



## Public Works Committee Regulation 2016

---

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation.

Dated 24 November 2016

Peter Cosgrove  
Governor-General

By His Excellency's Command

Mathias Cormann  
Minister for Finance

---



---

# Contents

<b>Part 1—Preliminary</b>	1
1 Name.....	1
2 Commencement .....	1
3 Authority.....	1
4 Schedules .....	1
5 Definitions .....	1
<b>Part 2—Definitions in, and application of, Act</b>	2
6 Matters included in the definition of <i>work</i> in section 5 of Act.....	2
7 Authorities of the Commonwealth to which the Act does not apply.....	2
<b>Part 3—Forms relating to witnesses</b>	3
8 Forms of oath and affirmation by witnesses .....	3
9 Form of summons to witness .....	3
10 Form of warrant for apprehension of summoned witness .....	3
<b>Part 4—Fees and expenses of witnesses and assessors</b>	4
11 Fees and expenses of witnesses and assessors .....	4
12 No double payment for attending both Committee meeting and Sectional Committee meeting.....	4
<b>Schedule 1—Forms relating to witnesses</b>	6
<b>Part 1—Form for oath of witness</b>	6
<b>Part 2—Form for affirmation of witness</b>	7
<b>Part 3—Form for summons to witness</b>	8
<b>Part 4—Form of warrant for apprehension of summoned witness</b>	9
<b>Schedule 2—Repeals</b>	10
<i>Public Works Committee Regulations 1969</i>	10



## Part 1—Preliminary

### 1 Name

This is the *Public Works Committee Regulation 2016*.

### 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	26 November 2016

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

### 3 Authority

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

### 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

### 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

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.

Section 11

---

## 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.
- (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*

## **Schedule 2—Repeals**

### ***Public Works Committee Regulations 1969***

#### **1 The whole of the Regulations**

Repeal the regulations.