administered Expenses \$'000	Total \$'000
AUSTRALIAN TAXATION OFFICE			
Outcome 1 -			
Effectively managed and shaped systems that support and fund services for Australians and give effect to social and economic policy through the tax, superannuation, excise and other related systems	38,500	11,500	50,000
	<i>2,861,097</i>	-	<i>2,861,097</i>
	<i>2,798,805</i>	<i>1,100</i>	<i>2,799,905</i>
Total: Australian Taxation Office	38,500	11,500	50,000

*[Minister's second reading speech made in—
House of Representatives on 12 February 2009
Senate on 13 February 2009]*

(17/09)