



Appropriation (Nation Building and Jobs) Act (No. 2) 2008-2009

No. 2, 2009

An Act to appropriate money out of the Consolidated Revenue Fund for certain expenditure 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/>)

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An Act to appropriate money out of the Consolidated Revenue Fund for certain expenditure in relation to nation building and jobs, and for related purposes

[Assented to 18 February 2009]

The Parliament of Australia enacts:

Appropriation (Nation Building and Jobs) Act (No. 2) 2008-2009 No. 2, 2009 1

Part 1—Preliminary

1 Short title

This Act may be cited as the *Appropriation (Nation Building and Jobs) Act (No. 2) 2008-2009*.

2 Commencement

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

3 Definitions

In this Act:

administered assets and liabilities item means the amount set out in Schedule 2 in relation to an Agency opposite the heading “Administered Assets and Liabilities”.

administered item means an amount set out in Schedule 2 opposite an outcome for an Agency under the heading “New 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 amount set out in Schedule 2 in relation to a CAC Act body under the heading “Non-operating”.

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.

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

Finance Minister means the Minister administering this Act.

item means any of the following:

- (a) a State, ACT, NT and local government item;
- (b) an administered item;
- (c) an administered assets and liabilities item;
- (d) an other departmental item;
- (e) a CAC Act body payment item.

other departmental item means an amount set out in Schedule 2 in relation to an Agency:

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

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. 1) 2008-2009*.

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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*.

State, ACT, NT and local government item means an amount set out in Schedule 2 opposite an outcome for an Agency under the heading “Payments to States, ACT, NT and local government”.

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 2 is \$1,727,200,000.

Note 1: Items in Schedule 2 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 State, ACT, NT and local government items

- (1) The amount specified in a State, ACT, NT and local government item for an outcome for an Agency may 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.

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.

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*.

Section 9

- (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 Administered assets and liabilities items

- (1) The amount specified in an administered assets and liabilities item for an Agency may be applied for expenditure for the purpose of contributing to achieving any outcome specified for the Agency:
- (a) in Schedule 2 to this Act; or
 - (b) in Schedule 1 to the *Appropriation (Nation Building and Jobs) Act (No. 1) 2008-2009*; or
 - (c) in Schedule 2 to the *Appropriation Act (No. 4) 2008-2009*; or
 - (d) in Schedule 1 to the *Appropriation Act (No. 3) 2008-2009*; or
 - (e) in Schedule 2 to the *Appropriation (Economic Security Strategy) Act (No. 2) 2008-2009*; or
 - (f) in Schedule 1 to the *Appropriation (Economic Security Strategy) Act (No. 1) 2008-2009*; or
 - (g) in Schedule 2 to the *Appropriation Act (No. 2) 2008-2009*; or
 - (h) in Schedule 1 to the *Appropriation Act (No. 1) 2008-2009*.

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.

10 Other departmental items

The amount specified in an other 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*.

11 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 2 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

12 Reducing State, ACT, NT and local government items and 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 an Agency in respect of:
 - (i) a State, ACT, NT and local government item for the Agency; or
 - (ii) 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.
- (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.

13 Reducing administered assets and liabilities items and other departmental items

- (1) A written request to reduce an administered assets and liabilities item or an other 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.

14 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.

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- (5) Subsection 11(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

15 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.

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

- (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.
- (2) The payment:
 - (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:
 - (i) in relation to the outcome; and
 - (ii) to or for a State, the Australian Capital Territory, the Northern Territory or a local government authority; and
 - (iii) out of money appropriated by an annual Appropriation Act; and
 - (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.
- (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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- (4) Determinations mentioned in paragraph (2)(a) and determinations made under paragraph (2)(b) are not legislative instruments.
- (5) This section does not limit the Commonwealth's power to:
 - (a) apply terms and conditions to payments made out of money that is not appropriated by a State, ACT, NT and local government item; or
 - (b) determine the amounts and times of those payments.

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

Note: See section 16.

Column 1	Column 2	Column 3	Column 4
Entity	Outcome	Minister determining conditions	Minister determining payments
Department of Education, Employment and Workplace Relations	School Education - Schools and other educators provide high quality teaching and learning to all Australian children, creating good foundation skills and positive life opportunities	Minister for Education	Minister for Education
Department of Families, Housing, Community Services and Indigenous Affairs	Strong and resilient communities - Services and assistance that: help homeless people and low-income households to gain affordable and appropriate housing; promote community partnerships; and encourage participation in the local community by individuals, families, business and government	Minister for Families, Housing, Community Services and Indigenous Affairs	Minister for Families, Housing, Community Services and Indigenous Affairs
Department of Infrastructure, Transport, Regional Development and Local Government	Assisting the Government to provide, evaluate, plan and invest in infrastructure across industry sectors	Minister for Infrastructure, Transport, Regional Development and Local Government	Minister for Infrastructure, Transport, Regional Development and Local Government
Department of Infrastructure, Transport, Regional Development and Local Government	Assisting regions and local government to develop and manage their futures	Minister for Infrastructure, Transport, Regional Development and Local Government	Minister for Infrastructure, Transport, Regional Development and Local Government

Schedule 2—Services for which money is appropriated

Note: See sections 6 and 17.

Abstract

Page Reference	Portfolio	Total \$'000
17	Education, Employment and Workplace Relations	987,200
19	Families, Housing, Community Services and Indigenous Affairs	260,000
21	Infrastructure, Transport, Regional Development and Local Government	480,000
Total		1,727,200

APPROPRIATIONS

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Schedule 2 Services for which money is appropriated

SUMMARY

Summary of Appropriations (bold figures)—2008-2009
Budget and Supplementary Appropriation (italic figures)—2008-2009

Portfolio	Payments to States, ACT, NT and local government \$'000	New Administered Expenses \$'000	Non- operating \$'000	Total \$'000
Agriculture, Fisheries and Forestry	-	-	-	-
	<i>527,907</i>	-	<i>3,950</i>	<i>531,857</i>
Attorney-General's	-	-	-	-
	<i>323,625</i>	-	<i>289,726</i>	<i>613,351</i>
Broadband, Communications and the Digital Economy	-	-	-	-
	-	-	<i>17,833</i>	<i>17,833</i>
Defence	-	-	-	-
	<i>42,614</i>	-	<i>2,377,805</i>	<i>2,420,419</i>
Education, Employment and Workplace Relations	987,200	-	-	987,200
	<i>807,843</i>	-	<i>11,567</i>	<i>819,410</i>
Environment, Water, Heritage and the Arts	-	-	-	-
	<i>117,014</i>	-	<i>75,330</i>	<i>192,344</i>
Families, Housing, Community Services and Indigenous Affairs	260,000	-	-	260,000
	<i>2,618,444</i>	-	<i>54,738</i>	<i>2,673,182</i>
Finance and Deregulation	-	-	-	-
	-	-	<i>206,240</i>	<i>206,240</i>
Foreign Affairs and Trade	-	-	-	-
	-	-	<i>314,530</i>	<i>314,530</i>
Health and Ageing	-	-	-	-
	<i>1,787,684</i>	-	<i>131,379</i>	<i>1,919,063</i>
Human Services	-	-	-	-
	-	-	<i>20,292</i>	<i>20,292</i>
Immigration and Citizenship	-	-	-	-
	<i>4,196</i>	-	<i>36,124</i>	<i>40,320</i>
Infrastructure, Transport, Regional Development and Local Government	480,000	-	-	480,000
	<i>2,485,497</i>	-	-	<i>2,485,497</i>
Innovation, Industry, Science and Research	-	-	-	-
	-	-	<i>71,131</i>	<i>71,131</i>
Prime Minister and Cabinet	-	-	-	-
	-	-	<i>14,636</i>	<i>14,636</i>
Resources, Energy and Tourism	-	-	-	-
	<i>55,486</i>	-	<i>2,925</i>	<i>58,411</i>
Treasury	-	-	-	-
	<i>1,266,716</i>	-	<i>210,573</i>	<i>1,477,289</i>
Total: Bill 2	1,727,200	-	-	1,727,200
	<i>10,037,026</i>	-	<i>3,838,779</i>	<i>13,875,805</i>

EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS PORTFOLIO

SUMMARY

Summary of Appropriations (bold figures)—2008-2009
Budget and Supplementary Appropriation (italic figures)—2008-2009

Entity	Payments to States, ACT, NT and local government \$'000	New Administered Expenses \$'000	Non- operating \$'000	Total \$'000
Department of Education, Employment and Workplace Relations	987,200 <i>807,843</i>	- -	- <i>7,794</i>	987,200 <i>815,637</i>
Office of the Workplace Ombudsman	- -	- -	- <i>350</i>	- <i>350</i>
Workplace Authority	- -	- -	- <i>3,423</i>	- <i>3,423</i>
Total: Education, Employment and Workplace Relations	987,200 <i>807,843</i>	- -	- <i>11,567</i>	987,200 <i>819,410</i>

EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS PORTFOLIO

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

	Payments to States, ACT, NT and local government \$'000	New Administered Expenses \$'000	Total \$'000
DEPARTMENT OF EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS			
Operating			
Outcome 2 -			
School Education - Schools and other educators provide high quality teaching and learning to all Australian children, creating good foundation skills and positive life opportunities	987,200 <i>717,576</i> -	- - -	987,200 <i>717,576</i> -
Total: Department of Education, Employment and Workplace Relations	987,200	-	987,200

FAMILIES, HOUSING, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS PORTFOLIO

SUMMARY

Summary of Appropriations (bold figures)—2008-2009
Budget and Supplementary Appropriation (italic figures)—2008-2009

Entity	Payments to States, ACT, NT and local government \$'000	New Administered Expenses \$'000	Non- operating \$'000	Total \$'000
Department of Families, Housing, Community Services and Indigenous Affairs	260,000 <i>2,618,444</i>	- -	- <i>6,758</i>	260,000 <i>2,625,202</i>
<i>Payments to CAC Act bodies:</i>				
Aboriginal Hostels Limited			- <i>6,472</i>	- <i>6,472</i>
Indigenous Business Australia			- <i>41,508</i>	- <i>41,508</i>
Total: Families, Housing, Community Services and Indigenous Affairs	260,000 <i>2,618,444</i>	- -	- <i>54,738</i>	260,000 <i>2,673,182</i>

Schedule 2 Services for which money is appropriated

**FAMILIES, HOUSING, COMMUNITY SERVICES AND INDIGENOUS
AFFAIRS PORTFOLIO**

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

	Payments to States, ACT, NT and local government \$'000	New Administered Expenses \$'000	Total \$'000
DEPARTMENT OF FAMILIES, HOUSING, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS			
Operating			
Outcome 4 -			
Strong and resilient communities - Services	260,000	-	260,000
and assistance that: help homeless people and	<i>1,201,399</i>	-	<i>1,201,399</i>
low-income households to gain affordable and	<i>1,158,379</i>	-	<i>1,158,379</i>
appropriate housing; promote community			
partnerships; and encourage participation in the			
local community by individuals, families,			
business and government			
Total: Department of Families, Housing, Community Services and Indigenous Affairs	260,000	-	260,000

**INFRASTRUCTURE, TRANSPORT, REGIONAL DEVELOPMENT
AND LOCAL GOVERNMENT PORTFOLIO**

SUMMARY

Summary of Appropriations (bold figures)—2008-2009
Budget and Supplementary Appropriation (italic figures)—2008-2009

Entity	Payments to States, ACT, NT and local government \$'000	New Administered Expenses \$'000	Non- operating \$'000	Total \$'000
Department of Infrastructure, Transport, Regional Development and Local Government	480,000 <i>2,485,497</i>	- -	- -	480,000 <i>2,485,497</i>
Total: Infrastructure, Transport, Regional Development and Local Government	480,000 <i>2,485,497</i>	- -	- -	480,000 <i>2,485,497</i>

Schedule 2 Services for which money is appropriated

**INFRASTRUCTURE, TRANSPORT, REGIONAL DEVELOPMENT AND
LOCAL GOVERNMENT PORTFOLIO**

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

	Payments to States, ACT, NT and local government \$'000	New Administered Expenses \$'000	Total \$'000
DEPARTMENT OF INFRASTRUCTURE, TRANSPORT, REGIONAL DEVELOPMENT AND LOCAL GOVERNMENT			
Operating			
Outcome 1 -			
Assisting the Government to provide, evaluate, plan and invest in infrastructure across industry sectors	230,000 <i>2,471,297</i> -	- - -	230,000 <i>2,471,297</i> -
Outcome 3 -			
Assisting regions and local government to develop and manage their futures	250,000 <i>14,200</i> 52,351	- - -	250,000 <i>14,200</i> 52,351
Total: Department of Infrastructure, Transport, Regional Development and Local Government	480,000	-	480,000

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

(18/09)

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