

Public Works Committee

No. 92 of 1969

An Act relating to the Parliamentary Standing Committee
on Public Works.

[Assented to 27 September 1969]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

PART I.—PRELIMINARY.

1. This Act may be cited as the *Public Works Committee Act 1969*. Short title.
2. This Act shall come into operation on a date to be fixed by Proclamation. Commencement.
3. This Act is divided into Parts, as follows:— Parts.
 - Part I.—Preliminary (Sections 1–6).
 - Part II.—Parliamentary Standing Committee on Public Works (Sections 7–16).
 - Part III.—Reports on Public Works (Sections 17–34).
 - Part IV.—Miscellaneous (Sections 35–40).

Repeal.**4. The following Acts are repealed:—**

Commonwealth Public Works Committee Act 1913;
Commonwealth Public Works Committee Act 1914;
Commonwealth Public Works Committee Act 1921;
Commonwealth Public Works Committee Act 1936;
Commonwealth Public Works Committee Act 1947;
Public Works Committee Act 1951;
Public Works Committee Act 1953;
Public Works Committee Act 1960;
Public Works Committee Act 1963;
Public Works Committee Act 1965.

Definitions.**5. In this Act, unless the contrary intention appears—**

- “ assessor ” means a person appointed under section 26 of this Act;
- “ commence ”, in relation to a public work, includes enter into a contract for the carrying out of the whole or a part of the work, and “ commencement ” has a corresponding meaning;
- “ court of summary jurisdiction ” includes a court of a Territory sitting as a court for the making of summary orders or the summary punishment of offences under the law of the Territory;
- “ member ” means a member of the Committee;
- “ public work ” means a work—
- (a) that is proposed to be carried out by or for the Commonwealth within the Commonwealth or within a Territory not forming part of the Commonwealth; and
 - (b) in respect of the carrying out of which moneys appropriated by the Parliament are proposed to be expended by the Commonwealth;
- “ Territory ” means a Territory of the Commonwealth;
- “ the Chairman ” means the Chairman of the Committee;
- “ the Committee ” means the Parliamentary Standing Committee on Public Works for the time being constituted in accordance with this Act;
- “ work ” includes a continuation, completion, repair, re-construction or extension of a work.

Extension to Territories.

6. This Act extends to every Territory not forming part of the Commonwealth.

PART II.—PARLIAMENTARY STANDING COMMITTEE ON PUBLIC WORKS.**Parliamentary Standing Committee on Public Works.**

7.—(1.) As soon as practicable after the commencement of the first session of each Parliament, a joint committee of members of the Parliament, to be known as the Parliamentary Standing Committee on Public Works, shall be appointed.

(2.) If the twenty-sixth Parliament is in existence on the date of commencement of this Act—

- (a) the Parliamentary Standing Committee on Public Works, as constituted under the Acts repealed by this Act immediately before that date, continues in existence as if it had been constituted in accordance with this Act; and
- (b) the persons who held office as Chairman and Vice-Chairman of that Committee immediately before that date continue, subject to this Act, to hold those offices in relation to that Committee as so continuing to exist.

(3.) The Committee shall consist of nine members, namely:—

- (a) three members of the Senate appointed by the Senate; and
- (b) six members of the House of Representatives appointed by that House.

(4.) The appointment of members by a House of the Parliament shall be in accordance with the practice of that House with respect to the appointment of members of that House to serve on joint select committees of both Houses of the Parliament.

(5.) A member of the Parliament is not eligible for appointment as a member of the Committee if he is—

- (a) a Minister;
- (b) the President of the Senate;
- (c) the Speaker of the House of Representatives; or
- (d) the Chairman of Committees of the Senate or of the House of Representatives.

(6.) A member holds office during the pleasure of the House of the Parliament by which he was appointed.

(7.) A member ceases to hold office—

- (a) when the House of Representatives expires by effluxion of time or is dissolved;
- (b) if he becomes the holder of an office specified in any of the paragraphs of sub-section (5.) of this section;
- (c) if he ceases to be a member of the House of the Parliament by which he was appointed; or
- (d) if he resigns his office as provided by either of the next two succeeding sub-sections.

(8.) A member appointed by the Senate may resign his office by writing under his hand addressed to the President of the Senate.

(9.) A member appointed by the House of Representatives may resign his office by writing under his hand addressed to the Speaker of that House.

(10.) Either House of the Parliament may appoint one of its members to fill a vacancy amongst the members of the Committee appointed by that House.

(11.) Notice of the appointment of a member, and of a member ceasing to hold office otherwise than upon the expiry or dissolution of the House of Representatives, shall be published in the *Gazette*.

(12.) The exercise of a power or the performance of a function by the Committee, the Chairman or a member is not invalidated by reason only of there being a vacancy or vacancies in the membership of the Committee.

Declaration to
be subscribed
by members.

8. A member shall, before proceeding to discharge the duties of his office, make and subscribe a declaration of office in accordance with the form in the Schedule to this Act—

- (a) in the case of a member appointed by the Senate—before the President of the Senate or a person appointed by the President of the Senate to be a person before whom such a declaration may be made and subscribed; and
- (b) in the case of a member appointed by the House of Representatives—before the Speaker of that House or a person appointed by the Speaker of that House to be a person before whom such a declaration may be made and subscribed.

Chairman and
Vice-Chairman.

9.—(1.) There shall be a Chairman and a Vice-Chairman of the Committee, who shall be elected by the members.

(2.) The Chairman and Vice-Chairman hold office during the pleasure of the Committee.

(3.) The Chairman or Vice-Chairman ceases to hold office if—

- (a) he ceases to be a member; or
- (b) he resigns his office as provided by the next succeeding sub-section.

(4.) The Chairman or Vice-Chairman may resign his office by writing under his hand presented to a meeting of the Committee.

(5.) Subject to this section, the Chairman or, in his absence, the Vice-Chairman shall preside at all meetings of the Committee.

(6.) Where—

- (a) the Chairman is absent from Australia or is, for any reason, unable to exercise his powers under this Act; and
- (b) the Vice-Chairman is absent from Australia or is, for any reason, unable to exercise the powers of the Chairman under this Act,

the members present at a meeting of the Committee may appoint one of their number to be temporary chairman of the Committee.

(7.) While the appointment of a temporary chairman remains in force, he shall preside at all meetings of the Committee at which he is present.