

Senate Finance and Public Administration Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
ADDITIONAL BUDGET ESTIMATES 2011-2012

Finance and Deregulation Portfolio

Department/Agency: Department of Finance and Deregulation

Outcome/Program: 1/1.1

Topic: Community infrastructure Grants

Senator: Cormann

Question reference number: F3

Type of question: F&PA Committee Hansard, pages 42 & 43, 14 February 2012

Date set by the committee for the return of answer: Friday, 30 March 2012

Number of pages: 1

Question:

Senator CORMANN: "...What activities or functions of the Commonwealth have been or will be funded relying on the spending power under section 81 of the Constitution with respect to various financial years ending June 2010, June 2011 and June 2012?' The answer was 'None. No activities or functions of the Commonwealth have relied on it.' Community infrastructure grants of \$78,902,000—that is on page 28 of the portfolio budget statement 2011-2012—are you able to tell us what constitutional or legislative power the Commonwealth is relying on to authorise those payments?"

Answer:

We are advised by the Attorney-General's Department that section 81 of the Constitution does not provide a power to spend. Rather, it provides that money cannot be spent without first being appropriated. The Commonwealth's power to spend may arise from a number of sources, including the executive power provided by section 61 of the Constitution, depending on the circumstances.