

2015

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Treasurer)

Financial Management Amendment Bill 2015

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Legislation amended	3
4 Payments authorised on lapse of appropriation	
New section 7 (2)	3
5 New section 7A	3
6 Form of appropriations	
Section 8 (1) (a)	5
7 Section 8 (2) (a)	5
8 Section 9	5

Contents

		Page
9	Net appropriations for capital injections Section 9A (3), definition of <i>relevant entity</i>	6
10	Appropriations for payments on behalf of Territory to be net appropriations Section 9B	6
11	Territory budgets New section 11 (1) (g)	6
12	New section 11 (1A)	6
13	Section 11 (2) and (3)	7
14	Section 11 (6), definition of <i>appropriation unit</i>	7
15	Directorate budgets Section 12 (1) (b)	7
16	New section 12AA	7
17	Section 12A heading	8
18	Section 12A (1)	8
19	Section 12A (1) (b)	8
20	Section 12A (2)	9
21	Supplementary budget papers Section 13 (3)	9
22	Section 13 (3) (b)	9
23	Section 13 (4) to (6) and example and note	10
24	Amendment of budgets for supplementary appropriation Section 13A (1)	10
25	Section 13A (2), definition of <i>budget</i>	10
26	Section 14	11
27	New sections 14A and 14B	11
28	Transfer of funds within appropriations Section 15	13
29	Reclassification of certain appropriations Section 15A (1) and (2)	13
30	Section 15A (3)	13
31	Section 16 heading	14
32	Section 16 (1)	14
33	Section 16 (2)	14
34	Section 16 (3)	14

Contents

	Page
35	Section 16 (5) 15
36	Appropriation for accrued employee entitlements Section 16A (1) (a) 15
37	Section 16A (1) (b) and (2) 15
38	Section 16A (3) and (4) 15
39	Section 16B heading 16
40	Section 16B 16
41	Section 16B (1) 16
42	Section 16B (2) 16
43	Section 16B (4) and (5) 17
44	Section 16B (6) and (7) 17
45	Variation of appropriations for Commonwealth grants Section 17 (3) 17
46	Variations of appropriations for certain payments to Commonwealth Section 17A (3) 18
47	Sections 18 and 18A 18
48	Section 19B 22
49	Amendment of capital injection conditions Section 19C (1) 23
50	Amendment of performance criteria Section 19D (1) 24
51	Section 19D (2) (a) 24
52	Section 19D (3) 24
53	Section 19D (3) (a) 25
54	Section 19D (3) (b) 25
55	Section 19D (3) (c) 25
56	Section 19D (3) (d) 25
57	Section 19D (3) (e) 26
58	Section 19D (3) (g) 26
59	Section 19D (4) (b) 26
60	New section 19D (4) (c) 26
61	Section 19D (6), definition of <i>budget</i> 27
62	Section 19D (6), definition of <i>prescribed territory authority</i> 27

Contents

	Page	
63	Pre-election budget update	
	Section 20C	27
64	Annual financial statements of the Territory	
	Section 22 (1)	27
65	Section 23	28
66	Audit of annual financial statements	
	Section 24 (1) and (2)	29
67	Section 24 (3) (a)	29
68	Periodic financial statements	
	Section 26 (2)	29
69	Section 28	30
70	Audit of financial statements of directorates	
	Section 29 (2)	30
71	Statements of performance of directorates	
	Section 30A (1)	31
72	Section 30B	31
73	Scrutiny of directorate statements of performance	
	Section 30C (2)	32
74	Half-yearly directorate performance reports	
	Section 30E (1)	32
75	Section 30E (3) and (4)	32
76	New division 3.3	32
77	Responsibilities of directors-general of directorates	
	Section 31 (1)	34
78	New section 31 (1A) and (1B)	34
79	Section 31 (2)	34
80	Section 31 (4), new definitions	35
81	New section 31A	35
82	Transfer following change in directorate responsibilities	
	Section 36 (2)	35
83	Transfers from directorate banking accounts to territory banking account	
	Section 36A	36
84	Section 36A	36
85	Payments from territory banking account	
	Section 37 (1)	36

Contents

	Page
86	New section 37 (4) 36
87	New section 37A 37
88	Responsibilities of chief executive officers of territory authorities Section 55 (2) 37
89	New section 55 (2A) 38
90	Section 55 (3) 38
91	New section 55 (5) 38
92	Responsibilities of governing boards of territory authorities Section 56 (2) 39
93	New section 56 (2A) 39
94	Section 56 (3) 39
95	New section 56 (5) 40
96	Territory authority statements of intent New section 61 (4) (aa) 40
97	Section 61 (5) 40
98	Presentation of statements of intent of territory authorities New section 62 (1A) 42
99	Annual financial statements of territory authorities Section 63 (3) (b) 42
100	Responsibility for annual financial statements of territory authorities Section 64 (1) and (2) 43
101	Audit of annual financial statements of territory authorities Section 65 (2) 43
102	Statements of performance of territory authorities Section 68 (2) 44
103	Section 68 (3) 44
104	Section 68 (4), definition of <i>prescribed territory authority</i> 44
105	Responsibility for territory authority statements of performance Section 69 (1) and (2) 45
106	Scrutiny of territory authority statements of performance Section 70 (2) 45
107	Act of grace payments Section 130 (1) 45
108	Section 130 (6) 46
109	Section 130 (8) 46

Contents

		Page
110	Guideline-making power Section 133 (1), new note	46
111	Dictionary, note 2	46
112	Dictionary, definition of <i>capital injection</i>	47
113	Dictionary, definition of <i>class of outputs</i>	47
114	Dictionary, definition of <i>contract</i>	47
115	Dictionary, new definitions	48
116	Legislation repealed	48
Schedule 1	Consequential amendments	49
Part 1.1	Administrative Decisions (Judicial Review) Act 1989	49
Part 1.2	Financial Management Act 1996	50
Part 1.3	University of Canberra Act 1989	52

2015

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Treasurer)

Financial Management Amendment Bill 2015

A Bill for

An Act to amend the *Financial Management Act 1996*, and for other purposes

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 2015*.

3 **2 Commencement**

4 (1) The following sections commence on 1 July 2016:

5 (a) sections 4 to 8;

6 (b) sections 11 to 20;

7 (c) sections 28 and 29;

8 (d) sections 49 and 50;

9 (e) section 54;

10 (f) sections 58 to 60;

11 (g) section 62;

12 (h) section 76;

13 (i) sections 96 to 99;

14 (j) sections 102 to 104;

15 (k) section 113;

16 (l) section 115, definition of *controlled recurrent payment*;

17 (m) schedule 1, part 1.1, amendment 1.2;

18 (n) schedule 1, part 1.2.

19 *Note* The naming and commencement provisions automatically commence on
20 the notification day (see [Legislation Act](#), s 75 (1)).

21 (2) The remaining provisions commence on the first day of the next
22 quarter after this Act's notification day.

23 *Note* **Quarter** means a period of 3 months beginning on 1 January, 1 April,
24 1 July or 1 October in any year (see [Legislation Act](#), dict, pt 1).

3 Legislation amended

This Act amends the *Financial Management Act 1996*.

Note 1 This Act also amends other legislation (see sch 1).

Note 2 This Act also repeals the *Financial Management (Treasurer's Advance) Guidelines 2005* (see s 116).

4 Payments authorised on lapse of appropriation New section 7 (2)

insert

(2) In this section:

purpose means a purpose that could reasonably be considered to be within the usual responsibilities and ordinary business of an entity.

5 New section 7A

insert

7A Temporary advance for new purpose or new entity

(1) This section applies if—

(a) an amount is proposed to be appropriated by a bill for the first Appropriation Act for a financial year for a new purpose or a new entity; and

(b) the bill has not yet been passed by the Legislative Assembly.

(2) The Treasurer may, in writing, authorise an amount (a *temporary advance*) for expenditure for the new purpose or new entity if the Treasurer is satisfied that there is an immediate requirement for the expenditure.

(3) A temporary advance must be authorised from the amount paid by the Treasurer under section 7 for section 18 (Treasurer's advance).

- 1 (4) The total amount of temporary advances authorised must not exceed
2 50% of the amount paid by the Treasurer under section 7 for
3 section 18.
- 4 (5) On the commencement of the first Appropriation Act for the
5 financial year—
- 6 (a) the temporary advance ceases; and
- 7 (b) the temporary advance is taken to have been paid out of money
8 appropriated by that Act; and
- 9 (c) the amount appropriated for section 18 for the financial year is
10 taken to be restored by the amount of the temporary advance;
11 and
- 12 (d) if the amount proposed to be appropriated under
13 subsection (1) (a) is not passed in that Act—the temporary
14 advance is taken to have been authorised from the
15 appropriation for section 18 for the financial year.
- 16 (6) If the Treasurer authorises a temporary advance, the Treasurer must
17 attach the authorisation to the next financial statement presented to
18 the Legislative Assembly.
- 19 *Note* For the presentation of financial statements, see s 26.
- 20 (7) In this section:
- 21 ***new entity*** means an entity that has a purpose not previously
22 included, or not reasonably considered to be, within the usual
23 responsibilities and ordinary business of another entity.
- 24 ***new purpose*** means a purpose other than a purpose that could
25 reasonably be considered to be within the usual responsibilities and
26 ordinary business of an entity.

1 **6 Form of appropriations**
2 **Section 8 (1) (a)**

3 *substitute*

- 4 (a) any controlled recurrent payments to be provided to the
5 directorate; and

6 **7 Section 8 (2) (a)**

7 *substitute*

- 8 (a) any controlled recurrent payments to be provided to the
9 authority or corporation; and

10 **8 Section 9**

11 *substitute*

12 **9 Net controlled recurrent payments**

- 13 (1) An appropriation for controlled recurrent payments may be
14 expressed to be made for net controlled recurrent payments.
- 15 (2) Despite section 6 (Necessity for appropriation), if an appropriation
16 for a directorate is stated to be made for net controlled recurrent
17 payments, the directorate may apply the following in paying the
18 expenses and liabilities of the directorate:
- 19 (a) the payments it is entitled to receive for providing goods and
20 services, other than controlled recurrent payments under an
21 Appropriation Act;
- 22 (b) the value of the input tax credits to which it is entitled for
23 taxable supplies in relation to controlled recurrent payments.
- 24 (3) If the appropriations made by an Appropriation Act for a directorate
25 do not state an amount, or state a '0' appropriation, for controlled
26 recurrent payments, the appropriations have effect as if they
27 included an appropriation for controlled recurrent payments for the
28 directorate at no net cost to the Territory.

- 1 **9 Net appropriations for capital injections**
2 **Section 9A (3), definition of *relevant entity***
- 3 *omit*
- 4 directorate, authority or corporation
- 5 *substitute*
- 6 territory entity
- 7 **10 Appropriations for payments on behalf of Territory to be**
8 **net appropriations**
9 **Section 9B**
- 10 *omit*
- 11 (Necessity for appropriations)
- 12 *substitute*
- 13 (Necessity for appropriation)
- 14 **11 Territory budgets**
15 **New section 11 (1) (g)**
- 16 *insert*
- 17 (g) a statement about the government's spending intentions for the
18 financial year, including any significant change in spending
19 intentions from the previous financial year.
- 20 **12 New section 11 (1A)**
- 21 *insert*
- 22 (1A) The proposed budget may include anything else the Treasurer
23 considers relevant.

13 Section 11 (2) and (3)

omit

, for each appropriation unit,

14 Section 11 (6), definition of *appropriation unit*

omit

**15 Directorate budgets
Section 12 (1) (b)**

substitute

(b) a statement that sets out—

- (i) the outputs and classes of outputs it is proposed the directorate should provide during the year; and
- (ii) the performance criteria to be met by the directorate in providing the outputs; and
- (iii) for each output and class of output mentioned in subparagraph (i)—
 - (A) the proposed budget expense and proposed appropriation for the financial year; and
 - (B) the estimated expense and appropriation for the previous financial year; and

16 New section 12AA

before section 12A, insert

12AA Territory authority budgets

A proposed budget presented to the Legislative Assembly under section 10 (c) for a territory authority for a financial year is the statement of intent under section 61 (Territory authority statements of intent) for the authority for the financial year.

- 1 **17 Section 12A heading**
- 2 *substitute*
- 3 **12A Territory-owned corporation budgets**
- 4 **18 Section 12A (1)**
- 5 *omit*
- 6 territory authority or
- 7 **19 Section 12A (1) (b)**
- 8 *substitute*
- 9 (b) for a prescribed territory-owned corporation—a statement that
- 10 sets out—
- 11 (i) the outputs and classes of outputs it is proposed that the
- 12 territory-owned corporation should provide during the
- 13 year; and
- 14 (ii) the performance criteria to be met by the territory-owned
- 15 corporation in providing the outputs; and
- 16 (iii) for each output and class of output mentioned in
- 17 subparagraph (i)—
- 18 (A) the proposed budget expense and proposed
- 19 appropriation for the financial year; and
- 20 (B) the estimated expense and appropriation for the
- 21 previous financial year; and

1 **20 Section 12A (2)**

2 *omit*
3 authority or
4 *substitute*
5 territory-owned

6 **21 Supplementary budget papers**
7 **Section 13 (3)**

8 *omit*
9 directorate, territory authority and territory-owned corporation
10 *substitute*
11 territory entity

12 **22 Section 13 (3) (b)**

13 *substitute*
14 (b) include a budgeted financial statement for each affected entity
15 that—
16 (i) includes details of the impact on the budget of the
17 affected entity of all variations to the appropriation that
18 happened until the last day when it was practicable to
19 provide for it in the relevant supplementary
20 Appropriation Bill before the bill was introduced into the
21 Legislative Assembly; and

1 (ii) may show the impact of variations other than variations
2 resulting from additional appropriations.

3 **Example—par (b) (ii)**
4 the impact of revised economic forecasts

5 *Note* An example is part of the Act, is not exhaustive and may
6 extend, but does not limit, the meaning of the provision in
7 which it appears (see [Legislation Act](#), s 126 and s 132).

8 **23 Section 13 (4) to (6) and example and note**

9 *omit*

10 **24 Amendment of budgets for supplementary appropriation**
11 **Section 13A (1)**

12 *omit*

13 directorate, territory authority or territory-owned corporation by an
14 Appropriation Act other than the first Appropriation Act for it for a
15 financial year, the budget for the directorate, authority or
16 corporation

17 *substitute*

18 territory entity by an Appropriation Act other than the first
19 Appropriation Act for it for a financial year, the budget for the
20 territory entity

21 **25 Section 13A (2), definition of *budget***

22 *omit*

23 directorate, territory authority or territory-owned corporation, means
24 the budget for the directorate, authority or corporation

25 *substitute*

26 territory entity, means the budget for the territory entity

26 Section 14*substitute***14 Transfer of funds between appropriations**

- (1) Despite section 6 (Necessity for appropriation), the Treasurer may, in writing, direct that appropriations made by an Appropriation Act be varied by transfers of funds between the appropriations.
- (2) A transfer of funds between appropriations under this section must not cause an appropriation from which funds are transferred to be reduced by more than 3%.
- (3) The Treasurer must attach a copy of the direction to the next financial statement presented to the Legislative Assembly.

Note For the presentation of financial statements, see s 26.

- (4) Subsection (1) does not apply to a superannuation appropriation.

- (5) In this section:

appropriation means an appropriation made by an Appropriation Act in a financial year or, if the appropriation is amended during the financial year, the appropriation as amended.

27 New sections 14A and 14B*insert***14A Transfer of funds from capital injection appropriation to other appropriations**

- (1) Despite section 6 (Necessity for appropriation), the Treasurer may, in writing, direct that an appropriation for capital injection for an entity be varied by a transfer of funds from that appropriation to an appropriation for—
- (a) the provision of outputs by the entity; or
- (b) payments to be made on behalf of the Territory for the entity.

1 (2) If the transfer would cause the appropriation for the capital injection
2 to be reduced by—

3 (a) up to 5% or \$500 000, whichever is the greater—the Treasurer
4 must attach a copy of the direction to the next financial
5 statement presented to the Legislative Assembly; or

6 (b) more than 5% or \$500 000, whichever is the greater—the
7 direction is a disallowable instrument.

8 *Note 1* For the presentation of financial statements, see s 26.

9 *Note 2* A disallowable instrument must be notified, and presented to the
10 Legislative Assembly, under the [Legislation Act](#).

11 (3) In this section:

12 *appropriation for capital injection* means an appropriation for
13 capital injection made by an Appropriation Act in a financial year
14 or, if the appropriation is amended during the financial year, the
15 appropriation as amended.

16 **14B Transfer of funds from other appropriations to capital**
17 **injection appropriation**

18 (1) Despite section 6 (Necessity for appropriation), the Treasurer may,
19 in writing, direct that an appropriation for provision of outputs or
20 payments to be made on behalf of the Territory for an entity be
21 varied by a transfer of funds from those appropriations to an
22 appropriation for capital injection for the entity.

23 (2) The Treasurer must attach a copy of the direction to the next
24 financial statement presented to the Legislative Assembly.

25 *Note* For the presentation of financial statements, see s 26.

1 (3) In this section:

2 *appropriation for payments to be made on behalf of the Territory*
3 means an appropriation for payments to be made on behalf of the
4 Territory made by an Appropriation Act in a financial year or, if the
5 appropriation is amended during the financial year, the
6 appropriation as amended.

7 *appropriation for provision of outputs* means an appropriation for
8 provision of outputs made by an Appropriation Act in a financial
9 year or, if the appropriation is amended during the financial year,
10 the appropriation as amended.

11 **28 Transfer of funds within appropriations**
12 **Section 15**

13 *omit*

14 **29 Reclassification of certain appropriations**
15 **Section 15A (1) and (2)**

16 *omit*

17 the provision of outputs by

18 *substitute*

19 controlled recurrent payments to be provided to

20 **30 Section 15A (3)**

21 *substitute*

22 (3) If the Treasurer gives a direction under subsection (1) or (2), the
23 Treasurer must attach a copy of the direction to the next financial
24 statement presented to the Legislative Assembly.

25 *Note* For the presentation of financial statements, see s 26.

1 **31 Section 16 heading**

2 *substitute*

3 **16 Transfer of functions to another entity**

4 **32 Section 16 (1)**

5 *substitute*

- 6 (1) This section applies if the responsibility for a service or function for
7 which an appropriation is made in an Appropriation Act for a
8 financial year is or has been transferred from the territory entity to
9 which the appropriation is made to another territory entity.

10 **33 Section 16 (2)**

11 *before*

12 *entity*

13 *insert*

14 *territory*

15 **34 Section 16 (3)**

16 *substitute*

- 17 (3) If the Treasurer gives a direction under subsection (2), the Treasurer
18 must attach a copy of the direction to the next financial statement
19 presented to the Legislative Assembly.

20 *Note* For the presentation of financial statements, see s 26.

1 **35 Section 16 (5)**

2 *omit*

3 **36 Appropriation for accrued employee entitlements**
4 **Section 16A (1) (a)**

5 *omit*

6 an entity

7 *substitute*

8 a territory entity

9 **37 Section 16A (1) (b) and (2)**

10 *before*

11 entity

12 *insert*

13 territory

14 **38 Section 16A (3) and (4)**

15 *substitute*

16 (3) If the Treasurer authorises an appropriation under this section, the
17 Treasurer must attach a copy of the authorisation to the next
18 financial statement presented to the Legislative Assembly.

19 *Note* For the presentation of financial statements, see s 26.

- 1 **39 Section 16B heading**
- 2 *substitute*
- 3 **16B Rollover of undisbursed appropriation**
- 4 **40 Section 16B**
- 5 *omit*
- 6 dispersed
- 7 *substitute*
- 8 disbursed
- 9 **41 Section 16B (1)**
- 10 *before*
- 11 entity
- 12 *insert*
- 13 territory
- 14 **42 Section 16B (2)**
- 15 *substitute*
- 16 (2) The Treasurer may, in writing, authorise the amount to be disbursed
- 17 in the following financial year to—
- 18 (a) the territory entity; or
- 19 (b) if responsibility for a service or function for which the
- 20 appropriation is made is transferred from the territory entity to
- 21 another territory entity—the other territory entity.

43 Section 16B (4) and (5)

before

entity

insert

territory

44 Section 16B (6) and (7)

substitute

- (6) If the Treasurer authorises an amount to be disbursed under this section, the Treasurer must attach a copy of the authorisation to the next financial statement presented to the Legislative Assembly.

Note For the presentation of financial statements, see s 26.

**45 Variation of appropriations for Commonwealth grants
Section 17 (3)**

substitute

- (3) The Treasurer may give the direction—
- (a) in the financial year in which the Commonwealth provides the funding to the Territory; or
 - (b) in the following financial year.
- (4) If the Treasurer gives the direction under subsection (3) (a), the direction may also state the financial year in which the appropriation may be disbursed to a territory entity.
- (5) If the responsibility for a service or function for which the appropriation is made is transferred from the territory entity to which the appropriation is made to another territory entity, the Treasurer may also direct that the appropriation be disbursed to the other territory entity.

- 1 (6) If the Treasurer gives a direction under this section—
- 2 (a) the amount is taken to be an amount of appropriation for the
- 3 financial year in which the amount is authorised to be
- 4 disbursed; and
- 5 (b) the amount is in addition to the appropriation to the territory
- 6 entity for that financial year.
- 7 (7) If the Treasurer gives a direction under this section, the Treasurer
- 8 must attach a copy of the direction to the next financial statement
- 9 presented to the Legislative Assembly.

10 *Note* For the presentation of financial statements, see s 26.

11 **46 Variations of appropriations for certain payments to**

12 **Commonwealth**

13 **Section 17A (3)**

14 *substitute*

- 15 (3) If the Treasurer gives a direction under subsection (2), the Treasurer
- 16 must attach a copy of the direction to the next financial statement
- 17 presented to the Legislative Assembly.

18 *Note* For the presentation of financial statements, see s 26.

19 **47 Sections 18 and 18A**

20 *substitute*

21 **18 Treasurer's advance**

- 22 (1) The Treasurer may, in writing, authorise an appropriation
- 23 (a *Treasurer's advance*) for a payment if—

- 24 (a) the Treasurer is satisfied that—
- 25 (i) there is an immediate requirement for the payment; and

- 1 (ii) the payment is not provided for, or is insufficiently
2 provided for, by an appropriation because—
- 3 (A) there was an erroneous omission or understatement
4 in an appropriation; or
- 5 (B) the payment was unforeseen until after the last day
6 when it was practicable to provide for it in the
7 relevant Appropriation Bill before the bill was
8 introduced into the Legislative Assembly; and
- 9 (b) for a payment by an officer of the Assembly—the Speaker,
10 after consulting with the appropriate Assembly committee, has
11 advised the Treasurer that an additional appropriation is needed
12 for the payment, stating the reasons for the additional
13 appropriation; and
- 14 (c) the total Treasurer’s advances authorised as Treasurer’s
15 advances in a financial year do not exceed the amount
16 appropriated for that year for Treasurer’s advances.
- 17 (2) The amount appropriated for Treasurer’s advances for a financial
18 year must not exceed 1% of the total amount appropriated by all
19 Appropriation Acts for the year.
- 20 (3) If, by the end of the financial year in which a Treasurer’s advance is
21 authorised, the Treasurer’s advance is not fully disbursed to the
22 entity to which it is appropriated, the undisbursed amount of the
23 Treasurer’s advance lapses and is not available to be disbursed to
24 the entity in the following financial year.

- 1 (4) In this section:
2 ***relevant Appropriation Bill***, for a payment, means—
3 (a) the bill for the first Appropriation Act for the financial year
4 when the payment is to happen; or
5 (b) the bill for the first Appropriation Act for the appropriation for
6 the Office of the Legislative Assembly or an officer of the
7 Assembly for the financial year when the payment is to
8 happen.
9 *Note* An appropriation for an officer of the Assembly must be
10 contained in an Appropriation Act for an appropriation for the
11 Office of the Legislative Assembly (see s 8 (4)).

12 **18A Treasurer's advance—payment pending supplementary**
13 **appropriation**

- 14 (1) This section applies if—
15 (a) in a financial year, the Treasurer authorises a Treasurer's
16 advance for a payment; and
17 (b) the authorisation states that the payment may be provided for
18 in an Appropriation Act other than the first Appropriation Act
19 (a ***supplementary appropriation Act***) in the financial year.
20 (2) If a supplementary appropriation Act is passed for the payment—
21 (a) the Treasurer's advance ceases; and
22 (b) the amount of the Treasurer's advance is taken for all purposes
23 to have been paid out of money appropriated by that Act; and
24 (c) the amount appropriated for section 18 (Treasurer's advance)
25 for the financial year is taken to be restored by the amount of
26 the Treasurer's advance.
27 (3) If a supplementary appropriation Act is not passed for the payment,
28 the payment continues to be authorised from the appropriation for
29 section 18 for the financial year.

1 **18B Treasurer's advance—reduction of amounts**

- 2 (1) This section applies if, in a financial year—
- 3 (a) the Treasurer has authorised a Treasurer's advance for an
4 entity; and
- 5 (b) the Treasurer's advance has not been fully disbursed to the
6 entity; and
- 7 (c) the Treasurer is satisfied that the undisbursed amount is no
8 longer required by the entity.
- 9 (2) The Treasurer may, in writing, authorise a reduction of the amount
10 of the Treasurer's advance to the entity to the amount actually
11 disbursed to the entity.
- 12 (3) If the Treasurer authorises a reduction, the amount appropriated for
13 section 18 (Treasurer's advance) for the financial year is taken to be
14 restored by the amount of the reduction.

15 **18C Assembly to be told about Treasurer's advance**

- 16 (1) This section applies if the Treasurer authorises—
- 17 (a) a Treasurer's advance; or
- 18 (b) a reduction of an amount of Treasurer's advance under
19 section 18B (2).
- 20 (2) If an authorisation is given, the Treasurer must attach to the next
21 financial statement presented to the Legislative Assembly—
- 22 (a) a copy of the authorisation; and
- 23 (b) a reconciliation stating the following:
- 24 (i) the total amount appropriated for section 18 (Treasurer's
25 advance) in all Appropriation Acts for the financial year;
- 26 (ii) the total amount of Treasurer's advance authorised
27 previously in the financial year under section 18 (1);

- 1 (iii) the total amount of payments restored previously in the
2 financial year under section 18A (2) (c);
- 3 (iv) the total reduction of the amounts of Treasurer's advance
4 previously authorised in the financial year under
5 section 18B (2);
- 6 (v) the amount authorised in the authorisation;
- 7 (vi) the amount of appropriation for section 18 that remains
8 for the financial year.

9 *Note* For the presentation of financial statements, see s 26.

10 **48 Section 19B**

11 *substitute*

12 **19B Authorisation of appropriation for certain Commonwealth**
13 **grants**

- 14 (1) This section applies if—
- 15 (a) funds have been provided to the Territory by the
16 Commonwealth under an agreement that specifies how the
17 funds may be applied; and
- 18 (b) no appropriation has been made in relation to the funds.
- 19 (2) Despite section 6 (Necessity for appropriation), the Treasurer may,
20 in writing, authorise an appropriation to a territory entity for
21 payments by the territory entity in accordance with the agreement.
- 22 (3) The Treasurer may—
- 23 (a) give the authorisation—
- 24 (i) in the financial year in which the Commonwealth
25 provides the funds to the Territory; or
- 26 (ii) in the following financial year; and

- 1 (b) for an authorisation under paragraph (a) (i)—state in the
2 authorisation the financial year in which the appropriation
3 under subsection (2) may be disbursed to the territory entity.
- 4 (4) For an authorisation under this section, an appropriation under
5 subsection (2)—
- 6 (a) is taken to be an amount of appropriation for the financial year
7 in which the appropriation is authorised to be disbursed; and
- 8 (b) is in addition to the appropriation to the territory entity for that
9 financial year.
- 10 (5) If the Treasurer gives an authorisation under this section, the
11 Treasurer must attach a copy of the authorisation to the next
12 financial statement presented to the Legislative Assembly.

13 *Note* For the presentation of financial statements, see s 26.

14 **49 Amendment of capital injection conditions**
15 **Section 19C (1)**

16 *substitute*

- 17 (1) This section applies in relation to the conditions of a capital
18 injection set out in a statement included in a proposed budget for a
19 financial year for—
- 20 (a) a directorate under section 12 (1) (c) (ii); or
- 21 (b) a territory-owned corporation under section 12A (1) (c) (ii); or
- 22 (c) a territory authority in accordance with section 61 (5) (e).

- 1 **50** **Amendment of performance criteria**
2 **Section 19D (1)**
- 3 *substitute*
- 4 (1) This section applies in relation to the performance criteria set out in
5 a statement included in a proposed budget for a financial year for—
- 6 (a) a directorate under section 12 (1) (b); or
7 (b) a prescribed territory-owned corporation under
8 section 12A (1) (b) (ii); or
9 (c) a prescribed territory authority in accordance with
10 section 61 (5A) (b).
- 11 **51** **Section 19D (2) (a)**
- 12 *omit*
13 directorate, territory authority or territory-owned corporation
14 *substitute*
15 territory entity
- 16 **52** **Section 19D (3)**
- 17 *omit*
18 directorate, authority or corporation
19 *substitute*
20 territory entity

53 Section 19D (3) (a)

substitute

- (a) the appropriations for the territory entity are varied under—
- (i) section 14 (Transfer of funds between appropriations); or
 - (ii) section 14A (Transfer of funds from capital injection appropriation to other appropriations); or
 - (iii) section 14B (Transfer of funds from other appropriations to capital injection appropriation); or
 - (iv) section 17 (Variation of appropriations for Commonwealth grants); or

54 Section 19D (3) (b)

omit

55 Section 19D (3) (c)

omit

after Appropriation Act passed

substitute

to another entity

56 Section 19D (3) (d)

substitute

(d) funds are—

- (i) given to the territory entity under section 18; or
- (ii) reduced under section 18B (Treasurer's advance—reduction of amounts); or

1 **57 Section 19D (3) (e)**

2 *omit*
3 expenditure of
4 *substitute*
5 appropriation for

6 **58 Section 19D (3) (g)**

7 *omit*
8 the provision of outputs by
9 *substitute*
10 controlled recurrent payments to be provided to

11 **59 Section 19D (4) (b)**

12 *omit*
13 territory authority or
14 *substitute*
15 prescribed

16 **60 New section 19D (4) (c)**

17 *insert*
18 (c) for a prescribed territory authority—the budget as amended
19 will comply with section 61 (4).

1 **61 Section 19D (6), definition of *budget***

2 *omit*
3 directorate, territory authority or territory-owned corporation, means
4 the budget for the directorate, authority or corporation
5 *substitute*
6 territory entity, means the budget for the territory entity

7 **62 Section 19D (6), definition of *prescribed territory***
8 ***authority***

9 *omit*
10 section 12A (1) (b)
11 *substitute*
12 section 61 (5A)

13 **63 Pre-election budget update**
14 **Section 20C**

15 *omit*
16 director-general
17 *substitute*
18 under treasurer

19 **64 Annual financial statements of the Territory**
20 **Section 22 (1)**

21 *omit*
22 Treasurer
23 *substitute*
24 under treasurer

- 1 **65** **Section 23**
- 2 *substitute*
- 3 **23** **Responsibility for annual financial statements**
- 4 (1) An annual financial statement of the Territory must have a statement
5 of responsibility attached to it.
- 6 (2) The statement of responsibility must include—
- 7 (a) a statement—
- 8 (i) signed by the Treasurer; and
- 9 (ii) that, in the Treasurer’s opinion, the financial statements
10 fairly reflect—
- 11 (A) the financial operations of the Territory during the
12 year to which they relate; and
- 13 (B) the financial position of the Territory at the end of
14 the year; and
- 15 (b) a statement—
- 16 (i) signed by the under treasurer; and
- 17 (ii) stating that the under treasurer is satisfied the financial
18 statements have been prepared in accordance with
19 generally accepted accounting principles.
- 20 (3) The statement of responsibility may be signed at any time before the
21 auditor-general gives the Treasurer an audit opinion for the financial
22 statement in accordance with section 24.

1 **66 Audit of annual financial statements**
2 **Section 24 (1) and (2)**

3 *substitute*

- 4 (1) The under treasurer must give the auditor-general the annual
5 financial statements of the Territory for a financial year in sufficient
6 time for the auditor-general to give an audit opinion about the
7 statements within 4 months after the end of the financial year.
- 8 (2) The auditor-general must give the Treasurer an audit opinion about
9 the annual financial statements within 4 months after the end of the
10 financial year.

11 **67 Section 24 (3) (a)**

12 *omit*

13 Treasurer

14 *substitute*

15 under treasurer

16 **68 Periodic financial statements**
17 **Section 26 (2)**

18 *substitute*

- 19 (2) The statements must—
- 20 (a) be prepared in accordance with the financial management
21 guidelines; and
- 22 (b) include a summary of any instruments attached to statements.

23 *Note* Instruments made under s 14, s 14A, s 14B, s 15A, s 16, s 16A, s 16B,
24 s 17, s 17A, s 18C and s 19B may be attached to the financial
25 statements.

1 **69 Section 28**

2 *substitute*

3 **28 Responsibility for annual financial statements of**
4 **directorates**

- 5 (1) An annual financial statement of a directorate must have a statement
6 of responsibility attached to it.
- 7 (2) The statement of responsibility must—
- 8 (a) state that, in the responsible director-general's opinion, the
9 annual financial statements fairly reflect—
- 10 (i) the financial operations of the directorate during the
11 financial year; and
- 12 (ii) the financial position of the directorate at the end of the
13 year; and
- 14 (b) be signed by the responsible director-general.
- 15 (3) The statement of responsibility may be signed at any time before the
16 auditor-general gives the responsible director-general an audit
17 opinion for the financial statement in accordance with section 29.

18 **70 Audit of financial statements of directorates**
19 **Section 29 (2)**

20 *omit*

1 **71** **Statements of performance of directorates**
2 **Section 30A (1)**

3 *substitute*

- 4 (1) As soon as practicable after the end of each financial year, each
5 directorate must prepare a statement of the performance of the
6 directorate in providing each class of outputs set out in the
7 directorate's budget for the financial year and provided by it during
8 the year.

9 **72** **Section 30B**

10 *substitute*

11 **30B** **Responsibility for directorate statements of performance**

- 12 (1) A statement of performance of a directorate must have a statement
13 of responsibility attached to it.
- 14 (2) The statement of responsibility must—
- 15 (a) state that, in the responsible director-general's opinion, the
16 statement of performance fairly reflects the performance of the
17 directorate in providing each class of outputs set out in the
18 directorate's budget for the financial year during the financial
19 year; and
- 20 (b) be signed by the responsible director-general.
- 21 (3) The statement of responsibility may be signed at any time before the
22 auditor-general gives the responsible director-general a report about
23 the statement of performance in accordance with section 30C.
- 24 (4) In this section:

25 *budget*, for the directorate, means the budget for the directorate for
26 the financial year presented to the Legislative Assembly under
27 section 10 (b) (Budget papers) and, if that budget has been amended
28 under this Act, the budget as amended.

1 **73 Scrutiny of directorate statements of performance**
2 **Section 30C (2)**

3 *omit*

4 **74 Half-yearly directorate performance reports**
5 **Section 30E (1)**

6 *substitute*

- 7 (1) Within 45 days after 31 December in each financial year, each
8 Minister must—
- 9 (a) prepare a half-yearly performance report for each directorate
10 for which the Minister is responsible; and
- 11 (b) present the report to the Legislative Assembly.

12 **75 Section 30E (3) and (4)**

13 *substitute*

- 14 (3) If the report is not presented to the Legislative Assembly under
15 subsection (1) within 45 days after 31 December, the Minister must
16 make a copy of the report available to members of the
17 Legislative Assembly within the 45-day period.

18 **76 New division 3.3**

19 *insert*

20 **Division 3.3 Capital works reports**

21 **30F Capital works report of Territory**

- 22 (1) The Treasurer must, at least once every 6 months, prepare a report
23 about capital works for the Territory (a *capital works report*).

- 1 (2) A capital works report must—
- 2 (a) include a progress report on the delivery of the capital works
3 program for the Territory during the period since the previous
4 capital works report; and
- 5 (b) include a statement of the expenditure on capital works for
6 each directorate and territory authority for the financial year;
7 and
- 8 (c) for each major capital works project—include—
- 9 (i) a statement of the expenditure on the project to date; and
- 10 (ii) a statement of the expenditure on the project for the
11 financial year to date; and
- 12 (iii) a total budget for the project; and
- 13 (iv) an annual budget for the project.
- 14 (3) The Treasurer must—
- 15 (a) present a copy of each capital works report to the Legislative
16 Assembly on the first sitting day after the report is prepared;
17 and
- 18 (b) if the first sitting day is more than 60 days after the end of the
19 period for which the report is prepared—give a copy of the
20 report to each member of the Legislative Assembly within
21 60 days after the end of the period for which the report is
22 prepared.
- 23 (4) A regulation may prescribe a major capital works project.
- 24 (5) In this section:
- 25 *capital works* includes works prescribed by regulation.
- 26 *expenditure* includes expenditure funded by capital injection or
27 feasibility expenditure funded by controlled recurrent payments.

- 1 **77 Responsibilities of directors-general of directorates**
2 **Section 31 (1)**
- 3 *omit*
4 financial management of the directorate
- 5 *substitute*
6 financial management of the public resources for which the
7 directorate is responsible
- 8 **78 New section 31 (1A) and (1B)**
- 9 *insert*
- 10 (1A) The responsible director-general of a directorate must manage the
11 directorate in a way that—
- 12 (a) promotes the achievement of the purpose of the directorate;
13 and
- 14 (b) promotes the financial sustainability of the directorate; and
15 (c) is not inconsistent with the policies of the government.
- 16 (1B) In making decisions for the purposes of subsections (1) and (1A),
17 the responsible director-general must take into account the effect of
18 those decisions on public resources generally.
- 19 **79 Section 31 (2)**
- 20 *omit*
21 subsection (1)
- 22 *substitute*
23 subsections (1), (1A) and (1B)

80 Section 31 (4), new definitions

1 *insert*

2
3 *public property* means property, other than public money, that is
4 owned or held by the Territory or held by a person on behalf of the
5 Territory.

6 *public resources* means public money or public property.

7 *Note* *Public money*—see the dictionary.

81 New section 31A

8 *in part 4, insert*

31A Directors-general may enter into contracts etc

- 10 (1) The responsible director-general of a directorate may—
- 11 (a) enter into a contract or memorandum of understanding relating
12 to the operations of the directorate; and
13
- 14 (b) vary and administer the contract or memorandum of
15 understanding.
- 16 (2) In exercising powers under subsection (1), the responsible
17 director-general must act in accordance with section 31 and any
18 requirements prescribed by regulation for this section.

**82 Transfer following change in directorate responsibilities
Section 36 (2)**

19 *omit*

20
21

1 **83 Transfers from directorate banking accounts to territory**
2 **banking account**
3 **Section 36A**

4 *omit*
5 Executive's
6 *substitute*
7 Treasurer's

8 **84 Section 36A**

9 *omit*
10 Executive
11 *substitute*
12 Treasurer

13 **85 Payments from territory banking account**
14 **Section 37 (1)**

15 *substitute*
16 (1) An amount must not be paid out of the territory banking account
17 except under an appropriation to a banking account of a territory
18 entity.

19 **86 New section 37 (4)**

20 *insert*
21 (4) Also, an amount paid into the territory banking account by a
22 territory entity that is paid in excess, may be transferred from the
23 territory banking account to the banking account of the territory
24 entity without appropriation.

87 New section 37A

insert

37A Payments into territory banking account

- (1) This section applies if—
- (a) a territory entity receives an amount appropriated for the territory entity from the territory banking account into its banking account; and
 - (b) the amount received by the territory entity is excess to requirements (the *excess amount*).
- (2) The territory entity may repay the excess amount or part of the excess amount to the territory banking account.
- (3) If an amount is repaid under subsection (2)—
- (a) the appropriation from which the excess amount was paid to the territory entity is taken to be restored by the amount repaid by the territory entity; and
 - (b) the balance of the appropriation, including the amount repaid, may be applied for the purposes for which it was appropriated.

**88 Responsibilities of chief executive officers of territory authorities
Section 55 (2)**

omit

financial management of the authority

substitute

financial management of the resources for which the authority is responsible

1 **89 New section 55 (2A)**

2 *insert*

3 (2A) The chief executive officer of a territory authority must manage the
4 authority in a way that promotes—

5 (a) the achievement of the purpose of the authority; and

6 (b) the financial sustainability of the authority.

7 **90 Section 55 (3)**

8 *omit*

9 subsection (2)

10 *substitute*

11 subsections (2) and (2A)

12 **91 New section 55 (5)**

13 *insert*

14 (5) In this section:

15 ***property*** means property, other than money, that is owned or held by
16 the territory authority or held by a person on behalf of the authority.

17 ***resources*** means money or property.

1 **92 Responsibilities of governing boards of territory**
2 **authorities**
3 **Section 56 (2)**

4 *omit*
5 financial management of the authority

6 *substitute*
7 financial management of the resources for which the authority is
8 responsible

9 **93 New section 56 (2A)**

10 *insert*
11 (2A) The governing board of a territory authority must manage the
12 authority in a way that promotes—
13 (a) the achievement of the purpose of the authority; and
14 (b) the financial sustainability of the authority.

15 **94 Section 56 (3)**

16 *omit*
17 subsection (2)
18 *substitute*
19 subsections (2) and (2A)

1 **95 New section 56 (5)**

2 *insert*

3 (5) In this section:

4 *property* means property, other than money, that is owned or held by
5 the territory authority or held by a person on behalf of the authority.

6 *resources* means money or property.

7 **96 Territory authority statements of intent**
8 **New section 61 (4) (aa)**

9 *insert*

10 (aa) in a form that facilitates a comparison between—

11 (i) the proposed statement of intent for the authority; and

12 (ii) the statement of intent for the authority for the previous
13 financial year; and

14 (iii) the estimated results for the authority for the previous
15 financial year; and

16 **97 Section 61 (5)**

17 *substitute*

18 (5) A statement of intent for a financial year must include the following:

19 (a) the financial statements required under the financial
20 management guidelines;

21 (b) for a financial statement mentioned in paragraph (a)—budget
22 estimates for each of the next 3 financial years;

23 (c) a statement of the objectives of the authority for the year and
24 each of the next 3 financial years;

- 1 (d) a statement of the nature and scope of the activities to be
2 carried out by the authority during the year and each of the
3 next 3 financial years;
- 4 (e) for a territory authority that, during the year, is to be given a
5 capital injection that must be repaid—a statement that—
- 6 (i) states that the capital injection is an injection that must be
7 repaid; and
- 8 (ii) sets out the conditions under which the injection is to be
9 given, including the requirements about the time within
10 which it must be repaid;
- 11 (f) the results of any review under section 59 (10) in the previous
12 financial year of an overdraft or credit facility approved for the
13 authority;
- 14 (g) any other information the Treasurer directs.
- 15 (5A) Also, a statement of intent for a prescribed territory authority for a
16 financial year must include a statement that sets out—
- 17 (a) the outputs and classes of outputs it is proposed that the
18 authority should provide during the year; and
- 19 (b) the performance criteria to be met by the authority in providing
20 the outputs; and
- 21 (c) for each output and class of output mentioned in
22 paragraph (a)—
- 23 (i) the proposed budget expense and proposed appropriation
24 for the financial year; and
- 25 (ii) the estimated expense and appropriation for the previous
26 financial year.

1 (5B) In addition, the statement of intent for a territory authority that is not
2 a prescribed territory authority for a financial year must include the
3 following:

4 (a) the performance criteria and other measures by which the
5 performance of the authority may be assessed against its
6 objectives for the year and each of the next 3 financial years;

7 (b) an assessment of the performance (or estimated performance)
8 of the authority in the previous financial year against its
9 objectives for that year.

10 **98 Presentation of statements of intent of territory**
11 **authorities**
12 **New section 62 (1A)**

13 *before section 62 (1), insert*

14 (1A) This section does not apply if a territory authority presents a
15 proposed budget to the Legislative Assembly under section 10 (c).

16 **99 Annual financial statements of territory authorities**
17 **Section 63 (3) (b)**

18 *omit*

19 section 12A (1) (c) (ii) (Territory authority and territory-owned
20 corporation budgets)

21 *substitute*

22 section 61 (5) (e) (Territory authority statements of intent)

1 **100 Responsibility for annual financial statements of territory**
2 **authorities**
3 **Section 64 (1) and (2)**

4 *substitute*

- 5 (1) An annual financial statement of a territory authority must have a
6 statement of responsibility attached to it.
- 7 (2) The statement of responsibility must—
- 8 (a) state that, in the relevant person's opinion, the annual financial
9 statements fairly reflect—
- 10 (i) the financial operations of the authority during the
11 financial year; and
- 12 (ii) the financial position of the authority at the end of the
13 year; and
- 14 (b) state the relevant person's responsibility for the preparation of
15 the annual financial statements and the judgments exercised in
16 preparing them; and
- 17 (c) be signed by the relevant person.
- 18 (2A) The statement of responsibility may be signed at any time before the
19 auditor-general gives the relevant person an audit opinion for the
20 financial statement in accordance with section 65.

21 **101 Audit of annual financial statements of territory**
22 **authorities**
23 **Section 65 (2)**

24 *omit*

1 **102** **Statements of performance of territory authorities**
2 **Section 68 (2)**

3 *substitute*

- 4 (2) For a territory authority that is not a prescribed territory authority,
5 the statement must assess the performance by reference to the
6 performance criteria and other measures included in the statement of
7 intent in accordance with section 61 (5B).

8 **103** **Section 68 (3)**

9 *omit everything before paragraph (a), substitute*

- 10 (3) For a prescribed territory authority, the statement must include a
11 statement of the performance of the authority in providing each
12 class of outputs set out in the authority's budget for the year and
13 provided by it during the year and, in particular—

14 **104** **Section 68 (4), definition of *prescribed territory authority***

15 *omit*

16 section 12A (1) (b) (Territory authority and territory-owned
17 corporation budgets)

18 *substitute*

19 section 61 (5A) (Territory authority statements of intent)

1 **105 Responsibility for territory authority statements of**
2 **performance**
3 **Section 69 (1) and (2)**

4 *substitute*

- 5 (1) A statement of performance of a territory authority must have a
6 statement of responsibility attached to it.
- 7 (2) The statement of responsibility must—
- 8 (a) state that, in the relevant person's opinion, the statement of
9 performance fairly reflects the performance of the authority
10 during the financial year; and
- 11 (b) state the relevant person's responsibility for the preparation of
12 the statement of performance and the judgments exercised in
13 preparing it; and
- 14 (c) be signed by the relevant person.
- 15 (2A) The statement of responsibility may be signed at any time before the
16 auditor-general gives the report about the statement of performance
17 to the chief executive officer under section 70 (3).

18 **106 Scrutiny of territory authority statements of performance**
19 **Section 70 (2)**

20 *omit*

21 **107 Act of grace payments**
22 **Section 130 (1)**

23 *after*

24 directorate

25 *insert*

26 or territory authority

- 1 **108 Section 130 (6)**
- 2 *substitute*
- 3 (6) If the payment of an amount by a directorate or territory authority is
- 4 authorised under this section, the Treasurer must—
- 5 (a) direct that the amount be paid from an existing appropriation
- 6 for the directorate or territory authority stated by the Treasurer;
- 7 or
- 8 (b) authorise payment of the amount under section 18 (Treasurer’s
- 9 advance); or
- 10 (c) authorise payment of the amount by appropriation to the
- 11 relevant directorate or territory authority.

- 12 **109 Section 130 (8)**
- 13 *after*
- 14 directorate
- 15 *insert*
- 16 or territory authority

- 17 **110 Guideline-making power**
- 18 **Section 133 (1), new note**
- 19 *insert*
- 20 *Note* Financial management guidelines may be made in relation to any matter
- 21 that is required or permitted to be prescribed by the Act, or is necessary
- 22 or convenient to be prescribed for carrying out or giving effect to the
- 23 Act (see [Legislation Act](#), s 44).

- 24 **111 Dictionary, note 2**
- 25 *insert*
- 26 • Treasurer

112 Dictionary, definition of *capital injection*

substitute

capital injection—

- (a) means an amount provided, or to be provided, to a territory entity for—
- (i) the purchase of assets to be held or owned by the territory entity; or
 - (ii) the development of assets held or owned by the territory entity; or
 - (iii) augmenting the assets held or owned by the territory entity; or
 - (iv) reducing the liabilities of the territory entity; but
- (b) does not include an amount provided from an appropriation for a purpose mentioned in section 8 (1) (a), (c) or (2) (a).

113 Dictionary, definition of *class of outputs*

substitute

class of outputs means a group of related outputs.

114 Dictionary, definition of *contract*

substitute

contract includes an agreement or arrangement, whether or not its term extends for 1 or more years.

1 **115 Dictionary, new definitions**

2 *insert*

3 *controlled recurrent payment* means an amount provided, or to be
4 provided to a territory entity for the delivery of goods and services
5 provided by the territory entity or a person providing goods and
6 services on behalf of the territory entity.

7 *memorandum of understanding* includes a memorandum of
8 understanding whether or not its term extends for 1 or more years.

9 *territory entity* means a directorate, territory authority or
10 territory-owned corporation.

11 *Treasurer's advance*—see section 18.

12 *under treasurer* means the person performing the duties of the
13 under treasurer in the public service.

14 **116 Legislation repealed**

15 The *Financial Management (Treasurer's Advance) Guidelines 2005*
16 (DI2005-274) are repealed.

1 **Schedule 1** **Consequential amendments**

2 (see s 3)

3 **Part 1.1** **Administrative Decisions**
4 **(Judicial Review) Act 1989**

5 **[1.1] Schedule 2, section 2.3 (b)**

6 *substitute*

7 (b) a decision of the Treasurer under the *Financial Management*
8 *Act 1996*—

9 (i) section 18 (Treasurer's advance); or

10 (ii) section 18B (Treasurer's advance—reduction of
11 amounts);

12 **[1.2] Schedule 2, new section 2.3 (b) (ia)**

13 *before section 2.3 (b) (i), insert*

14 (ia) section 7A (Temporary advance for new purpose or new
15 entity); or

1 **Part 1.2 Financial Management Act 1996**

2 **[1.3] Section 14A (1) (a)**

3 *substitute*

4 (a) controlled recurrent payments for the entity; or

5 **[1.4] Section 14B (1)**

6 *omit*

7 provision of outputs

8 *substitute*

9 controlled recurrent payments

10 **[1.5] Section 14B (3), new definition of *appropriation for***
11 ***controlled recurrent payments***

12 *insert*

13 *appropriation for controlled recurrent payments* means an
14 appropriation for controlled recurrent payments made by an
15 Appropriation Act in a financial year or, if the appropriation is
16 amended during the financial year, the appropriation as amended.

17 **[1.6] Section 14B (3), definition of *appropriation for provision***
18 ***of outputs***

19 *omit*

1 **[1.7] New section 18C (2) (b) (iia)**

2 *insert*

3 (iia) the total payments for temporary advances taken to have
4 been authorised previously in the financial year under
5 section 7A (5) (d) (Temporary advance for new purpose
6 or new entity);

7 **[1.8] New section 19D (3) (d) (ia)**

8 *before section 19D (3) (d) (i), insert*

9 (ia) taken to be authorised from section 18 (Treasurer's
10 advance) under section 7A (5) (d) (Temporary advance
11 for a new purpose or new entity) for a temporary advance
12 to the territory entity; or

13 **[1.9] Section 26 (2), note**

14 *after*

15 *under*

16 *insert*

17 *s 7A,*

1 **Part 1.3 University of Canberra Act 1989**

2 **[1.10] Section 35 heading**

3 *substitute*

4 **35 Application of Financial Management Act 1996, pt 6, pt 8**
5 **and pt 10**

6 **[1.11] New section 35 (3)**

7 *insert*

8 (3) The *Financial Management Act 1996*, part 10 (Miscellaneous)
9 applies in relation to the university as if section 130 (Act of grace
10 payments) were omitted.

11 **[1.12] Schedule 1, modification 1.1, section 56 (2)**

12 *omit*

13 financial management of the authority

14 *substitute*

15 financial management of the resources for which the authority is
16 responsible

17 **[1.13] Schedule 1, modification 1.1, new section 56 (2A)**

18 *insert*

19 (2A) The governing board of a territory authority must manage the
20 authority in a way that promotes—

21 (a) the achievement of the purpose of the authority; and

22 (b) the financial sustainability of the authority.

1 **[1.14] Schedule 1, modification 1.1, section 56 (3)**

2 *omit*

3 subsection (2)

4 *substitute*

5 subsections (2) and (2A)

6 **[1.15] Schedule 1, modification 1.1, new section 56 (4)**

7 *insert*

8 (4) In this section:

9 *property* means property, other than money, that is owned or held by
10 the territory authority or held by a person on behalf of the authority.

11 *resources* means money or property.

12 **[1.16] Schedule 1, modification 1.7, section 65 (2)**

13 *omit*

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 4 June 2015.

2 Notification

Notified under the [Legislation Act](#) on 2015.

3 Republications of amended laws

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

© Australian Capital Territory 2015