

OFFICIAL: SensitivePDR Number:
MS21-000851

Australian Government
Department of Finance

MINISTERIAL SUBMISSION

Copies to:
Secretary
Ms Hall
Mr Yannopoulos
Mr Hunt
Ms Lee
Mr Whirfart

Minister for Finance
CC: Assistant Minister for Electoral Matters

18 August 2021

**Parliamentary Standing Committee on Public Works (PWC) -
Exemption of Proposed Quarantine Facility, Western Australia and
Queensland**

Timing: Urgent. Consideration by 20 August 2021 is requested to allow the Expediency Motion to be moved in the House of Representatives in the sitting week currently scheduled to begin 23 August 2021.

Recommendations:

That you:

- i. **agree** to the exemption of the proposed works for new Quarantine Facilities in Western Australia and Queensland from referral to the PWC pursuant to s18(8)(b) of the *Public Works Committee Act 1969* (PWC Act) due to the urgent nature of the works; and
AGREED / NOT AGREED / PLEASE DISCUSS
- ii. **agree** that the Assistant Minister for Electoral Matters, the Hon Ben Morton MP, sign and lodge the Notice of Motion at Attachment A, draw upon the draft speech at Attachment B and sign the letter at Attachment C to the PWC Chair.
AGREED / NOT AGREED / PLEASE DISCUSS

Key Issues:

The PWC Act requires all public works for the Commonwealth, with estimated costs exceeding \$15 million for non-defence purposes (or \$75 million for defence purposes), to be referred to the PWC for consideration. Works may not commence until the PWC has tabled its report in both houses of the Parliament and the House of Representatives has resolved that it is expedient for the works to be carried out.

2. Subsection 18(8)(b) of the PWC Act provides that a public work may commence if the House of Representatives has resolved that, due to the urgent nature of the work, it is expedient that the work be carried out without referral to the PWC.

3. The cost of the Commonwealth-owned quarantine facility works at Western Australia and Queensland will exceed the PWC threshold of \$15 million. Accordingly, these proposals would normally be referred to the PWC for scrutiny. A referral process typically takes around 14 weeks and does not occur until at least the concept design stage.

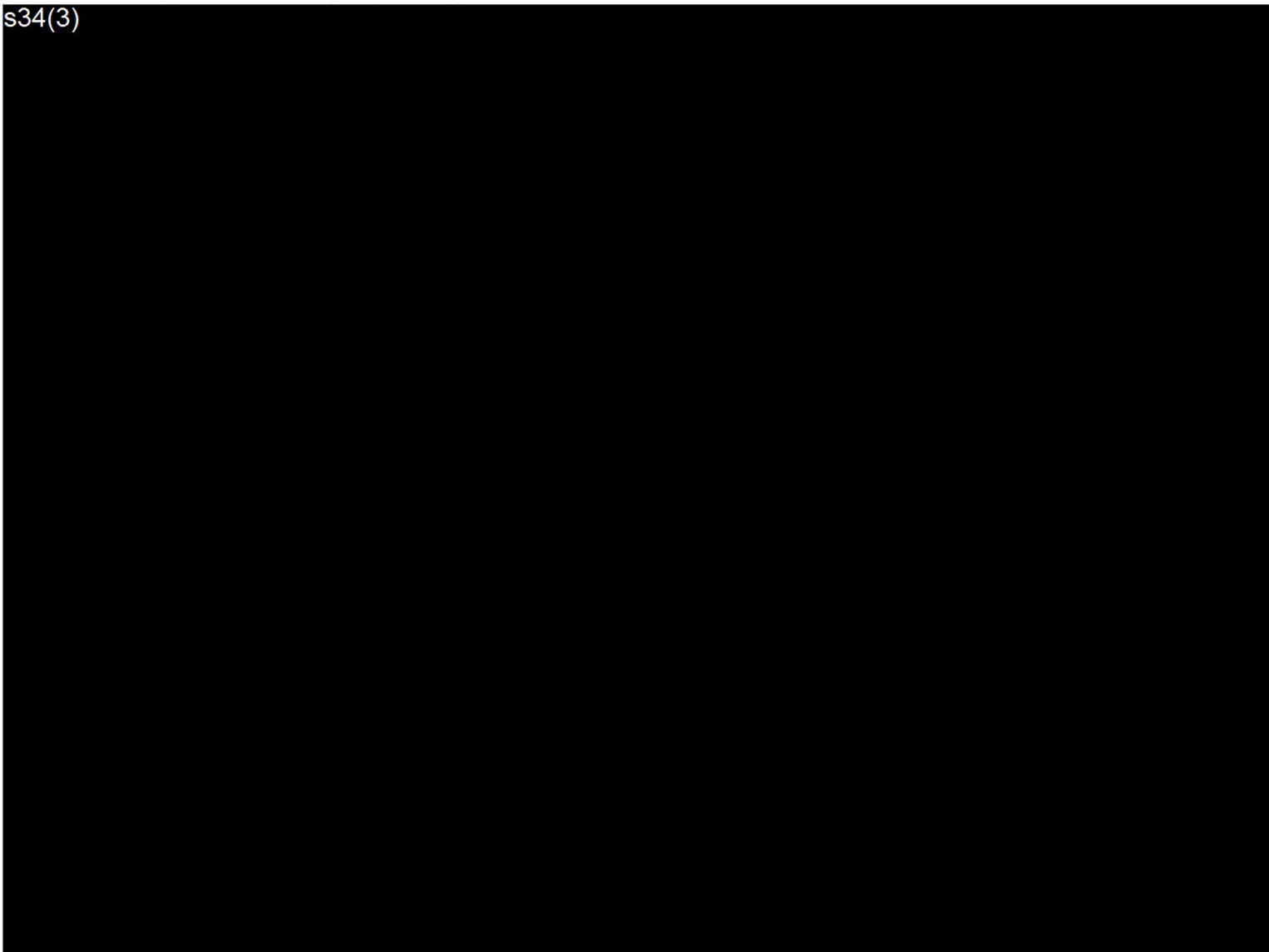
4. The Commonwealth, Queensland and Western Australian governments are seeking to have quarantine facilities constructed as soon as possible, with construction proposed to commence in the last quarter of 2021. Given the urgency of these works to support the Government's response to the COVID-19 pandemic and commitment to bring Australians home, Finance considers a referral to the PWC would place significant risks on the project timelines and recommends an urgency exemption is sought. This is consistent with the approach that was adopted in Victoria.

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5. The Assistant Minister for Electoral Matters, as responsible Minister for property matters, has the authority to move a motion in the House of Representatives to resolve that it is expedient for the project to be carried out without referral to the PWC.
6. Should you agree to seek the urgency exemption, Finance will work with the Assistant Minister's Office to move a motion in the sitting week commencing 23 August 2021 to avoid potential delays. The Notice of Motion at Attachment A does not identify the specific sites for quarantine facilities.
7. Copies of the Notice of Motion should be provided to the Prime Minister's Office and to the PWC Secretariat.
8. If the House of Representatives does not resume sitting on 23 August 2021 due to the current COVID-19 situation, an exemption from referral could alternatively be pursued on the basis of repetitive works under s18(8)(d) of the PWC Act. By notice published in the *Gazette*, you may declare a work to be a repetitive work if:
 - (a) you are satisfied that the work is substantially similar to other works that have been carried out, are being carried out or are likely to be carried out from time to time by or for the Commonwealth; and
 - (b) the PWC has agreed to the work being so declared.
9. The repetitive works provision has previously been used for Defence airfield maintenance works at various RAAF bases. Should you wish to pursue this approach, we will brief you separately including draft correspondence to the PWC with relevant information for it to consider the proposed exemption.

s34(3)



Background:

17. On 23 June 2021, a motion was passed in the House of Representatives to exempt the construction of a new Quarantine facility in Victoria, by reason of the urgent nature of the works, from referral to PWC.

Consultation:

18. Internal: Property and Construction Division, Budget and Financial Reporting Group.

Approved for electronic transmission

Hew Atkin
Assistant Secretary
Quarantine Taskforce
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Contact Officer:
Job Title/Level:
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PDR Number

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Simon Birmingham

HOUSE OF REPRESENTATIVES

NOTICE OF MOTION

Mr Morton:

Mr Speaker, I give notice that at the next day of sitting I shall move:

That, in accordance with the provisions of the *Public Works Committee Act 1969*, and by reason of the urgent nature of the works, it is expedient that the following works be carried out without referral to the Parliamentary Standing Committee on Public Works:

New Quarantine Facilities in Queensland and Western Australia

HOUSE OF REPRESENTATIVES

Public Works Expediency Motion

The Government in partnership with the Western Australian and Queensland governments wishes to proceed urgently with the construction of new quarantine facilities in Perth and Brisbane respectively.

The Commonwealth is working with both governments to progress the development of these projects, which includes consideration of Commonwealth processes, agreeing design requirements, procurement, contracting, and a build program to completion.

I note that a proposal to proceed with a construction project without referral to the Public Works Committee is not common. The Government very much supports the work of the Public Works Committee and has not taken this decision lightly.

The Government has decided that, given the urgency of the projects, it is not feasible to refer these works to the Public Works Committee. This is consistent with the approach taken for the Victorian quarantine facility.

Subject to Parliamentary approval, the projects will commence as soon as possible.

I commend the motion to the House.



THE HON BEN MORTON MP
ASSISTANT MINISTER TO THE PRIME MINISTER AND CABINET
ASSISTANT MINISTER TO THE MINISTER FOR THE PUBLIC SERVICE
ASSISTANT MINISTER FOR ELECTORAL MATTERS

Reference: MS21-000586

Mr Rick Wilson MP
Chair
Parliamentary Standing Committee on Public Works
Parliament House
CANBERRA ACT 2600

Dear Mr Wilson

The Government intends to move a motion in the House of Representatives to exempt the construction of new quarantine facilities in Queensland and Western Australia from consideration by the Parliamentary Standing Committee on Public Works (the Committee), on the grounds of urgency.

I note that the Commonwealth, Queensland and Western Australian governments are seeking to have the facilities constructed as soon as possible, with construction proposed to commence in the last quarter of 2021. The scope and design of the facilities are expected to be finalised prior to construction.

On the basis of these timeframes and the urgency, I have agreed that it is expedient that these works be carried out without referral to the Committee, pursuant to section 18(8)(b) of the *Public Works Committee Act 1969*. This is consistent with the approach taken for the Victorian quarantine facility. Noting the public importance of these urgent projects, the Government proposes to offer a briefing to the Committee at an appropriate time.

Given these circumstances, I will move an Expediency Motion in the House of Representatives at the earliest opportunity during the next Parliamentary sitting week.

I have copied this letter to the Prime Minister, the Hon Scott Morrison MP, and the Minister for Finance, Senator the Hon Simon Birmingham.

Yours sincerely

BEN MORTON

/ / 2021