

2004-2005-2006

The Parliament of the
Commonwealth of Australia

THE SENATE

Presented and read a first time

**Public Works Committee Amendment
Bill 2006**

No. , 2006

(Finance and Administration)

**A Bill for an Act to amend the *Public Works
Committee Act 1969*, and for related purposes**

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1 **A Bill for an Act to amend the *Public Works***
2 ***Committee Act 1969*, and for related purposes**

3 The Parliament of Australia enacts:

4 **1 Short title**

5 This Act may be cited as the *Public Works Committee Amendment*
6 *Act 2006*.

7 **2 Commencement**

8 This Act commences on the day on which it receives the Royal
9 Assent.

10 **3 Schedule(s)**

11 Each Act that is specified in a Schedule to this Act is amended or
12 repealed as set out in the applicable items in the Schedule

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concerned, and any other item in a Schedule to this Act has effect according to its terms.

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2 **Schedule 1—Amendment of the Public Works**
3 **Committee Act 1969**

4 **Part 1—Amendments relating to public works**

5 **1 Section 5 (definition of *public work*)**

6 Repeal the definition, substitute:

7 *public work* has the meaning given by section 5AA.

8 **2 After section 5**

9 Insert:

10 **5AA Meaning of *public work***

11 (1) A *public work* means:

- 12 (a) a work to which subsection (2), (3) or (5) applies; or
13 (b) a work declared by the regulations to be a public work.

14 However, a *public work* does not include:

- 15 (c) a work that is proposed to be carried out within the
16 Parliamentary zone; or
17 (d) a work that is proposed to be carried out by or for the
18 Commonwealth by way of assistance to an overseas country;
19 or
20 (e) a work declared by the regulations not to be a public work.

21 (2) This subsection applies to a work:

- 22 (a) that is proposed to be carried out by or for the
23 Commonwealth, either within or outside Australia; and
24 (b) either:
25 (i) in respect of the carrying out of which moneys
26 appropriated by the Parliament are proposed to be
27 expended by the Commonwealth; or
28 (ii) in relation to which moneys appropriated by the
29 Parliament are proposed to be expended by the
30 Commonwealth.

31 (3) This subsection applies to a work:

- 1 (a) that is proposed to be carried out, either within or outside
2 Australia, by or for an authority of the Commonwealth to
3 which this Act applies; and
4 (b) either:
5 (i) in respect of the carrying out of which moneys
6 appropriated by the Parliament, or moneys of the
7 authority, are proposed to be expended by the authority;
8 or
9 (ii) in relation to which moneys appropriated by the
10 Parliament are proposed to be expended by the
11 Commonwealth or the authority.
- 12 (4) For the purposes of subsections (2) and (3), it does not matter
13 whether or not the work concerned is a work of which the
14 Commonwealth, or an authority of the Commonwealth to which
15 this Act applies, is proposed to become the owner.
- 16 (5) This subsection applies to a work:
17 (a) that is proposed to be carried out, either within or outside
18 Australia, otherwise than by or for the Commonwealth or an
19 authority of the Commonwealth to which this Act applies;
20 and
21 (b) of which the Commonwealth, or an authority of the
22 Commonwealth to which this Act applies, is proposed to
23 become the owner; and
24 (c) in relation to which moneys appropriated by the Parliament
25 are proposed to be expended by the Commonwealth or an
26 authority of the Commonwealth.

27 **3 Subsection 18(8)**

28 Omit “\$6,000,000”, substitute “the threshold amount”.

29 **4 Subsection 18(9)**

30 Insert:

31 *threshold amount* means:

- 32 (a) \$15,000,000; or
33 (b) if another amount is specified in the regulations for the
34 purposes of this definition—that other amount.

35 **5 Paragraphs 40(2)(a) and (b)**

- 1 Repeal the paragraphs, substitute:
2 (a) paragraph (f) or (k) of the definition of *work* in subsection
3 5(1); and
4 (b) paragraph 5AA(1)(b) or (e);

5 **6 Application**

- 6 The *Public Works Committee Act 1969* as in force immediately before
7 the day on which this Act receives the Royal Assent continues to apply
8 to a public work:
9 (a) referred to the Committee before that day; and
10 (b) that has not commenced.

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2 **Part 2—Technical amendments**

3 **7 Section 5**

4 Insert:

5 *Chair* means the Chair of the Committee.

6 **8 Section 5 (definition of *the Chairman*)**

7 Repeal the definition.

8 **9 Subsections 7(5) and (6)**

9 After “he”, insert “or she”.

10 **10 Paragraphs 7(7)(b), (c) and (d)**

11 After “he” (wherever occurring), insert “or she”.

12 **11 Paragraph 7(7)(d)**

13 After “his”, insert “or her”.

14 **12 Subsections 7(8) and (9)**

15 After “his” (wherever occurring), insert “or her”.

16 **13 Subsection 7(12)**

17 Omit “Chairman”, substitute “Chair”.

18 **14 Section 8**

19 After “his”, insert “or her”.

20 **15 Subsection 9(1)**

21 Omit “Chairman and a Vice-Chairman”, substitute “Chair and a Deputy
22 Chair”.

23 Note: The heading to section 9 is replaced by the heading “**Chair and Deputy Chair**”.

24 **16 Subsection 9(2)**

25 Omit “Chairman and Vice-Chairman”, substitute “Chair and Deputy
26 Chair”.

- 1 **17 Subsection 9(3)**
2 Omit “Chairman or Vice-Chairman”, substitute “Chair or Deputy
3 Chair”.
- 4 **18 Paragraphs 9(3)(a) and (b)**
5 After “he”, insert “or she”.
- 6 **19 Paragraph 9(3)(b)**
7 After “his”, insert “or her”.
- 8 **20 Subsection 9(4)**
9 Omit “The Chairman or Vice-Chairman may resign his office by
10 writing under his hand”, substitute “The Chair or Deputy Chair may
11 resign that office by writing under his or her hand”.
- 12 **21 Subsection 9(5)**
13 Omit “Chairman or, in his absence, the Vice-Chairman”, substitute
14 “Chair or, in his or her absence, the Deputy Chair”.
- 15 **22 Paragraph 9(6)(a)**
16 Omit “Chairman”, substitute “Chair”.
- 17 **23 Paragraph 9(6)(a)**
18 After “his”, insert “or her”.
- 19 **24 Paragraph 9(6)(b)**
20 Omit “Vice-Chairman”, substitute “Deputy Chair”.
- 21 **25 Paragraph 9(6)(b)**
22 Omit “Chairman”, substitute “Chair”.
- 23 **26 Subsection 9(6)**
24 Omit “chairman”, substitute “chair”.
- 25 **27 Subsection 9(7)**
26 Omit “chairman”, substitute “chair”.
- 27 **28 Subsection 9(7)**

1 After “he” (wherever occurring), insert “or she”.

2 **29 Subsection 9(8)**

3 Omit “chairman”, substitute “chair”.

4 **30 Paragraph 9(8)(a)**

5 After “he”, insert “or she”.

6 **31 Paragraph 9(8)(a)**

7 After “his”, insert “or her”.

8 **32 Paragraph 9(8)(b)**

9 After “he”, insert “or she”.

10 **33 Paragraph 9(8)(c)**

11 Omit “Chairman or Vice-Chairman”, substitute “Chair or Deputy
12 Chair”.

13 **34 Subsections 9(9), (10) and (11)**

14 Repeal the subsections, substitute:

15 (9) The Deputy Chair and a temporary chair may each exercise any of
16 the powers of the Chair under this Act.

17 (10) If the Chair, the Deputy Chair and (if the appointment of a
18 temporary chair is in force), the temporary chair, are absent from a
19 meeting of the Committee, the members present may appoint one
20 of their number to preside at the meeting. The member so
21 appointed may exercise, in relation to that meeting, and in relation
22 to any matter arising out of that meeting, any of the powers of the
23 Chair under this Act.

24 (11) For the purpose of the exercise of the powers of the Chair under
25 this Act, a reference in this Act to the Chair includes a reference to
26 the Deputy Chair, to a temporary chair and to a member appointed
27 under subsection (10).

28 **35 Paragraph 10(2)(b)**

29 After “he”, insert “or she”.

30 **36 Paragraph 10(2)(c)**

1 Omit “his office by writing under his hand addressed to the Chairman”,
2 substitute “that office by writing under his or her hand addressed to the
3 Chair”.

4 **37 Subsection 10(3)**

5 Omit “Chairman and a Vice-Chairman”, substitute “Chair and a Deputy
6 Chair”.

7 **38 Subsection 10(4)**

8 Omit “Chairman or Vice-Chairman”, substitute “Chair or Deputy
9 Chair”.

10 **39 Paragraph 10(4)(b)**

11 After “he”, insert “or she”.

12 **40 Paragraph 10(4)(c)**

13 After “his” (wherever occurring), insert “or her”.

14 **41 Subsection 10(5)**

15 Omit “Chairman, or, in his absence, the Vice-Chairman,”, substitute
16 “Chair or, in his or her absence, the Deputy Chair,”.

17 **42 Subsection 10(9)**

18 Omit “Chairman”, substitute “Chair”.

19 **43 Subsection 11(2)**

20 Omit “the Chairman shall be read as a reference to the Chairman, or to
21 the Vice-Chairman,”, substitute “the Chair is to be read as a reference to
22 the Chair, or to the Deputy Chair,”.

23 **44 Subsection 11(3)**

24 Omit “Chairman, or by the Vice-Chairman,”, substitute “Chair, or by
25 the Deputy Chair,”.

26 **45 Subsections 12(1), (2) and (3)**

27 Omit “Chairman”, substitute “Chair”.

28 **46 Paragraphs 12(3)(a) and (b)**

29 After “he”, insert “or she”.

- 1 **47 Subsection 18(3)**
2 Omit “for Housing and Construction”.
- 3 **48 Subsection 18(8A)**
4 Omit “for Housing and Construction”.
- 5 **49 Paragraph 18(8A)(a)**
6 After “he”, insert “or she”.
- 7 **50 Subsection 19(2)**
8 Omit “Chairman notifies the Minister for Housing and Construction”,
9 substitute “Chair notifies the Minister”.
- 10 **51 Subsections 20(1) and 21(1)**
11 Omit “Chairman”, substitute “Chair”.
- 12 **52 Subsection 21(3)**
13 After “his”, insert “or her”.
- 14 **53 Paragraph 22(1)(b)**
15 After “his”, insert “or her”.
- 16 **54 Paragraph 22(1)(c)**
17 After “he”, insert “or she”.
- 18 **55 Paragraph 22(1)(c)**
19 Omit “Chairman”, substitute “Chair”.
- 20 **56 Subsection 22(1)**
21 Omit “Chairman or”, substitute “Chair or”.
- 22 **57 Subsection 22(1)**
23 After “his” (last occurring), insert “or her”.
- 24 **58 Paragraph 22(3)(c)**
25 After “he”, insert “or she”.
- 26 **59 Paragraph 22(3)(c)**
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- 1 Omit “Chairman”, substitute “Chair”.
- 2 **60 Subsection 22(4)**
- 3 After “him”, insert “or her”.
- 4 **61 Subsection 23(6)**
- 5 Omit “Chairman”, substitute “Chair”.
- 6 **62 Paragraph 23(7)(c)**
- 7 After “he”, insert “or she”.
- 8 **63 Subsection 26(2)**
- 9 After “he”, insert “or she”.
- 10 **64 Section 27**
- 11 After “him”, insert “or her”.
- 12 **65 Paragraph 30(1)(b)**
- 13 Omit “him by the Chairman”, substitute “him or her by the Chair”.
- 14 **66 Paragraph 30(1)(c)**
- 15 After “he”, insert “or she”.
- 16 **67 Section 32**
- 17 After “his”, insert “or her”.
- 18 **68 Section 32**
- 19 After “him”, insert “or her”.
- 20 **69 Subsections 35(1) and (2)**
- 21 Omit “Chairman”, substitute “Chair”.
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