

2004

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Treasurer)

Financial Management Amendment Bill 2004 (No 2)

A Bill for

An Act to amend the *Financial Management Act 1996*

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

1 **1 Name of Act**

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

3 **2 Commencement**

4 This Act commences on the day after its notification day.

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

7 **3 Legislation amended**

8 This Act amends the *Financial Management Act 1996*.

9 **4 Section 18**

10 *substitute*

11 **18 Treasurer's advance**

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

13 (a) in excess of the amount specifically appropriated for
14 expenditure of that kind; or

15 (b) not provided for by an appropriation.

16 (2) The Treasurer may, in writing, authorise the appropriation if—

17 (a) the Treasurer is satisfied that—

18 (i) there is an urgent need for the expenditure; and

19 (ii) the expenditure is not provided for, or is insufficiently
20 provided for, because of a prescribed circumstance; and

21 (b) the total expenditure authorised under this subsection in any
22 financial year does not exceed the amount appropriated for that
23 year for this section.

- 1 (3) The amount appropriated for this section for a financial year must
2 not exceed 1% of the total amount appropriated by all Appropriation
3 Acts for that year.
- 4 (4) The guidelines may prescribe when there is an *urgent need for*
5 *expenditure* for subsection (2) (a) (i).
- 6 (5) In this section:
- 7 *expenditure* means—
- 8 (a) a payment for, or entering into a contract to make a payment
9 for, an output delivery, including a payment for goods, services
10 or grants; or
- 11 (b) a payment on behalf of the Territory, or entering into a contract
12 to make a payment on behalf of the Territory, including a
13 payment for goods, services or grants; or
- 14 (c) a payment from, or entering into a contract to make a payment
15 from, a capital injection.
- 16 *prescribed circumstance*—each of the following is a *prescribed*
17 *circumstance* in relation to expenditure:
- 18 (a) there was an erroneous omission or understatement in an
19 appropriation;
- 20 (b) the expenditure was unforeseen until after the last day when it
21 was practicable to provide for it in the relevant Appropriation
22 Bill before the bill was introduced into the Legislative
23 Assembly.
- 24 *relevant Appropriation Bill*, for expenditure, means the 1st
25 Appropriation Bill for the financial year when the expenditure is to
26 happen.

27 **18A Assembly to be told about treasurer's advance**

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

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

10 **5 Amendment of budgets**
11 **Section 19F (2)**

12 *omit*

13 18 (1)

14 *substitute*

15 18

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2004.

2 Notification

Notified under the Legislation Act on 2004.

3 Republications of amended laws

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