



Administrative Services Legislation Amendment Act 1989

No. 5 of 1989

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Administrative Services Legislation Amendment Act 1989

No. 5 of 1989

**An Act to amend various Acts relating to matters dealt with
by the Department of Administrative Services**

[Assented to 13 March 1989]

BE IT ENACTED by the Queen, and the Senate and the House of
Representatives of the Commonwealth of Australia, as follows:

PART I—PRELIMINARY

Short title

1. This Act may be cited as the *Administrative Services Legislation Amendment Act 1989*.

Commencement

2. (1) Subject to subsections (2) and (3), this Act commences on the day on which it receives the Royal Assent.

(2) Paragraph (4) (d) shall be taken to have commenced immediately after the commencement of the amendments of the *Public Works Committee Act 1969* made by the *Australian Capital Territory (Planning and Land Management) Act 1988*.

(3) The amendments of the *Parliament House Construction Authority Act 1979* made by this Act commence on a day to be fixed by Proclamation for the purposes of this subsection.

PART II—AMENDMENTS OF THE PUBLIC WORKS COMMITTEE ACT 1969

Principal Act

3. In this Part, “Principal Act” means the *Public Works Committee Act 1969*.

Interpretation

4. Section 5 of the Principal Act is amended:

- (a) by omitting “or” (last occurring) from paragraph (b) of the definition of “public work”;
- (b) by omitting “by virtue of section 6A” from subparagraph (b) (i) of the definition of “public work”;
- (c) by omitting paragraph (c) of the definition of “public work” and substituting the following paragraphs:

“(c) a work:

- (i) that is proposed to be carried out, either within or outside Australia, otherwise than by or for the Commonwealth or an authority of the Commonwealth to which this Act applies;
 - (ii) of which the Commonwealth, or an authority of the Commonwealth to which this Act applies, is proposed to become the owner; and
 - (iii) in relation to which moneys appropriated by the Parliament are proposed to be expended by the Commonwealth or an authority of the Commonwealth; or
- (ca) a work declared by the regulations to be a public work;”;
- (d) by inserting before paragraph (e) of the definition of “public work” the following paragraph:
“(d) a work that is proposed to be carried out within the Parliamentary zone;”;
 - (e) by adding at the end of the definition of “public work” the following word and paragraph:
“or (f) a work declared by the regulations not to be a public work;”;
 - (f) by omitting the definition of “work” and substituting the following definition:

“‘work’ means an architectural or engineering work, and includes:

- (a) the construction, alteration, repair, refurbishment or fitting out of buildings and other structures;

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- (b) the installation, alteration or repair of plant and equipment designed to be used in, or in relation to, the provision of services for buildings and other structures;
- (c) the undertaking, construction, alteration or repair of landscaping and earthworks (whether or not in relation to buildings and other structures);
- (d) the demolition, destruction, dismantling or removal of:
 - (i) buildings and other structures;
 - (ii) plant and equipment falling within paragraph (b); and
 - (iii) earthworks;
- (e) the clearing of land and the development of land for use as urban land or otherwise; and
- (f) any other matter declared by the regulations to be a work;

but does not include:

- (g) the production of, or anything done in relation to, intangible things;
 - (h) the production of, or anything done in relation to, movable property unless the work is, under the regulations, a movable work to which this Act applies;
 - (j) the installation, alteration or repair of plant or equipment where the plant or equipment:
 - (i) is not designed to be used in, or in relation to, the provision of services for a building or other structure; and
 - (ii) is not necessary or desirable to make a building or structure a complete building or structure; and
 - (k) any other matter declared by the regulations not to be a work;”;
- (g) by inserting the following definitions:
- “‘authority of the Commonwealth to which this Act applies’ means an authority of the Commonwealth that, under section 6A, is an authority of the Commonwealth to which this Act applies;
 - ‘building’ includes part of a building;
 - ‘engineering work’ includes part of an engineering work;
 - ‘movable property’ includes aircraft, satellites, ships and vehicles;
 - ‘Parliamentary zone’ has the same meaning as in the *Parliament Act 1974*;
 - ‘structure’ includes part of a structure;”.

Reference of public works to the Committee

5. Section 18 of the Principal Act is amended by omitting subsection (9) and substituting the following subsection:

“(9) In this section:

‘estimated cost’, in relation to a public work, means an estimate of cost made when all particulars of the work substantially affecting its cost have been determined.”.

Regulations

6. Section 40 of the Principal Act is amended by adding at the end the following subsection:

“(2) Before making regulations for the purposes of:

(a) paragraph (ca) or (f) of the definition of ‘public work’ in subsection 5 (1); and

(b) paragraph (f) or (k) of the definition of ‘work’ in subsection 5 (1); the Governor-General shall take into consideration any relevant recommendation made to the Minister by the Committee.”.

PART III—AMENDMENTS OF OTHER ACTS

Amendments

7. The Acts specified in the Schedule are amended as set out in the Schedule.

SCHEDULE

Section 7

AMENDMENTS OF OTHER ACTS

Australian Protective Service Act 1987

Subsection 13 (2):

Omit “or 30, paragraph 46 (a) or section”, substitute “, 30, 46 (other than paragraph (b)), 47, 47A,”.

Commonwealth Grants Commission Act 1973

Subsection 8 (4):

Omit the subsection.

Subsection 8 (5):

Omit “other than the Chairman”.

Subsection 13 (1):

- (a) Omit “or” (first occurring).
- (b) Before “the Chairman” in paragraph (1) (b) insert “if the Chairman is a full-time member—”.
- (c) Insert after paragraph (b) the following word and paragraph:

“or (c) if the Chairman is a part-time member—the Chairman is, or is expected to be, unable (whether on account of illness or otherwise) to perform the duties of his or her office;”.

After subsection 13 (1):

Insert the following subsection:

“(1A) An acting Chairman may be appointed as an acting full-time Chairman or as an acting part-time Chairman.”.

Parliament House Construction Authority Act 1979

Subsection 3 (1) (definition of “Commissioner”):

Omit the definition.

Subsection 3 (3):

Omit the subsection.

Subsection 12 (1):

Omit “6”, substitute “3”.

Paragraph 12 (1) (a):

Add at the end “and”.

SCHEDULE—continued

Paragraph 12 (1) (b):

Omit the paragraph.

Paragraph 12 (1) (c):

Omit “4”, substitute “2”.

Section 16:

Omit “other than the Commissioner”.

Subsections 17 (1) and (2):

Omit “other than the Commissioner”.

Subsections 18 (1) and (2):

Omit “other than the Commissioner”.

Subsection 19 (3):

Omit “4”, substitute “2”.

NOTE

1. No. 92, 1969, as amended. For previous amendments, see No. 57, 1972; Nos. 140 and 216, 1973; No. 48, 1974; No. 20, 1981; No. 80, 1982; No. 39, 1983; No. 65, 1985; and No. 108, 1988.

[*Minister's second reading speech made in—
House of Representatives on 12 October 1988
Senate on 3 March 1989*]