

1979

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

PARLIAMENT HOUSE CONSTRUCTION AUTHORITY BILL 1979

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for the Capital Territory the
Hon. R.J. Ellicott, Q.C., M.P.)

Introductory note

The purpose of this memorandum is to explain the provisions of the above Bill which establishes the Parliament House Construction Authority, delineates the parameters within which the Authority is to function and provides for interaction and co-operation between the Authority and the Parliament, Committees, Departments and other statutory bodies including the National Capital Development Commission.

The following are notes on each of the clauses of the Bill.

Clause 1 formally provides for the short title.

Clause 2 Under section 5(1A) of the Acts Interpretation Act 1901, every Act is to come into operation on the twenty-eighth day after the day on which the Act receives the Royal Assent, unless the contrary intention appears in the Act. By this clause, it is proposed that the Act shall come into operation on the day on which it receives the Royal Assent.

Clause 3 includes interpretations and explanations.

Clause 4 establishes the Authority which is to be known as the Parliament House Construction Authority.

Clause 5 lists the functions of the Authority.

Clause 6 describes the powers of the Authority and requires the Authority to make use, so far as is practicable, of the services and resources of the National Capital Development Commission.

Clause 7 establishes that the Authority is to have regard to any advice furnished by the relevant Parliamentary Committee and is to comply with any resolution of the Parliament.

Clause 8 provides that Parliament is to authorise the commencement of or the carrying out of work on declared stages in the design and in the construction of Parliament House.

Clause 9 provides that the Minister may give directions to the Authority and details the procedure to be followed where such a course is taken.

Clause 10 provides that the Minister may by instrument under his hand place land, not limited to the Parliament House site or land in the environs of the site, under the control of the Authority.

Clause 11 describes the nature of the Authority.

Clause 12 describes the membership of the Authority and the method of appointment of members.

Clause 13 provides the periods of appointment of members. It is hoped the flexibility provided for in having appointment of the Chairman for any period less than 5 years and of members for any period less than 3 years will ensure a satisfactory degree of continuity.

Clause 14 provides for the appointment of an Acting Chairman.

Clause 15 enables the Minister to grant leave of absence to a member.

Clause 16 provides the method by which a member may resign.

Clause 17 details the circumstances under which the Governor-General terminates the appointment of a member: misbehaviour, physical or mental incapacity, and the circumstances under which the Governor-General terminates the appointment of a member. It also deals with possible conflict of interest situations.

Clause 18 provides for the remuneration of and the payment of allowances to members.

Clause 19 provides for the formal machinery requirements for meetings of the Authority.

Clause 20 provides for the appointment of an Executive Officer.

Clause 21 describes the terms and conditions of appointment of the Executive Officer.

Clause 22 provides for the remuneration of and the payment of allowances to the Executive Officer.

Clause 23 provides that the Authority may grant leave of absence to the Executive Officer.

Clause 24 details the circumstances under which the Governor-General may and those under which he must terminate the appointment of the Executive Officer.

Clause 25 provides the method by which the Executive Officer may resign.

Clause 26 provides for the appointment of an Acting Executive Officer.

Clause 27 provides for the preservation of certain rights where the Executive Officer immediately before his appointment as Executive Officer was an officer or an employee of the National Capital Development Commission.

Clause 28 is concerned with the staffing of the Authority. In this regard see also Clause 6.

Clause 29 provides that the Authority may engage consultants.

Clause 30 deals with the financing of the Authority.

Clause 31 provides that the Authority must prepare estimates for approval by the Minister and that money cannot be expended otherwise than in accordance with those estimates.

Clause 32 provides that the Authority shall have at least one account with an approved bank.

Clause 33 deals with the application of moneys by the Authority.

Clause 34 provides that the Authority must keep proper accounts.

Clause 35 deals with the inspection and audit of the Authority's records.

Clause 36 exempts the Authority from taxation.

Clause 37 deals with the rights of public servants.

Clause 38 provides that the Authority shall prepare and submit annual reports and financial statements.

Clause 39 provides that the Authority shall at all times keep the Minister informed concerning the Authority's operations and shall furnish to the Minister such reports, documents and information as the Minister specifies.

Clause 40 establishes that the Parliament House Construction Authority Act is not to permit derogation from section 5 of the Parliament Act 1974, is not to affect the operation of the National Capital Development Commission Act except in relation to the design and construction of Parliament House, and does not authorise a departure from or the doing of anything inconsistent with the plan of layout of the City of Canberra.

Clause 41 gives the Governor-General power to make regulations, not inconsistent with the Act.