

PARLIAMENT OF VICTORIA

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**Parliament House Completion Authority Act 1996**

**Act No.**

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PARLIAMENT OF VICTORIA

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Initiated in Assembly 29 May 1996

A BILL

to establish an Authority to control the improvement, refurbishment, alteration, extension and completion of Parliament House, to abolish the Public Bodies Review Committee and change the names and functions of two other Parliamentary Committees, to amend the **Parliamentary Committees Act 1968** and certain other Acts and for other purposes.

**Parliament House Completion Authority  
Act 1996**

**The Parliament of Victoria enacts as follows:**

**PART 1—PRELIMINARY**

**1. *Purposes***

The purposes of this Act are—

(a) to establish an Authority to control the improvement, refurbishment, alteration, extension and completion of Parliament House;

(b) to abolish the Public Bodies Review Committee and change the names and functions of two other Parliamentary Committees.

## 2. Commencement

This Act comes into operation on the day on which it receives the Royal Assent.

## 3. Definitions

In this Act—

**"appointed member"** means a member other than a member referred to in paragraph (b) or (c) of section 6(1);

**"Authority"** means Parliament House Completion Authority established by section 4;

**"chairperson"** means chairperson of the Authority;

**"House Committee"** has the same meaning as in the **Parliamentary Committees Act 1968**;

**"member"** means member of the Authority including the chairperson;

**"member of staff"** means a person employed by the Authority under section 16(a) or whose services are being used by the Authority under an arrangement of a kind referred to in section 16(b) but does not include a consultant engaged by the Authority;

**"Parliament House"** means the land in the Parish of Melbourne North in the City of Melbourne referred to in the Order in Council made

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under sections 4 and 7 of the **Crown Land (Reserves) Act 1978** on 30 October 1984 and published in the Government Gazette dated 7 November 1984 at page 4002 including all buildings situated on that land;

**"project"** means improvement, refurbishment, alteration, extension and completion of Parliament House including all related planning, design, demolition, construction and site works;

**"registered political party"** means eligible political party registered under Division 1A of Part V of **The Constitution Act Amendment Act 1958**.

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**PART 2—PARLIAMENT HOUSE COMPLETION  
AUTHORITY**

**Division 1—The Authority**

**4. *Establishment of Authority***

- 5 (1) There is established an Authority by the name of  
the Parliament House Completion Authority.
- (2) The Authority—
- (a) is a body corporate with perpetual  
succession;
- 10 (b) has a common seal;
- (c) may sue and be sued in its corporate name;
- (d) may acquire, hold and dispose of real and  
personal property;
- 15 (e) may do and suffer all acts and things that a  
body corporate may by law do and suffer.
- (3) The common seal of the Authority must be kept as  
directed by the Authority and must not be used  
except as authorised by the Authority.
- 20 (4) All courts must take judicial notice of the seal of  
the Authority affixed to a document and, until the  
contrary is proved, must presume that it was duly  
affixed.

**5. *The Crown***

25 The Authority is a public authority which  
represents the Crown.

**6. *Members of the Authority***

- (1) The Authority consists of —
- (a) a member of the Parliament of Victoria  
appointed as chairperson;
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- (b) the President of the Legislative Council;
  - (c) the Speaker of the Legislative Assembly;
  - (d) a member of the Parliament of Victoria who is a member of the registered political party of which the Premier is a member;
  - (e) a member of the Legislative Council who is a member of the registered political party of which the Leader of Her Majesty's Opposition in the Legislative Assembly is a member;
  - (f) a member of the Legislative Assembly who is a member of the registered political party of which the Leader of Her Majesty's Opposition in the Legislative Assembly is a member;
  - (g) a member of the Parliament of Victoria who is a member of a registered political party, other than the party of which the Premier is a member, of which at least one member is a responsible Minister of the Crown or, if there is no such party, is a member of a registered political party of which at least 11 members are members of Parliament, not being a party of which the Premier or the Leader of Her Majesty's Opposition in the Legislative Assembly is a member.
- (2) The appointed members shall be appointed by the Governor in Council on the recommendation of the Premier.
  - (3) The Premier must not recommend for appointment as a member a person who is a member of a registered political party other than the party of which the Premier is a member unless he or she has consulted the leader of that party in the Legislative Assembly about the appointment.
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- (4) **The Public Sector Management Act 1992** (including Part 9) does not apply to a member in respect of the office of member.

**7. Term of office**

- (1) Subject to this Act, an appointed member holds office until—
- (a) the end of the period, not exceeding 2 years, that is specified in his or her instrument of appointment as his or her term of office; or
  - (b) the appointment of another member under the same paragraph of section 6(1) following the expiry or dissolution of the Assembly after the appointment—
- whichever first occurs.

- (2) An appointed member is eligible for re-appointment if otherwise qualified.

**8. Vacancies, resignations**

- (1) The office of an appointed member becomes vacant if the member ceases to be a member of the Parliament of Victoria or to be a member of the political party of which he or she was a member at the time of his or her appointment.
- (2) An appointed member may resign from the office of member by notice in writing delivered to the Premier.

**9. Proceedings of the Authority**

- (1) A majority of the members for the time being constitutes a quorum of the Authority.
- (2) A question arising at a meeting shall be determined by a majority of votes of the members present and voting on that question and, if voting is equal, the person presiding has a casting, as well as a deliberative, vote.



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- (3) The Authority must ensure that accurate minutes are kept of its meetings.
  - (4) Subject to this Act, the Authority may regulate its own proceedings.

**10. *Chairperson to preside at meetings***

The chairperson or, in his or her absence, a member appointed by the members present, must preside at a meeting of the Authority.

**11. *Disclosure of interests***

- (1) If—
  - (a) a member has a direct or indirect pecuniary interest in a matter being considered, or about to be considered, by the Authority; and
  - (b) the interest could conflict with the proper performance of the member's duties in relation to the consideration of the matter—

the member, as soon as practicable after the relevant facts come to the member's knowledge, must disclose the nature of the interest at a meeting of the Authority.

- (2) A disclosure under sub-section (1) must be recorded in the minutes of the meeting and the member—
  - (a) must not be present during any deliberation of the Authority in relation to the matter; and
  - (b) must not take part in any decision of the Authority in relation to the matter.
- (3) Sub-section (1) does not apply in relation to a matter relating to the supply of goods or services to the member if the goods or services are, or are to be, available to members of the public, or all members of the Legislative Council or the

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Legislative Assembly, on the same terms and conditions.

## **12. Remuneration of chairperson**

- 5 (1) The chairperson is entitled to be paid, in addition to the salary and allowances that he or she is entitled to be paid as a member of the Parliament of Victoria, an additional salary and an expense allowance of the amount that he or she would be entitled to be paid under Part I of the
- 10 **Parliamentary Salaries and Superannuation Act 1968** if he or she held office as a responsible Minister of the Crown other than the Premier or the Deputy Premier.
- 15 (2) An appointed member (other than the chairperson) is entitled to be paid, in addition to the salary and allowances that he or she is entitled to be paid as a member of the Parliament of Victoria, for each attendance at a meeting of the Authority at which a quorum is present an expense allowance or a travelling allowance of the amount that he or she would be entitled to be paid under section
- 20 51A(1A) of the **Parliamentary Committees Act 1968** if the Authority were a Committee referred to in section 51A(6) of that Act.
- 25 (3) All money payable to the chairperson or any other member under this section shall be paid out of the Consolidated Fund which is, by this sub-section, to the necessary extent appropriated accordingly.

## **13. Office of member not office or place of profit**

30 The chairperson or any other member must not, by reason only of holding the office of chairperson or member or receiving any payment under section 12, be taken to hold an office or place of profit under the Crown which would—

- 
- (a) prevent him or her sitting or voting as a member of the Legislative Council or Legislative Assembly; or
  - (b) make null and void his or her election to the Legislative Council or Legislative Assembly; or
  - (c) prevent him or her continuing to be a member of the Legislative Council or Legislative Assembly; or
  - (d) make him or her guilty of an offence against, or subject him or her to liability to a penalty under, the **Constitution Act 1975**.

**14. *Validity of decisions***

An act or decision of the Authority is not invalid only because of—

- (a) a defect or irregularity in, or in connection with, the appointment of a member; or
- (b) a vacancy in the membership of the Authority, including a vacancy arising from the failure to appoint an original member.

**Division 2—Functions, Powers and Staff**

**15. *Functions***

The functions of the Authority are—

- (a) to ensure that the project is undertaken and completed and, for this purpose, to facilitate, enter into and manage any agreement or arrangement connected with, or incidental to, the project;
- (b) any other functions conferred on the Authority by or under this or any other Act.

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**16. Powers**

For the purpose of performing its functions, the Authority, in addition to all other powers conferred on it by or under this or any other Act—

- 5 (a) may employ staff or engage consultants;
- 10 (b) may enter into arrangements for the use by the Authority of the services of staff appointed or employed under the **Public Sector Management Act 1992** or the **Parliamentary Officers Act 1975**;
- (c) may appoint agents and attorneys, and act as agent;
- 15 (d) may accept grants or donations of money or other property (whether made by deed, will or otherwise) and may agree to and carry out any conditions of any such grant or donation;
- 20 (e) may do all other things necessary or convenient to be done for or in connection with, or as incidental to, the performance of its functions.

**17. Chief Executive Officer**

- 25 (1) The Authority shall, with the approval of the Minister, appoint a person as the Chief Executive Officer of the Authority.
- (2) The Chief Executive Officer must give the Authority any advice and assistance that it requires and must perform any other duties that the Authority from time to time directs.

**18. Delegation**

30 The Authority may, by instrument under its common seal, delegate to—

- (a) any member; or
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- (b) the Chief Executive Officer; or
  - (c) any member of staff—

any power of the Authority under this Act, other than this power of delegation.

**19. *Consultation with House Committee***

The Authority may consult the House Committee with respect to any matter related to the performance of the functions or the exercise of the powers of the Authority.

**Division 3—Financial**

**20. *Money of Authority***

All money received by the Authority must be paid into a bank account opened and maintained by the Authority.

**21. *Budget***

- (1) The Authority must prepare a budget for each financial year in the form the Minister and Treasurer direct and submit it to those Ministers no later than the date specified by them.
- (2) The Minister and the Treasurer may approve, with any variations that they think fit, a budget submitted under this section.
- (3) Except as authorised by the Minister and the Treasurer, no money shall be spent by the Authority except in accordance with the budget approved by those Ministers.

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**PART 3—GENERAL**

**22. Regulations**

The Governor in Council may make regulations for or with respect to any matter or thing required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to this Act.

**23. Powers and duties of House Committee**

In section 46 of the **Parliamentary Committees Act 1968**, after sub-section (2) **insert—**

"(3) Despite anything to the contrary in this section and except as otherwise agreed between the House Committee and the Authority, the House Committee does not have a function, power or duty in relation to the Parliament buildings that is given to the Parliament House Completion Authority by the **Parliament House Completion Authority Act 1996**".

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No. 65/1992.  
Subsequently  
amended by  
Nos 20/1994  
and 75/1994.

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**PART 4—OTHER AMENDMENTS**

**24. Family and Community Development Committee**

- (1) In the **Parliamentary Committees Act 1968**—
- (a) in the definition of "Joint House Committee" in section 3(1), for "Community Development Committee" **substitute** "Family and Community Development Committee";
  - (b) in section 4(g), for "Community" **substitute** "Family and Community";
  - (c) in section 4ED—
    - (i) for "Community" **substitute** "Family and Community";
    - (ii) before paragraph (a) **insert**—

"(aa) any proposal, matter or thing concerned with the family or the welfare of the family;"
    - (iii) in paragraph (b) after "welfare" **insert** "including the welfare of the family";
    - (iv) for "required to" **substitute** "required or".
- (2) The Family and Community Development Committee established under **the Parliamentary Committees Act 1968** as amended by sub-section (1) must be taken to be the same body as the Community Development Committee established under that Act before the commencement of sub-section (1) despite the alteration made by that sub-section to the name and functions of that body.

**25. Drugs and Crime Prevention Committee**

(1) In the **Parliamentary Committees Act 1968**—

- (a) in the definition of "Specific Purpose Committee" in section 3(1), for "Crime Prevention Committee" **substitute** "Drugs and Crime Prevention Committee";
- (b) in section 4A(1)(b), for "Crime" **substitute** "Drugs and Crime";
- (c) in section 4EF—
- (i) for "Crime" **substitute** "Drugs and Crime";
- (ii) after "with" **insert** "the illicit use of drugs (including the manufacture, supply or distribution of drugs for such use) or".

(2) The Drugs and Crime Prevention Committee established under **the Parliamentary Committees Act 1968** as amended by sub-section (1) must be taken to be the same body as the Crime Prevention Committee established under that Act before the commencement of sub-section (1) despite the alteration made by that sub-section to the name and functions of that body.

**26. Abolition of Public Bodies Review Committee**

In the **Parliamentary Committees Act 1968**—

- (a) in the definition of "Joint House Committee" in section 3(1), **omit** "Public Bodies Review Committee,";
- (b) the definition of "public body" in section 3(1) **is repealed**;



- (c) in section 4—
  - (i) for "7" **substitute** "6";
  - (ii) paragraph (a) is **repealed**;
- (d) section 4C is **repealed**;
- (e) in section 4I(2), for "Subject to section 4M(10), a" **substitute** "A";
- (f) in section 4I(4), **omit** "or in section 4M(10)";
- (g) in section 4J(3), **omit** "or in section 4M(10)";
- (h) section 4M is repealed;
- (i) in section 4O(2), **omit** "other than the Public Bodies Review Committee";
- (j) section 4P is **repealed**;
- (k) in section 4S—
  - (i) for "subsequent Committee" (where twice occurring) **substitute** "other Committee".

### **27. Tenure of Committees**

- (1) In section 4G(1)(b) of the **Parliamentary Committees Act 1968**, for "either House of the Parliament" **substitute** "the Assembly".
- (2) In section 36(c) of the **Parliamentary Committees Act 1968**, for "either House of Parliament" **substitute** "the Assembly".
- (3) In section 48(c) of the **Parliamentary Committees Act 1968**, for "either House of Parliament" **substitute** "the Assembly".

### **28. Film Victoria Act 1981**

Section 23 of the **Film Victoria Act 1981** is **repealed**.

**29. *Renewable Energy Authority Victoria Act 1990***

Section 22 of the **Renewable Energy Authority Victoria Act 1990** is repealed.

**30. *Docklands Authority Act 1991***

Section 57 of the **Docklands Authority Act 1991** is repealed.

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**NOTES**

By Authority. Government Printer for the State of Victoria.

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