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Report (2013)
1 /
Parliamentary Standing Committee on Public Works
February 2014

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Foreword

I thank all members of the Committee in the 43rd Parliament, and current members of the Committee, for their contribution to the work of the Committee during 2013. I also thank the secretariat.

Mrs Karen Andrews MP Chair

Membership of the Committee

44th Parliament

Chair Mrs Karen Andrews MP

Deputy Chair Mr Graham Perrett MP

Members Senator Sue Boyce Senator Anne Ruston

Ms Sharon Claydon MP Ms Joanne Ryan MP

Senator Alex Gallacher Dr Andrew Southcott MP

Mr Ian Goodenough MP

43rd Parliament [in 2013]

Chair Ms Kirsten Livermore MP

Deputy Chair Mr John Forrest MP

Members Mrs Karen Andrews MP Ms Janelle Saffin MP

Senator Sue Boyce Mr Patrick Secker MP

Senator Alex Gallacher Senator Anne Urquhart

Ms Jill Hall MP

Committee Secretariat

44th Parliament

Secretary Dr Alison Clegg

Research Officer Ms Fiona Gardner

Administrative Officers Mrs Fiona McCann

Ms Kathy Blunden

43rd Parliament

Secretary Dr Alison Clegg

Inquiry Secretary Mr Anthony Overs

Research Officer Ms Fiona Gardner

Administrative Officers Mrs Fiona McCann

Ms Kathy Blunden

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Annual Report

- 1.1 Under Section 16 of the *Public Works Committee Act* 1969 (the Act), the Parliamentary Standing Committee on Public Works must table in each House of the Parliament a report of its proceedings from 1 January to 31 December for the preceding year.
- 1.2 All public works that have an estimated cost exceeding \$15 million must be referred to the Committee. Public works cannot commence until the Committee has made its report to Parliament, and the House of Representatives resolves that it is expedient to carry out the work.¹
- 1.3 The Act states that in considering and reporting on a public work, the Committee shall have regard to:
 - the stated purpose of the work and its suitability for that purpose;
 - the necessity for, or the advisability of, carrying out the work;
 - the most effective use that can be made, in the carrying out of the work, of the moneys to be expended on the work;
 - where the work purports to be of a revenue-producing character, the amount of revenue that it may reasonably be expected to produce; and
 - the present and prospective public value of the work.²
- 1.4 During 2013 the Committee reported on 14 works.³ The combined cost of works approved was \$1.6 billion. A list of the works and their individual costs is at Appendix A.

¹ *Public Works Act* 1969 (the Act), Part III, Section 18(8). Exemptions from this requirement are provided for work of an urgent nature, defence work contrary to the public interest, repetitive work, and work by prescribed authorities listed in the *Regulations*.

² The Act, Part III, Section 17(3).

The reports dealt with works referred in 2012 and 2013. Some referrals made in 2013 will be reported on in 2014.

- 1.5 In accordance with long established practice, the Committee requires agencies to notify it of proposed expenditure on public works with an estimated value of between \$2 million and \$15 million (medium works). This practice has arisen because, in the past, some agencies divided proposed works into several smaller components each costing less than the referral threshold, to avoid scrutiny.
- 1.6 The Committee reviews medium work notifications to determine if it has any concerns or objections to works proceeding. Medium works must not proceed until the Committee has given its approval. In 2013, the Committee approved 35 medium works with a combined value of \$306.7 million. A list of medium works approved by the Committee can be found at Appendix B.
- 1.7 A list of all Committee meetings and hearings held during 2013 is at Appendix C. The Committee's reports, submissions to each inquiry and transcripts of associated public hearings are available on the Committee's website. The Committee's website also provides previously tabled reports, and the Public Works Committee Procedure Manual which assists agencies to prepare projects for Committee review.⁴

Inquiries and reports

- 1.8 The Act requires the Committee to consider and report on each referred work 'as expeditiously as is practicable'. Therefore the Committee endeavours to ensure that all inquiries are completed as quickly as possible, without compromising the rigour of scrutiny.
- 1.9 The standard inquiry process allows time for public comment on proposed works, and for the Committee to inspect the proposed work site(s) prior to holding public and in-camera hearings to take evidence about the works.
- 1.10 In 2013 the average time from referral of works to report tabling was around 12 weeks. However timeframes varied considerably between individual projects, with the Committee completing one inquiry in only three weeks, with 42 weeks being the maximum time from referral to tabling.⁶
- 4 Parliament of Australia, viewed at www.aph.gov.au/pwc.
- 5 The Act, Part III, Section 17(1).
- 6 The 42 week inquiry was for the Proposed new National Archives Preservation Facility for the National Archives of Australia (NAA) at Mitchell, ACT. The project, was initially referred to

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1.11 When planning inquiry timetables, the Committee and proponent agencies must consider the parliamentary sitting calendar. Generally referrals are initiated only when the House is sitting, and reports need to be tabled in both houses of the Parliament. Furthermore, 2013 was an election year. All Committee business ceases when the House of Representatives is dissolved prior to an election, and is resumed following the election when the government has been established and committee members have been appointed.

1.12 Referrals and inquiries in 2013 were managed with this in mind. As a result, at the end of the 43rd Parliament when the House was dissolved on 5 August 2013 prior to the 7 September 2013 election, there was only one lapsed inquiry. The lapsed project was referred again to the Committee for inquiry at the beginning of the 44th Parliament, along with five new referrals.

Medium works

- 1.13 The Committee publishes a list of medium works notifications on its website. The current list includes works approved since the beginning of the 43rd Parliament.
- 1.14 The Committee reminds Australian Government departments, agencies and authorities of their obligations under the medium works process. The medium works process forms an important part of the parliamentary scrutiny of Commonwealth public works expenditure.
- 1.15 The Committee approved 35 medium works in 2013. Approval for some medium works projects was received only after proponent agencies had provided additional information, either in writing or via a private briefing, at the Committee's request.

the PWC on 24 May 2012. The Committee's report 6/2012, tabled 26 November 2012, did not recommend expediency for this project. In early 2013 the Committee was asked to re-open its consideration of the project. Following receipt of additional information from the NAA and the Department of Finance and Deregulation, the Committee was able to recommend expediency in report 1/2013 which was tabled on 18 March 2013.

- In any event, a work cannot commence until after the Committee has reported to both houses and the House of Representatives has resolved that the work can commence the latter of which can only occur when the House is sitting.
- 8 Australian Taxation Office, Integrated fit-out of new leased premises for the Australian Taxation Office at the site known as Site 5 and 6, the Revitalised Central Dandenong Project, Dandenong, Victoria.

Urgent and security sensitive projects

- 1.16 There is provision in the Act for individual projects to commence without referral to the Committee. Projects may not be referred to the Committee for scrutiny due to the urgent nature of the work or when the work is for defence purposes and reference to the Committee would be contrary to the public interest. These determinations are made by resolution of the House of Representatives and by the Governor-General respectively.
- 1.17 While acknowledging that from time to time there are some situations when Committee scrutiny is not practical or appropriate, over successive parliaments the Committee has consistently expressed the view that these situations should involve exceptional circumstances.
- 1.18 The Committee's capacity to expeditiously and appropriately scrutinise projects which are urgent and/or security sensitive is well illustrated by its handling of its inquiry into Defence's remediation of the multi-national base at Tarin Kot prior to transfer of the base to Afghan control.
- 1.19 The Committee completed its inquiry for this project, from referral to reporting, in three weeks. Interestingly, as sittings of the House had adjourned until 14 May 2013, the project was referred by the Governor-General through the Executive Council on 24 April 2013 and in accordance with Section 18(4) of the Act which enables the Governor-General to:
 - ...refer a public work to the Committee when the Parliament is not in session, or when the House of Representatives is adjourned for more than one month or indefinitely.
- 1.20 This demonstrates the value of this provision in the Act which enabled referral when the House was not in session, thereby facilitating timely review of an urgent project which might have been delayed otherwise.
- 1.21 Another interesting aspect of the Committee's inquiry into this project relates to handling of sensitive information. The Committee is empowered to direct that an inquiry into a work shall take place in public or in private. ¹⁰ Due to the security sensitive nature of information associated with this project, the Committee determined that only limited information would be made public. However, the Committee received a detailed private briefing on the project from representatives of the Department of Defence. This process allowed the Committee to be satisfied that the

⁹ The Act, Part III, Section 18(8)(b) and (c).

¹⁰ The Act, Part III, Section 18(A)(1).

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project would meet its objectives while providing value for money, and to report back to the Parliament accordingly.

Public Works Committee Act exemptions

- 1.22 The Act recognises that there are certain circumstances, when government owned bodies are 'corporatised' and competing directly with private entities, that the additional scrutiny of the PWC might create a situation of commercial disadvantage relative to competitors which are not subject to such scrutiny.
- 1.23 Under these circumstances government authorities can seek exemption from Committee scrutiny. This requires approval of the Governor-General, who must be satisfied that the authority is engaged in trading or other activities, or is providing other services, in competition with other bodies.¹¹
- 1.24 During 2013 two government business enterprises were exempted from PWC scrutiny on this basis. The first, the Moorebank Intermodal Company Limited (MICL), was registered 'as an exempt Commonwealth authority' on 30 April 2013. The second, Defence Housing Australia (DHA), was registered as exempt authority on 16 December 2013. Importantly though, housing developments on Defence bases that are for Department of Defence purposes but project managed by DHA, will continue to be referred to the Committee for inquiry.

Post-implementation reports

1.25 In accordance with a recommendation of the Australian National Audit Office (ANAO), and supported by Committee resolution, all public works

- 11 The Act, Part 1, Section 6A(3).
- 12 Select Legislative Instrument 2013 No 60. MICL, incorporated on 13 December 2012, was established to facilitate the development and operation of the intermodal terminal (IMT) at Moorebank in south western Sydney. The IMT is intended to improve the management of freight movements to and from Port Botany, and transfer of containers from road to rail and vice versa.
- 13 Select Legislative Instrument 2013 No 266. DHA, provides housing and related services to Defence members and families, and operates in competition with other property developers and providers of property investment and leaseback services.
- 14 Select Legislative Instrument 2013 No 266, Explanatory Statement.

projects referred to the Committee from March 2010 onward must provide a post-implementation report on completion. The purpose of the report is to inform the Committee whether the project remained within the advised scope, cost and timeframe. Information on the following should also be included in the report:

- the extent to which the expected business benefits, including environmental benefits, have been or are expected to be achieved;
- user satisfaction with the delivered works;
- consultations with neighbouring communities that may be impacted by the works; and
- lessons learned.
- 1.26 As noted in the last year's Annual Report, to encourage rigour and consistency in relation to information provided, agencies are expected to complete a post-implementation report template. The template is available on the Committee's website. 15 The template comprises a summary of information on cost, scope, timeframes and lessons learned which will be published, and a more detailed confidential component which is for the Committee's information only.
- 1.27 In May 2013, all government agencies that had referred projects to the Committee since its March 2010 resolution, received correspondence reminding them of their obligation to provide post-implementation reports. The Committee intends to monitor receipt of post-implementation reports, and follow-up with individual agencies where it appears that these reports may be outstanding.
- 1.28 Committee reports now routinely include a statement reminding agencies of their obligation to provide post-implementation reports when public works have been completed. In 2013 the Committee received post-implementation reports for five public works. The list of post-implementation reports received for completed projects is at Appendix D.

100th Anniversary

1.29 In 2013 the Committee reached a significant milestone; 100 years since its establishment, making it one of the Federal Parliament's oldest committees.

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1.30 The impetus for establishing a federal Public Works Committee can be traced back to 3 November 1911, when Mr McWilliams (Member for Franklin) raised concerns regarding proposed expenditure on the new federal capital in Canberra. During the course of debate Mr McWilliams observed:

We are asked to vote lump sums without any official reports or other information as to details; and I am sure there is not a business man in the community who would permit such a method in his own affairs. The sooner we realise the seriousness of the position, and appoint a Public Works Committee, the better it will be for Australia. ¹⁶

1.31 Some two years later, on 12 December 1913 when introducing the bill to establish a federal Public Works Committee, the Prime Minister, Mr Joseph Cook, observed:

I think it is patent to everyone at this time of day that the methods of conducting our Public Works policy are crude, inefficient, and altogether inadequate for the purpose of securing the taxpayers against loss and waste.¹⁷

1.32 As Mr Cook went on to explain:

It is in order to remedy that defect, as well as to ensure a more efficient spending of the money, and the wiser disposition of our public works policy, that the [Public Works] Committee is proposed.¹⁸

- 1.33 Following debate the Bill was passed by both houses of the Parliament, and the *Commonwealth Public Works Committee Act* 1913 was enacted into law, receiving Royal Assent on 19 December 1913.
- 1.34 Since its establishment the Committee has executed its role with rigour, diligence and integrity. The Committee's inquiry process, in combination with other complementary processes administered by the Department of Finance (DoF), provides a robust quality assurance framework that assists government agencies to achieve optimal outcomes in relation to expenditure on public works.
- 1.35 When it comes to major expenditure of public money by Commonwealth departments and agencies on public works, the Committee inquiry process ensures that government remains accountable to the Parliament

¹⁶ House of Representative Official Hansard, 3 November 1911, p 2268.

¹⁷ House of Representatives Official Hansard, 13 December 1913, p 4244.

¹⁸ House of Representatives Official Hansard, 13 December 1913, p 4245.

- and to the people. Uniquely, it provides a means for the public to have input by contributing their views on proposed public works.
- 1.36 In the words of Mr Cook, the Committee was established as 'the eyes and ears of the Parliament'. ¹⁹ Just as it always has in the past, the Committee of today continues to perform this function so that the Parliament and the people can be assured that major expenditure by Commonwealth departments and agencies on public works is justified, that they are fit-for-purpose and that they provide best value for money.

Conclusion

- 1.37 The Committee thanks everyone who has assisted or participated in the Committee's inquiries in 2013. The Committee appreciates input from all interested parties, including members of the public.
- 1.38 The Committee makes particular acknowledgement of the contribution made by the Special Claims and Land Policy Branch, DoF. This branch assists agencies with their preparation of proposals for consideration by the Committee, and assists the Minister for Finance or delegate (in the 43rd Parliament the Special Minister for State, and in the 44th Parliament the Parliamentary Secretary to the Minister for Finance) with management of referrals and expediency motions as required under the *Public Works Committee Act* 1969.

Mrs Karen Andrews MP Chair

5 February 2014



Appendix A - Reports presented and value of works approved by the Committee in the year ending 31 December 2013

In 2013, the Committee reported on various works that were referred in 2012 and 2013.

The Committee received some referrals late in 2013 that it will report on in 2014.

43rd Parliament				
Report number	Report Title and/or works addressed	Tabled	Cost (\$m) ¹	
1/2013	The Australian Nuclear Science and Technology Organisation (ANSTO) Nuclear Medicine Project	18 March 2013	168.8	
1/2013	Australian Federal Police proposed new forensic facility at Majura, ACT	18 March 2013	106.0	
1/2013	The Australian War Memorial redevelopment of the First World War galleries	18 March 2013	32.5	
1/2013	Proposed new National Archives Preservation Facility for the National Archives of Australia at Mitchell, ACT	18 March 2013	97.9	
N/A	Seventy-sixth Annual Report	18 March 2013	N/A	
2/2013	Construction of a new post-entry quarantine facility at Mickleham, Victoria	15 May 2013	293.1	
2/2013	AIR 9000 Phase 8 MH-60R Seahawk Romeo facilities project	15 May 2013	201.3	
2/2013	Air warfare destroyer ship sustainment facilities at Garden Island, Randwick Barracks and HMAS Watson, Sydney, NSW	15 May 2013	109.9	

¹ Costs do not necessarily include GST; see relevant report for full details. Figures are rounded to the nearest one hundred thousand dollars.

Report number	Report Title and/or works addressed	Tabled	Cost (\$m)
2/2013	Landing helicopter dock ship sustainment facilities at Garden Island and Randwick Barracks, Sydney, NSW	15 May 2013	60.3
2/2013	Defence Science and Technology Organisation Human Protection Performance Division security and facilities upgrade, Fishermans Bend, Melbourne, Vic	15 May 2013	41.1
2/2013	Australian Broadcasting Corporation Melbourne accommodation project, Southbank, Vic	15 May 2013	176.4
2/2013	Infrastructure and upgrade works to establish a regional processing centre on Manus Island, Papua New Guinea	15 May 2013	171.7
2/2013	Multi National Base Tarin Kot Remediation Project	15 May 2013	47.2
3/2013	Development and construction of housing for Defence at Warner, Brisbane, Queensland	24 June 2013	91.3
3/2103	Redevelopment and construction of housing for Defence at Samford Road, Enoggera, Brisbane, Queensland	24 June 2013	24.6
Total			1622.1



Appendix B - Works between \$2 million and \$15 million approved by the Committee in the year ending 31 December 2013

The table lists all medium works **approved** by the Committee in 2013. The list includes several medium works notifications submitted in late 2012.

Medium works notified in late 2013 which are approved by the Committee in 2014 will be listed in that Annual Report.

43 rd Parliament		
Project Title	Agency Name	Date notified to Committee
The Army Aboriginal Community Assistance Program (AACAP) 2013 for Kaltjiti Community, APY Lands	Department of Families, Housing, Community Services and Indigenous Affairs	26-Nov-12
Proposed refurbishment of ATO offices at 10 Banfield Street, Chermside, Queensland	Australian Taxation Office	12-Dec-12
Proposed design and construction of a new fit-out for AGS on the 4th and 5th floor of 4 National Circuit, Barton	Australian Government Solicitor	13-Dec-12
Proposed Australian Air Force Cadets Support Facility at Bathurst Regional Airport, NSW	Department of Defence	20-Jan-13
Proposed fit-out of office accommodation at 821 Pacific Highway, Chatswood, NSW	Australian Transaction Reports and Analysis Centre	24-Jan-13
Proposed Gab Titui Torres Strait Cultural Centre Stage 2 Renovation	Torres Strait Regional Authority	29-Jan-13
National Geosequestration Laboratory, WA	CSIRO	1-Feb-13
Australian Embassy Kabul, Annexe, Star House refurbishment	Department of Foreign Affairs and Trade	4-Mar-13

Proposed fit-out of new offices at 1 Thynne Street, Bruce, ACT	Australian Institute of Health and Welfare	6-Mar-13
Fit-out for 55 Currie Street, Adelaide, SA	Department of Human Services	12-Mar-13
Majura Driver Training Facility Project	Australian Federal Police	14-Mar-13
Australian Defence Force Centre for Mental Health, HMAS Penguin, Mosman, NSW	Department of Defence	14-Mar-13
RAAF Base Williamtown - Connection to the Hunter Water Corporation Williamtown Wastewater Transfer Scheme Project	Department of Defence	16-Apr-13
Proposed fit-out of premises at 1 Farrer Place, Sydney, NSW	Royal Commission into Institutional Responses to Child Sexual Abuse	18-Apr-13
Fit out construction at new tenancy in Melbourne	Migration Review Tribunal and Refugee Review Tribunal	22-Apr-13
Defence Site Maribyrnong contamination remediation project - Stage 1	Department of Defence	29-Apr-13
Majura Services Infrastructure Project	Australian Federal Police	9-May-13
Changes to 2013 medium works program	Defence Housing Australia	10-May-13
Aircraft noise insulation - Adelaide	Department of Infrastructure and Transport	22-May-13
Proposed fit-out at 15 Lancaster Place, Majura Business Park Canberra	Indigenous Business Australia	12-Jun-13
Redevelopment of Tjapukai Aboriginal Cultural Park, Cairns	Indigenous Business Australia	12-Jun-13
Facilities for the United States Force Posture - Marine Rotation Force (Phase 2) RAAF Base Darwin & Robertson Barracks, Darwin, NT	Department of Defence	18-Jun-13
JP3029 Phase 1 Space Situation Awareness Capability Project	Department of Defence	18-Jun-13
DisabilityCare Australia (formerly known as National Disability Insurance Scheme - Launch Transition Agency), interim accommodation for new headquarters in Geelong, Victoria	Department of Families, Housing, Community Services and Indigenous Affairs	19-Jun-13
Majura Corporate Warehouse Project	Australian Federal Police	20-Jun-13
Removal of Hammerhead Crane from Defence Facility Garden Island, Sydney	Department of Defence	24-Jun-13
Additional medium works for 2013-14, various locations	Defence Housing Australia	15-Jul-13
Proposed fit-out of new office accommodation at Level 5, 4 National Circuit, Barton ACT	Insolvency and Trustee Service Australia	24-Jul-13
Proposed car park renewal and pay parking infrastructure – Central National Area, Canberra	National Capital Authority	24-Jul-13

44 th Parliament				
Project Title	Agency Name	Date notified to Committee		
Relocation of Sydney Office	Commonwealth Director of Public Prosecutions	23-Oct-13		
1. Midland Western Australia Regional Launch Site; and 2. Canberra ACT Regional Launch Site	Disability Care Australia	25-Sep-13		
Construction project in the remote Indigenous communities of Wutunugurra (Epenarra) and Canteen Creek, Northern Territory	Department of Prime Minister and Cabinet	28-Nov-13		
Remediation of the former Industrial Waste Collection landfill (IWC) Site, Lucas Heights NSW	Department of Finance	16-Oct-13		
Warships Pavilion at the Australian National Maritime Museum	Australian National Maritime Museum	3-Dec-13		
CSIRO colocation with South Australia Health Research Institute	CSIRO	9-Dec-13		



Appendix C - Committee meetings and hearings in the year ending 31 December 2013

Private meetings may include deliberative meetings, private briefings, site inspections and in-camera hearings. Public indicates public hearings.

43 rd Parliament				
Number	Date	Location	Meeting type	
81	29 January 2013	Canberra, ACT	Private	
82	31 January 2013	Sydney, NSW	Public/private	
83	1 February 2013	Lucas Heights, NSW	Public/private	
84	7 February 2013	Canberra, ACT	Private	
85	8 February 2013	Canberra, ACT	Public/private	
86	15 February 2013	Canberra, ACT	Public/private	
87	14 March 2013	Canberra, ACT	Private	
88	21 March 2013	Canberra, ACT	Private	
89	21 March 2013	Canberra, ACT	Public/private	
90	27 March 2013	Melbourne, VIC	Public/private	
91	19 April 2013	Teleconference	Private	
92	22 April 2013	Nowra and Sydney, NSW	Public/private	
93	23 April 2013	Sydney, NSW	Public/private	
94	30 April 2013	Melbourne, VIC	Public/private	
95	1 May 2013	Melbourne, VIC	Public/private	
96	10 May 2013	Teleconference	Private	
97	16 May 2013	Canberra, ACT	Private	
98	12 June 2013	Brisbane, QLD	Public/private	
99	20 June 2013	Canberra, ACT	Private	

100	27 June 2013	Canberra, ACT	Private
101	28 June 2013	Canberra, ACT	Private
102	25 July 2013	Teleconference	Private

44th Parliament

Number	Date	Location	Meeting type
1	12 December 2013	Canberra, ACT	Private
2	13 December 2013	Canberra, ACT	Public/private



Appendix D - Post-implementation reports received during 2013

Project title	Agency name	PWC report	Post-implementation received
Proposed integrated fitout of new leased premises for the Australian Taxation Office at 12-26 Franklin Street, Adelaide, South Australia	Australian Taxation Office	4/2010	31 May 2013
Proposed integrated fitout of new leased premises for the Australian Taxation Office in Albury, New South Wales	Australian Taxation Office	2/2011	31 May 2013
Proposed fitout of New Leased Premises for the Australian Taxation Office at the site known as 55 Elizabeth Street, Brisbane, Queensland	Australian Taxation Office	4/2011	31 May 2013
Proposed fitout of new leased premises for the Attorney General's Department at 4 National Circuit, Barton, ACT	Attorney-General's Department	1/2011	13 August 2013
Proposed fitout of new leased premises for Divisions of the Department of Innovation, Industry, Science and Research at Buildings 2 and 3, Riverside	Department of Industry (formerly Innovation, Industry, Science and Research)	1/2011	23 December 2013