



Australian Capital Territory

# Financial Management Amendment Act 2004 (No 2)

A2004-33

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An Act to amend the *Financial Management Act 1996*

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

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2004 040B

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

**1 Name of Act**

This Act is the *Financial Management Amendment Act 2004 (No 2)*.

**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 Section 18**

*substitute*

**18 Treasurer's advance**

- (1) 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 an appropriation.
- (2) The Treasurer may, in writing, authorise the appropriation if—
  - (a) the Treasurer is satisfied that—
    - (i) there is an urgent need for the expenditure; and
    - (ii) the expenditure is not provided for, or is insufficiently provided for, because of a prescribed circumstance; and
  - (b) the total expenditure authorised under this subsection in any financial year does not exceed the amount appropriated for that year for this section.

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- (3) The amount appropriated for this section for a financial year must not exceed 1% of the total amount appropriated by all Appropriation Acts for that year.
  - (4) The guidelines may prescribe when there is an *urgent need for expenditure* for subsection (2) (a) (i).
  - (5) In this section:

*expenditure* means—

- (a) a payment for, or entering into a contract to make a payment for, an output delivery, including a payment for goods, services or grants; or
- (b) a payment on behalf of the Territory, or entering into a contract to make a payment on behalf of the Territory, including a payment for goods, services or grants; or
- (c) a payment from, or entering into a contract to make a payment from, a capital injection.

*prescribed circumstance*—each of the following is a *prescribed circumstance* in relation to expenditure:

- (a) there was an erroneous omission or understatement in an appropriation;
- (b) the expenditure was unforeseen until after the last day when it was practicable to provide for it in the relevant Appropriation Bill before the bill was introduced into the Legislative Assembly.

*relevant Appropriation Bill*, for expenditure, means the 1st Appropriation Bill for the financial year when the expenditure is to happen.

## **18A Assembly to be told about treasurer's advance**

- (1) This section applies if the Treasurer authorises expenditure under section 18 for a financial year.

- (2) Within 3 sitting days after the day when the authorisation is given, the Treasurer must present to the Legislative Assembly—
  - (a) a copy of the authorisation; and
  - (b) a statement of the reasons for giving it; and
  - (c) a summary of the total expenditure authorised under section 18 for the financial year to date.
- (3) Within 3 sitting days after the end of the financial year, the Treasurer must present to the Legislative Assembly a summary of the total expenditure authorised.

**5 Amendment of budgets**  
**Section 19F (2)**

*omit*

18 (1)

*substitute*

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**Endnotes**

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 14 May 2004.

**2 Notification**

Notified under the Legislation Act on 30 June 2004.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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I certify that the above is a true copy of the Financial Management Amendment Bill 2004 (No 2), which was passed by the Assembly on 24 June 2004.

Clerk of the Legislative Assembly

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