



Public Works Committee Regulation 2016

made under the

Public Works Committee Act 1969

Compilation No. 1

Compilation date: 12 August 2017

Includes amendments up to: F2017L01016

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Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Public Works Committee Regulation 2016* that shows the text of the law as amended and in force on 12 August 2017 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 1—Preliminary

1 Name

This is the *Public Works Committee Regulation 2016*.

3 Authority

This instrument is made under the *Public Works Committee Act 1969*.

5 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) assessor;
- (b) authority of the Commonwealth;
- (c) member;
- (d) the Committee.

In this instrument:

Act means the *Public Works Committee Act 1969*.

Sectional Committee means a Sectional Committee mentioned in section 10 of the Act.

Section 6

Part 2—Definitions in, and application of, Act

6 Matters included in the definition of *work* in section 5 of Act

For the purposes of paragraph (f) of the definition of *work* in section 5 of the Act, an activity that:

- (a) is described in paragraph (a), (b), (c) or (d) of that definition; and
- (b) relates to:

- (i) a temporary building or structure; or
- (ii) a demountable building or structure;

is declared to be a work.

7 Authorities of the Commonwealth to which the Act does not apply

For the purposes of subsection 6A(3) of the Act, it is declared that the Act does not apply to an authority of the Commonwealth mentioned in the following table.

Item	Authority of the Commonwealth
1	ASC Pty Ltd
2	ASC Engineering Pty Ltd
3	ASC Shipbuilding Pty Ltd
4	Deep Blue Tech Pty Ltd
5	ASC AWD Shipbuilder Pty Ltd
6	ASC Modules Pty Ltd
7	A wholly-owned subsidiary of a company mentioned in item 1, 2, 3, 4, 5 or 6
8	A wholly-owned subsidiary of a wholly-owned subsidiary mentioned in item 7
9	Australian Grape and Wine Authority
10	Australian Postal Corporation
11	Defence Housing Australia
12	Export Finance and Insurance Corporation
13	Moorebank Intermodal Company Limited
14	NBN Co Limited
15	WSA Co Limited

Note: Some Acts dealing with particular authorities of the Commonwealth (such as certain Aboriginal Land Trusts) also provide that the *Public Works Committee Act 1969* does not apply to those authorities.

Part 3—Forms relating to witnesses

8 Forms of oath and affirmation by witnesses

- (1) For the purposes of subsection 20(2) of the Act, Part 1 of Schedule 1 prescribes a form of an oath of a witness.
- (2) For the purposes of subsection 20(2) of the Act, Part 2 of Schedule 1 prescribes a form of an affirmation of a witness.

9 Form of summons to witness

For the purposes of subsection 21(2) of the Act, Part 3 of Schedule 1 prescribes a form of a summons to a person to appear to give evidence.

10 Form of warrant for apprehension of summoned witness

For the purposes of subsection 22(2) of the Act, Part 4 of Schedule 1 prescribes a form of a warrant for the apprehension of a person who has been summoned to give evidence and has failed to appear, or to continue to attend, as a witness.

Part 4—Fees and expenses of witnesses and assessors

11 Fees and expenses of witnesses and assessors

- (1) A witness appearing before, or an assessor attending, the Committee or a Sectional Committee is to be paid such fees and travelling expenses as the Chair of the Committee or the Chair of the Sectional Committee (as appropriate) allows in accordance with this section.

Fees for expert witnesses and assessors

- (2) A witness who is an expert, or an assessor, is to be allowed a fee of an amount:
- (a) not less than the amount worked out using the rate specified for witnesses' expenses in the *High Court Rules 2004*; and
 - (b) not more than the actual fees:
 - (i) of the witness for preparing to give evidence and for appearing; or
 - (ii) of the assessor for preparing to attend and attending.
- (3) A witness who is an expert, or an assessor, is to be allowed a fee of a reasonable amount for qualifying to give evidence to, or attend, the Committee or Sectional Committee, in addition to a fee allowed under subsection (2).

Fees for ordinary witnesses

- (4) A witness who is not an expert is to be allowed a fee worked out using the hourly rate specified in the *High Court Rules 2004* for witnesses' expenses.

Travelling expenses for witnesses and assessors

- (5) A witness or assessor is to be allowed a reasonable amount for:
- (a) travel to and from the place where he or she appears before, or attends, the Committee or Sectional Committee; and
 - (b) if he or she needs to be absent from his or her usual place of residence for that appearance or attendance—meals and accommodation.

12 No double payment for attending both Committee meeting and Sectional Committee meeting

- (1) A witness or assessor who would, apart from this subsection, be entitled to be paid both of the following is to be paid only the greater of them, and not both of them:
- (a) fees and expenses for appearing before, or attending, the Committee on a particular day;
 - (b) fees and expenses for appearing before, or attending, a Sectional Committee on that day.

Section 12

- (2) A witness or assessor who would, apart from this subsection, be entitled to be paid both of the following is to be paid only the greater of them, and not both of them:
- (a) expenses for travel on a particular journey to appear before, or attend, the Committee;
 - (b) expenses for travel on the same journey to appear before, or attend, a Sectional Committee.
- (3) This section has effect despite section 11.

Schedule 1—Forms relating to witnesses

Note: See sections 8 , 9 and 10.

Part 1—Form for oath of witness

The evidence I will give on this examination will be the truth, the whole truth and nothing but the truth.

So help me God!

Part 2—Form for affirmation of witness

I solemnly and sincerely affirm and declare that the evidence I will give on this examination will be the truth, the whole truth and nothing but the truth.

Part 3—Form for summons to witness

Commonwealth of Australia

Public Works Committee Act 1969

Summons to a witness

To *[insert name, address and occupation of witness]*

You are summoned to appear before *the Parliamentary Standing Committee on Public Works/*a Sectional Committee of the Parliamentary Standing Committee on Public Works at *[insert place]* at *[insert time]* on *[insert day, month and year]*, to give evidence *and to produce *[specify the documents required to be produced]*.

You must continue in attendance, unless excused or released by a member from continuing in attendance.

Dated *[insert date]*.

*Chair of the Parliamentary Standing Committee on Public Works

*Member of the Parliamentary Standing Committee on Public Works

*Chair of a Sectional Committee of the Parliamentary Standing Committee on Public Works

*Deputy Chair of a Sectional Committee of the Parliamentary Standing Committee on Public Works

* *Delete if inapplicable*

Part 4—Form of warrant for apprehension of summoned witness

Commonwealth of Australia

Public Works Committee Act 1969

Warrant for the apprehension of a witness

To *[insert description of persons to whom the warrant is addressed]*

[Insert name, address and occupation of witness] has been summoned to appear before *the Parliamentary Standing Committee on Public Works/*a Sectional Committee of the Parliamentary Standing Committee on Public Works but has failed *to appear/*to continue in attendance as required by the summons.

You are commanded and authorised:

- (a) to apprehend *[insert name of witness]*; and
- (b) to bring *him/*her before the *Parliamentary Standing Committee on Public Works/*Sectional Committee of the Parliamentary Standing Committee on Public Works to give evidence; and
- (c) to detain *him/*her in custody for that purpose until *he/*she is released by order of the Chair of the *Parliamentary Standing Committee on Public Works/*Sectional Committee of the Parliamentary Standing Committee on Public Works or a member.

Dated *[insert date]*.

*Chair of the Parliamentary Standing Committee on Public Works

*Member of the Parliamentary Standing Committee on Public Works

*Chair of a Sectional Committee of the Parliamentary Standing Committee on Public Works

*Deputy Chair of a Sectional Committee of the Parliamentary Standing Committee on Public Works

* *Delete if inapplicable*

Endnotes

Endnote 1—About the endnotes

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Public Works Committee Regulation 2016	25 Nov 2016 (F2016L01808)	26 Nov 2016 (s 2(1) item 1)	
Public Works Committee Amendment (WSA Co Limited) Regulations 2017	11 Aug 2017 (F2017L01016)	12 Aug 2017 (s 2(1) item 1)	—

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
s 2	rep LA s 48D
s 4	rep LA s 48C
Part 2	
s 7	am F2017L01016
Schedule 2	rep LA s 48C
