

2003

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Ms Roslyn Dundas)

Financial Management Amendment Bill 2003 (No 3)

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Financial Management Amendment Bill 2003 (No 3)

A Bill for

An Act to amend the *Financial Management Act 1996*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Financial Management Amendment Act 2003 (No 3)*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Legislation amended

This Act amends the *Financial Management Act 1996*.

**4 Treasurer's advance
Section 18 (1)**

substitute

(1A) This section applies to expenditure that is—

- (a) in excess of the amount specifically appropriated for expenditure of that kind; or
- (b) not provided for by any appropriation.

(1) The expenditure may be authorised, in writing, by the Treasurer if—

- (a) there is an urgent need for the expenditure in the financial year in which the expenditure is authorised; and
- (b) the need for the expenditure could not reasonably have been foreseen at the time of presentation to the Legislative Assembly of the bill for the most recent Appropriation Act for the financial year; and
- (c) because of the urgency of the need for the expenditure, it is not practicable to provide for the expenditure by an Appropriation Act; and

- 1 (d) the total expenditure authorised under this subsection in the
2 financial year does not exceed the amount appropriated for the
3 year for this section.

4 **5 New section 18 (5), (6) and (7)**

5 *insert*

- 6 (5) If the Treasurer has authorised expenditure under subsection (1)
7 during a financial year and the expenditure has not been incurred
8 under that authorisation during the year, the balance must be
9 transferred to the Territory banking account.
- 10 (6) For subsection (1) (b), a need for expenditure is only a need for
11 expenditure that *could not reasonably have been foreseen* if it
12 could not reasonably have been foreseen by—
- 13 (a) the Treasurer; or
- 14 (b) for expenditure in relation to a department—the responsible
15 Minister or the responsible chief executive; or
- 16 (c) for expenditure in relation to a Territory authority—the
17 responsible Minister or the responsible chief executive officer.
- 18 (7) For subsection (5), expenditure has been *incurred under an*
19 *authorisation* only if payment of the amount has been made on the
20 purpose for which the expenditure was authorised.

21 **6 Section 18**

22 *renumber subsections when Act next republished under the*
23 *Legislation Act*

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2003.

2 Notification

Notified under the Legislation Act on 2003.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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