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**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*1.

**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;

(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*]