

1989

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

SENATE

ADMINISTRATIVE SERVICES LEGISLATION AMENDMENT BILL 1989

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Administrative
Services, the Hon Stewart West MP)

THIS MEMORANDUM TAKES INTO ACCOUNT AMENDMENTS MADE BY
THE HOUSE OF REPRESENTATIVES TO THE BILL AS INTRODUCED

ADMINISTRATIVE SERVICES LEGISLATION AMENDMENT BILL 1989

OUTLINE AND FINANCIAL IMPACT STATEMENT

OUTLINE

The major provisions of the Bill are designed to:

- . amend the definition of public work in the Public Works Committee Act 1969 to:
 - ensure that works carried out under a deferred payment arrangement come within the purview of the Public Works Committee; and
 - define the term "work" to reflect the types of activity that have been traditionally been referred to the Public Works Committee.
- . amend the Australian Protective Service Act 1987 to extend the list of specified offences for which protective service officers have a power to arrest without warrant.
- . amend the Commonwealth Grants Commission Act 1973 to provide the option of appointing a part-time Chairman of the Grants Commission.
- . amend the Parliament House Construction Authority Act 1979 to reduce the number of members of the Board of the Authority from 6 to 3.

FINANCIAL IMPACT STATEMENT

These provisions are administrative and there will be no additional costs involved in their implementation.

CLAUSE NOTES

PART I - PRELIMINARY

Clause 1: Short Title

Clause 2: Commencement

This clause provides that the provisions relating to the exemption of works in the Parliamentary zone from Public Works Committee scrutiny commence immediately after the commencement of amendments to the Public Works Committee Act 1969 by the Australian Capital Territory (Planning and Land Management) Act 1988.

The amendments to the Parliament House Construction Authority Act 1979 will commence on a date to be fixed by proclamation.

The remaining provisions will come into effect on the day the Act receives Royal Assent.

PART II - AMENDMENTS OF THE PUBLIC WORKS COMMITTEE ACT 1969

Clause 3 : Principal Act

Clause 4 : Interpretation

This clause amends section 5 of the Principal Act.

Paragraph 4(b) amends subparagraph 5(b)(i) of the Principal Act as a consequence of the definition of "authority of the Commonwealth to which this Act applies" being inserted in the Act.

Paragraph 4(c) amends the definition of public work to ensure that "works" which are funded by deferred payment or similar arrangements are within the purview of the Public Works Committee.

Paragraph 4(ca) provides that a type of work can be declared a public work by regulation.

Paragraph 4(d) provides that works within the Parliamentary zone do not come within the purview of the Public Works Committee.

Paragraph 4(e) provides that a type of work can be declared by regulation not to be a public work.

Paragraph 4(f) provides a specific definition of "work". The definition reflects the type of works that have traditionally been referred to the Public Works Committee, that is, works of a permanent architectural or engineering nature. The definition specifically excludes intangible things, movable property and engineering equipment not being integral parts of a "work".

Section 5 is also amended by inserting definitions of:

- . authority of the Commonwealth to which the Act applies
- . building
- . engineering work
- . movable property
- . Parliamentary zone
- . structure

Clause 5: Reference of a public work to the Committee

This clause amends subsection 18(9) of the Principal Act to allow proposals to be referred to the Public Works Committee at the most appropriate stage of the plan development. This will provide for works to be referred where, because of their nature, only limited design work can be completed before Committee consideration is necessary.

Clause 6: Regulations

This clause amends section 40 of the Principal Act to provide that the Governor-General may take into consideration any recommendations made by the Committee before making regulations in relation work or public work.

PART III - AMENDMENTS OF OTHER ACTS

Clause 8: Amendments of Acts

Schedule

Australian Protective Service Act 1987

The Act is amended:

Subsection 13(2) - protective service officers have a power to arrest persons without warrant for certain specified offences when committed in relation to a person, place or thing in respect of which the Australian Protective Service is performing its functions. This amendment extends the list of specified offences to include the new Commonwealth offences of escaping from lawful custody, aiding a person to escape from lawful custody or rescuing a person by force from lawful custody recently created by amendments to the Crimes Act 1914.

Commonwealth Grants Commission 1973

The Commonwealth Grants Commission Act is amended to provide the option of appointing the Chairman of the Commonwealth Grants Commission on a part-time basis.

Parliament House Construction Authority Act 1979

The purpose of these amendments is to reduce the numbers on the Board of the Authority from 6 to 3.

Subsection 3(1) - removes the definition of the Commissioner of the National Capital Development Commission from the Act.

Subsection 3(3) - consequential on the deletion of the requirement for the NCDC Commissioner to be a member of the Board.

Subsection 12(1), Paragraph 12(1)(a) and Paragraph 12(1)(c) - changes the size of the Board of the Authority from 6 to 3.

Paragraph 12(1)(b) - deletes the requirement for the Commissioner of the NCDC to be a member of the Board of the Authority.

Section 16, subsection 17(1) and (2), 18(1) and (2) - consequential on the deletion of the requirement for the NCDC Commissioner to be a member of the Board.

Subsection 19(3) - changes the requirement for a quorum for meetings of the Board of the Authority from 4 to 2.

