

Public Works Committee Amendment Regulations 1998 (No. 1) 1998 No. 310

EXPLANATORY STATEMENT

Statutory Rules 1998 No. 310

Issued by the Authority of the Minister for Finance and Administration

Public Works Committee Act 190

Public Works Committee Amendment Regulations 1998 (No. 1)

The Public Works Committee Act 1969 (the PWC Act) established the Public Works Committee to inquire into and report on public works referred to it by the Parliament. A public work is a work that is proposed to be carried out by or for the Commonwealth and for which moneys are appropriated by the Parliament.

Subsection 6A(3) of the PWC Act provides that where the Governor-General is satisfied that an authority of the Commonwealth is engaging in trading or other activities, or is providing services, in competition with other bodies, the Governor-General may make regulations declaring that this Act does not apply to that authority.

The purpose of the Regulations is to exempt the following corporations from the provisions of the PWC Act:

Sydney Airports Corporation Limited

Bankstown Airport Limited

Camden Airport Limited

Hoxton Park Airport Limited

Essendon Airport Limited

Sydney Airports Corporation Limited and Essendon Airport Limited (SACL) are incorporated companies in which the Commonwealth of Australia beneficially owns 100% of the shares. Bankstown Airport Limited, Camden Airport Limited and Hoxton Park Airport Limited are incorporated companies in which SACL beneficially owns 100% of the shares. The Commonwealth of Australia is therefore in a position to exercise control over each of the companies.

As airport-lessees, these companies are subject to the Airports Act 1996 (the Airports Act) which also applies to the Phase 1 and 2 airports, previously owned by the Commonwealth but now leased to private operators.

The Airports Act, and the regulations made under it, subject airport operators to stringent land use, planning and building controls. These include requirements that a Commonwealth Government-appointed airport building controller approve new building activities, and that major development plans are subject to approval by the Minister for Transport and Regional Services. The ministerial approval regime provides for a public consultation process.

In the environment promoted by the Airports Act, the corporatised airports are required to compete with Phase 1 and Phase 2 airports in delivery of economically and operationally efficient services to airport users and the general community. The Phase 1 and Phase 2 airports are not subject to the requirements of the PWC Act. Consequently, the corporatised airports are

disadvantaged in the performance of their obligations to the Government, airport users and the community by the requirement that significant airport developments are subject to an approval process, in addition to the already exhaustive process under the Airports Act which does not apply to their competitors.

The Regulations take effect from the date of Gazettal.