

1980-81

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Public Works Committee Amendment Bill 1981

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for
Administrative Services, the Hon. Kevin Newman, M.P.)

CLAUSE NOTES

Clause 2

This Clause provides for the Bill to come into operation on the date on which it receives Royal Assent (see also Clause 13).

Clause 3

Section 5 of the Principal Act is amended as follows:

- . "authority of the Commonwealth" is defined to include all statutory authorities, institutions, instrumentalities and other bodies (including incorporated companies), and to exclude intergovernmental bodies;
- . the definition of "public work" is extended to include the works of authorities subject to the Act (see new sections 6A and 6B), excluding works carried out by or for the National Capital Development Commission and works carried out by way of assistance to an overseas country.

Clause 4

This Clause inserts sub-section 6(2) to exclude the works of the Northern Territory and the Administration of Norfolk Island from the Act.

Clause 5

Section 6A is inserted to provide for all authorities of the Commonwealth, as defined in amended section 5, to be subject to the Act, with the exception of the Parliament House Construction Authority and tertiary education institutions in the A.C.T. Authorities engaged in trading or providing services in competition with other bodies may be exempted by Regulation.

Section 6B is inserted enabling Regulations to be made allowing particular works carried out by the National Capital Development Commission, or by an authority not subject to the Act, to be reviewed by the Public Works Committee.

Clause 6

Sub-section 12(1) is amended to make clear that the Committee may sit in an External Territory, but not in another place outside Australia.

Clause 7

Sub-section 17(4) is added to require the Committee to have regard to the responsibilities and powers of an authority and the relevant Minister when reviewing a proposed work of that authority.

Clause 8

Section 18, which deals with referrals of public works to the Committee, is amended:

- . to clarify that the referring Minister is the Minister for Housing and Construction; and
- . to enable works of a repetitive nature, as agreed by the Committee, to be exempt from review.

Clause 9

Section 18A is inserted to give the Committee a discretionary power:

- . to conduct inquiries in private; and
- . to report on a work for urban land development without holding an inquiry.

Section 18B is inserted to limit the Committee's inquiries into works to be carried out outside Australia and the External Territories to the consideration of plans, models and statements placed before it, and to the taking of evidence from any person who is in Australia. Persons who are outside Australia may not be called as witnesses.

Clause 10

This amendment to sub-section 19(2) specifies that the Minister for Housing and Construction is the Minister to be notified by the Committee if the Committee wishes to review one of its earlier reports.

Clause 11

Sub-section 23(1) is amended, consequent on new sub-section 18A(1), to give the Committee the discretion to hold hearings in private.

Clause 12

This is a consequential amendment of section 27 of the Principal Act, which deals with the powers of the Committee and its agents to enter and inspect land. Its purpose is to restrict the Committee's activities to Australia and the External Territories.

Clause 13

This Clause provides for a period of 12 months before the works of existing authorities become subject to review by the Committee.

OUTLINE

The purpose of the Bill is to amend the present Public Works Committee Act 1969 to bring under the scrutiny of the Public Works Committee:

- . works of Commonwealth authorities, and
- . overseas works for the Commonwealth e.g. embassies.

Currently only works carried out for Commonwealth departments in Australia and in the external Territories are subject to the Act.

The Bill provides for certain types of works and authorities to continue to be exempt, viz:

- . overseas aid works for other countries
- . Northern Territory Government works, and works of the Administration of Norfolk Island
- . tertiary education institutions in the A.C.T.
- . the Parliament House Construction Authority
- . the National Capital Development Commission
- . inter-governmental bodies.

The Bill also provides for regulations to be made to exempt bodies which trade or which provide services and compete with other bodies or persons e.g. TAA, Qantas.

Provision is made to enable particular works of authorities not subject to the Act to be declared subject to the Act and therefore examinable by the Committee.

A period of 12 months from assent to the Bill is provided before the works of authorities come under the purview of the Committee. This is to enable:

- . those authorities which will be subject to the Act to modify their procedures and timetables;
- . regulations to be made exempting the competitive type bodies.

A number of machinery changes are also proposed to facilitate the workings of the Committee, notably:

- . repetitive type works may be exempted from review after agreement with the Committee;
- . the Committee is to have a discretionary power to conduct inquiries in private;
- . in respect of urban land development, the Committee may report on such works without holding an inquiry.