

Public Works Committee Regulations (Amendment) 1994 No. 175

EXPLANATORY STATEMENT

Statutory Rules 1994 No. 175

Issued by the Authority of the Minister for Administrative Services.

Public Works Committee Act 1969

Public Works Committee Regulations (Amendment)

Section 40 of the *Public Works Committee Act 1969* (the Act) provides that the GovernorGeneral may make regulations for the purposes of the Act. The regulations amend the Public Works Committee Regulations (the Principal Regulations) made pursuant to the Act.

Subsection 6A(1) provides that the Act applies to all authorities of the Commonwealth (which include companies controlled by the Commonwealth) other than certain bodies specified in subsection 6A(2) or which are declared in the Principal Regulations pursuant to subsection 6A(3). The Commonwealth Serum Laboratories Commission is currently declared pursuant to subsection 6A(3) and as such the Act does not apply to it. The *CSL Sale Act 1993* specifically provides for the 100% sale of CSL Limited (formerly known as the Commonwealth Serum Laboratories Commission). As a consequence of the sale CSL Limited will no longer be an authority of the Commonwealth and the Act, irrespective of any regulations, will not apply to it. It is intended that this amendment is to take effect on the "sale day". The "sale day" is that day which the Minister for Finance, pursuant to section 4 of the *CSL Sale Act 1993*, declares to be, "the first day ... on which a majority of the voting shares in CSL are acquired by a person, or persons, other than the Commonwealth or a nominee of the Commonwealth." Retrospective operation of the regulations is allowed by section 48 of the *CSL Sale Act 1993* and section 48 of the *Acts Interpretation Act 1901*.

The reference to the Commonwealth Serum Laboratories Commission in the Principal Regulations is therefore redundant and accordingly should be omitted at the same time that M Limited ceases to be an authority of the Commonwealth.

To this end, the regulations amend the Principal Regulations to remove the Commonwealth Serum Laboratories Commission (Item 17) from Schedule 3 of the Principal Regulations.

The commencement of the regulations is tied to the declaration of the sale day under section 4 of the *CSL Sale Act 1993*.