

2008

The Parliament of the  
Commonwealth of Australia

THE SENATE

## Infrastructure Australia Bill 2008

*(Amendments to be moved by Senator Milne on behalf of the Australian Greens in committee of the whole)*

- (1) Clause 5, page 3 (after line 17), after paragraph (1)(b), insert:
  - (ba) greenhouse gas emission and oil consumption implications of any development;  
***[functions of Infrastructure Australia]***
- (2) Clause 5, page 4 (lines 12 and 13), omit paragraph (2)(g).  
***[functions of Infrastructure Australia]***
- (3) Heading to subclause 5(5), page 4 (line 29), omit “not”.  
***[ministerial direction to be a legislative instrument]***
- (4) Clause 5, page 4 (line 30), omit “not”.  
***[ministerial direction to be a legislative instrument]***
- (5) Page 5 (after line 13), after Division 1, insert:

### **Division 1A—Reference of advice of Infrastructure Australia to the Parliamentary Standing Committee on Public Works**

#### **6A Reference of advice of Infrastructure Australia to the Parliamentary Standing Committee on Public Works**

- (1) If Infrastructure Australia provides advice in accordance with its functions under section 5 in support of infrastructure the estimated cost of which exceeds the threshold amount, the advice stands referred to the Parliamentary Standing Committee on Public Works for consideration and report.
- (2) On receiving the advice of Infrastructure Australia in support of infrastructure the estimated cost of which exceeds the threshold amount, the Minister must cause a copy of the advice to be laid before each House of the Parliament within 5 sitting days of that House after the day on which the Minister receives the advice, together with:
  - (a) a statement in relation to the infrastructure; and
  - (b) such plans, specifications and other particulars as the Minister thinks necessary.

- (3) Development of infrastructure which is the subject of advice that has been referred to the committee in accordance with this section must not be commenced before a report of the committee concerning the work has been presented to both Houses of the Parliament.
- (4) If, after a report of the committee in accordance with this section, on advice of Infrastructure Australia on the development of the infrastructure, has been presented to both Houses of the Parliament and before the development of the infrastructure has been commenced, each House resolves that, for reasons or purposes stated in the resolution, the advice in support of the infrastructure be again referred to the committee for consideration and report, the committee must further consider the advice and the development of the infrastructure must not be commenced before a further report of the committee concerning the advice has been presented to both Houses.
- (5) The development of the infrastructure the subject of advice that has been referred to the committee must not be commenced unless, after the report of the committee (or, if there has been a further reference of the advice under subsection (4), the report of the committee on the further reference) has been presented to both Houses of the Parliament, both Houses have resolved that it is expedient to carry out the development of the infrastructure.
- (6) The development of the infrastructure the estimated cost of which exceeds the threshold amount must not be commenced unless:
  - (a) the committee has reported on the advice of Infrastructure Australia in relation to the infrastructure in accordance with this section; or
  - (b) both Houses have resolved that, by reason of the urgent nature of the development of the infrastructure, it is expedient that it be carried out without the advice of Infrastructure Australia in relation to that infrastructure having been referred to the committee; or
  - (c) the Governor-General has, by order, declared that the development of the infrastructure is for defence purposes and that the reference of the advice in relation to the development of the infrastructure to the committee would be contrary to the public interest; or
  - (d) the development of the infrastructure has been declared, by a notice under subsection (7), to be a repetitive development for the purposes of this subsection.
- (7) The Minister may, by notice published in the *Gazette*, declare the development of the infrastructure to be a repetitive development for the purposes of subsection (8) if:
  - (a) he or she is satisfied that the development of the infrastructure is substantially similar to other development of infrastructure that has been carried out, is being carried out or is likely to be carried out from time to time by or for the Commonwealth, or by or for an authority of the Commonwealth to which the *Public Works Committee Act 1969* applies; and
  - (b) the committee has agreed to the development of the infrastructure being so declared.
- (8) In this section:

**committee** means the Parliamentary Standing Committee on Public Works for the time being constituted in accordance with the *Public Works Committee Act 1969*.

**estimated cost**, in relation to the development of infrastructure, means an estimate of cost made when all particulars of the development of the infrastructure substantially affecting its cost have been determined.

**threshold amount** means:

- (a) \$50,000,000; or

- (b) if another lower amount is specified in the regulations for the purposes of this definition—that other amount.