



Australian Capital Territory

Building and Construction Industry Training Levy Act 1999 No 30

Republication No 3

Republication date: 11 September 2002

Last amendment made by Act 2001 No 93

Amendments incorporated to 11 September 2002

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Building and Construction Industry Training Levy Act 1999* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 11 September 2002. It also includes any amendment, repeal or expiry affecting the republished law to 11 September 2002.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.

Amendments incorporated to
11 September 2002



Australian Capital Territory

Building and Construction Industry Training Levy Act 1999

Contents

	Page	
Part 1	Preliminary	
1	Name of Act	2
2	Dictionary	2
3	Notes	2
Part 2	The building and construction industry training fund board	
4	Building and Construction Industry Training Fund Board	3
5	Functions	3
7	Members of the board	3

Contents

		Page
8	Leave of absence	4
9	Disclosure of interest	4
11	Termination of appointment	5
13	Meetings and procedures	5
14	Administration	6
Part 3	Levy on building and construction work	
15	Definitions for pt 3	7
15A	Extended meaning of <i>exempt work</i>	8
16	Rate of levy	8
17	Training levy liability	9
18	Calculation of training levy	9
19	Assessment of value of work	9
20	Payment of levy	9
21	Refund of levy if work not carried out	10
22	Adjustment of levy	10
Part 4	The building and construction industry training fund	
23	Establishment and operation of fund	12
24	Application of fund	12
Part 5	Building and construction industry training plans	
25	Approval of training plans	13
26	Inspection of training plans	13
27	Application of training plans	13
28	Funding for training	14
Part 6	Inspectors	
29	Appointment	15
30	Identity cards	15
31	Powers of entry	15
32	Consent to entry and inspection	16
33	Search warrants	17

	Page
34 Powers of inspectors	18
35 Obstruction of inspectors	19
36 False or misleading information	19
Part 7 Miscellaneous	
37 Regulation-making power	21
Schedule 1 Work	22
Dictionary	24
Endnotes	
1 About the endnotes	25
2 Abbreviation key	25
3 Legislation history	26
4 Amendment history	26
5 Earlier republications	29

Amendments incorporated to
11 September 2002



Australian Capital Territory

Building and Construction Industry Training Levy Act 1999

An Act to impose a levy for improving training in the building and construction industry

Part 1 Preliminary

1 Name of Act

This Act is the *Building and Construction Industry Training Levy Act 1999*.

2 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines certain words and expressions used in this Act, and includes references (*signpost definitions*) to other words and expressions defined elsewhere in this Act.

For example, the signpost definition '*project owner*, for part 3—see section 15.' means that the expression 'project owner' is defined in that section and the definition applies to part 3.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see *Legislation Act 2001*, s 155 and s 156 (1)).

3 Notes

A note included in this Act is explanatory and is not part of this Act.

Note See *Legislation Act 2001*, s 127 (1), (4) and (5) for the legal status of notes.

Part 2 The building and construction industry training fund board

4 Building and Construction Industry Training Fund Board

- (1) There is a board called the Building and Construction Industry Training Fund Board.
- (2) The board—
 - (a) is a corporation; and
 - (b) must have a common seal.

5 Functions

The functions of the board are—

- (a) to administer the fund; and
- (b) to make payments, or direct that payments be made, from the fund in accordance with training plans.

Note The *Legislation Act 2001*, s 196 (1) provides that a provision of an Act that gives an entity (including the board) a function also gives the entity the powers necessary and convenient to exercise the function.

7 Members of the board

- (1) The board shall consist of—
 - (a) a chairperson; and
 - (b) 2 persons to represent the interests of employers in the industry; and
 - (c) 2 persons to represent the interests of employees in the industry.
- (2) A member—

- (a) is appointed by the Minister; and
- (b) is to be appointed for a term of not longer than 3 years.

Note 1 A person may be reappointed to a position if the person is eligible to be appointed to the position (see *Legislation Act 2001*, s 208 (1) (c) and dict, def of **appoint**).

Note 2 A power to appoint a person to a position includes power to appoint a person to act in the position (see *Legislation Act 2001*, s 209).

- (3) The instrument appointing, or evidencing the appointment of, a member must state the term for which the member is appointed.
- (4) In this section:

industry means the building and construction industry.

8 Leave of absence

The Minister may grant leave of absence to a member.

9 Disclosure of interest

- (1) A member who—
 - (a) has a direct or indirect personal or pecuniary interest in a matter being considered or about to be considered by the board; and
 - (b) intends to attend, or attends, the meeting of the board at which the matter is likely to be, or is, considered;

shall, as soon as practicable after the relevant facts have come to the member's knowledge, disclose the nature of the interest to the board.

- (2) A disclosure shall be recorded in the minutes of the meeting and, unless the board otherwise determines, the member shall not—
 - (a) be present during any deliberation of the board with respect to that matter; or

- (b) take part in any decision of the board with respect to that matter.
- (3) A member referred to in subsection (1) shall not—
 - (a) be present during any deliberation of the board for the purpose of considering whether to make a determination under subsection (2) in relation to that member; or
 - (b) take part in the making by the board of such a determination.

11 Termination of appointment

The Minister shall terminate the appointment of a member if the member—

- (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with creditors or makes an assignment of remuneration for the benefit of creditors; or
- (b) is absent, except on leave granted under section 8, from 3 consecutive meetings of the board; or
- (c) fails, without reasonable excuse, to comply with an obligation imposed by section 9; or
- (d) is convicted, in Australia or elsewhere, of an offence punishable by imprisonment for 1 year or longer.

Note A member's appointment also ends if the member resigns (see *Legislation Act 2001*, s 210).

13 Meetings and procedures

- (1) The chairperson—
 - (a) may convene a meeting of the board at any time; and
 - (b) shall convene a meeting on receipt of a written request signed by at least 2 of the other members.

- (2) At a meeting of the board a quorum consists of 3 members, of whom—
 - (a) 1 shall be a member who represents the interests of employers in the building and construction industry; and
 - (b) 1 shall be a member who represents the interests of employees in the industry.
- (3) The chairperson shall preside at all meetings of the board.
- (4) The board shall keep a written record of its proceedings.
- (5) A question arising at a meeting shall be determined by a majority of votes of the members present and voting.
- (6) In the event of an equality of votes, the chairperson has a casting vote.
- (7) Subject to this section, the board may determine the procedures for the convening of, and to be followed at, its meetings.

14 Administration

The board may make arrangements with the council or any other person for the provision of—

- (a) administrative or secretarial services to the board; or
- (b) the administration of the fund in accordance with the directions of the board.

Part 3 Levy on building and construction work

15 Definitions for pt 3

In this part:

Building Act means the *Building Act 1972*.

building approval means a building approval under the Building Act.

building controller means the building controller under the Building Act.

building work—see the Building Act, section 5 (1).

exempt work means—

- (a) work the value of which is not more than \$10 000; or
- (b) work done by a public authority, other than work that has been awarded to the public authority because of a public tendering process.

Note See also s 15A for transitional provisions for this definition.

owner, for land—see the Building Act, section 5 (1).

project owner, for work, means—

- (a) if the work has been, is being or will be done on land by the owner of the land or by an employee or agent of the owner on the owner's behalf—the owner; or
- (b) in any other case—the person who has done, is doing or will do the work.

public authority means—

- (a) the Territory, the Commonwealth, a State or another Territory; or
- (b) a body corporate established for a public purpose by a law of the Territory, the Commonwealth, a State or another Territory, other than a company or incorporated association; or
- (c) any other person or body (including a company or incorporated association) that is prescribed for the purposes of this paragraph.

qualified valuer means a person who is prescribed under the regulations as a qualified valuer.

rate of levy means the rate set out in section 16.

value, for work, means the value assessed under section 19.

15A Extended meaning of *exempt work*

- (1) For this part:

exempt work includes work—

- (a) for which a building approval has been issued before the commencement of section 19; or
- (b) for the doing of which a written offer or tender has been made before the commencement of section 19.

- (2) This section and the note to the definition of **exempt work** in section 15 expire 1 year after this section commences.

16 Rate of levy

For the purposes of this part, the rate of levy is 0.2 % of the value of the work in respect of which the training levy is payable.

17 Training levy liability

- (1) A levy, ascertained in accordance with this part is payable, in accordance with this part, to the board in respect of work other than exempt work.
- (2) The training levy is payable by the project owner.
- (3) Training levy for building work may be paid to the building controller as agent for the board.

18 Calculation of training levy

The amount of training levy payable is the amount ascertained by multiplying the value of the work by the rate of levy.

19 Assessment of value of work

- (1) The value of work on which levy is payable is—
 - (a) if the work is building work—the value used to work out the fee payable under the Building Act in relation to the issue of the building approval for the work; or
 - (b) in any other case—the value agreed by the board and the project owner or, if they disagree, the value assessed by a qualified valuer appointed under this section.
- (2) The board or the project owner may, if reasonably satisfied that they are unlikely to agree on value, ask the council to appoint a qualified valuer to assess the value of the work.
- (3) The council must give effect to a request under subsection (2).
- (4) The reasonable cost of the appointment of a qualified valuer under this section is payable by the board and the project owner equally.

20 Payment of levy

- (1) If training levy is payable in respect of work, the project owner must pay it—

- (a) if the work is building work—before the issue of the building approval; or
 - (b) if the work is not building work—within 7 days after the commencement of the work.
- (2) A project owner must not, without reasonable excuse, contravene subsection (1).

Maximum penalty (subsection (2)): 50 penalty units.

21 Refund of levy if work not carried out

- (1) If—
- (a) training levy has been paid for work before its commencement; and
 - (b) the work does not commence;
- the board must refund to the project owner the amount paid.
- (2) The board must make a refund under subsection (1) within 1 month after receiving a written request for it from the project owner.

22 Adjustment of levy

- (1) This section applies if training levy has been paid for work other than building work and, in the opinion of the board or the project owner, the value of the work—
- (a) at the completion of the work; or
 - (b) if the work is abandoned before completion—when the work is abandoned;
- differs from the value on which the training levy was based.
- (2) The board or the project owner may tell the other in writing that the amount of the training levy should be recalculated on the basis of

the value of the work at its completion or abandonment (as the case requires).

- (3) If a notice under subsection (2) is given, the value of the work at its completion or abandonment must be assessed in accordance with section 19.
- (4) If the amount of training levy paid is smaller than the amount that would have been payable if the levy had been calculated on the value of the work ascertained by virtue of this section, the project owner must pay to the board an amount equal to the difference.
- (5) If the amount of training levy paid is greater than the amount that would have been payable if the levy had been calculated on the value of the work ascertained by virtue of this section, the board must pay to the project owner an amount equal to the difference.
- (6) An amount payable under subsection (4) or (5) is payable within 1 month of the ascertainment of the value of the work under subsection (3).

Part 4 The building and construction industry training fund

23 Establishment and operation of fund

- (1) The board shall establish and maintain a fund.
- (2) The fund shall consist of—
 - (a) moneys received by the board as payments of training levy or amounts payable under section 22 (4) after reassessment of the value of work; and
 - (b) interest generated by moneys standing to the credit of the fund.
- (3) The moneys of the fund—
 - (a) are the property of the board; and
 - (b) shall be kept separate from all other property of the board; and
 - (c) shall be expended only in accordance with this Act.
- (4) The board shall administer the fund in such manner as the Minister approves in writing.

24 Application of fund

The fund shall be applied only for the following purposes:

- (a) to meet the costs and expenses incurred in the administration of the fund by the board;
- (b) to make any payments that are payable under arrangements made under section 14;
- (c) to make payments of refunds under section 21 or 22 (5);
- (d) to make payments approved by the board under section 28.

Part 5 Building and construction industry training plans

25 Approval of training plans

- (1) The Minister may, after consultation with the council and the board, in writing approve a training plan for the building and construction industry.
- (2) A training plan shall—
 - (a) identify training needs in the building and construction industry that warrant financial support from the fund; and
 - (b) provide an estimate of the funds that appear to be required for the fulfilment of those needs;in respect of a calendar year.
- (3) A training plan approved by the Minister is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

26 Inspection of training plans

- (1) A person may inspect a copy of a training plan at the office of the council during ordinary office hours.
- (2) This section does not apply in relation to a training plan that has no effect or no longer has effect.

27 Application of training plans

- (1) Subject to this section, a training plan has effect in respect of the calendar year specified in the training plan.
- (2) A training plan has no effect unless approved by the Minister on or before 30 June in the year immediately before the calendar year

specified in the training plan as the year in respect of which the plan is to have effect.

- (3) Where, in respect of a calendar year, no training plan would, but for this subsection, have effect, the training plan that had effect in respect of the immediately previous calendar year continues, by virtue of this subsection, to have effect in relation to the firstmentioned calendar year.

28 Funding for training

- (1) Subject to this section, the board may approve the expenditure of fund moneys for the provision, in a calendar year, of training identified as warranting financial support from the fund in the training plan that has effect in respect of that year.
- (2) The board shall not approve the expenditure of an amount if the total of the commitment in relation to that amount and of all other outstanding commitments for expenditure from the fund would exceed the amount standing to the credit of the fund.
- (3) The expenditure of fund moneys under this section shall only be approved for the purpose of approved training to be provided by a registered provider.
- (4) In this section:

approved training means training, or training of a kind, that is declared by the regulations to be approved training for the purposes of this section.

registered provider—see the *Vocational Education and Training Act 1995*, section 4 (1).

Part 6 Inspectors

29 **Appointment**

The board may, by notice in writing, appoint a person to be an inspector for the purposes of this Act.

30 **Identity cards**

- (1) The board shall cause to be issued to an inspector an identity card that specifies the name and appointment of the inspector and bears a recent photograph of the inspector.
- (2) A person appointed inspector shall, on ceasing to be an inspector, return his or her identity card to the board.
- (3) A person who, without reasonable excuse, fails to comply with subsection (2) commits an offence.

Maximum penalty (subsection 3)): 1 penalty unit.

31 **Powers of entry**

- (1) Where an inspector believes on reasonable grounds that—
 - (a) work is being carried out on any land; or
 - (b) work has been carried out on any land and the training levy in respect of that work has not been paid or has not been paid in full;

the inspector may, in accordance with this section and with such assistance as is reasonably necessary for the discharge of his or her functions under this part, enter during normal business hours the land and any premises, whether on the land or not, in which the inspector believes on reasonable grounds that documents or records relating to the work are kept.

- (2) An inspector may enter any land or premises and exercise any power specified in section 34—
 - (a) with the consent of the occupier of the land or premises; or
 - (b) under a warrant issued under section 33 (2).
- (3) An inspector who enters land or premises under subsection (1) is not entitled to remain if, on request by the occupier, the inspector does not produce his or her identity card to the occupier.
- (4) Where an inspector is satisfied, after making reasonable inquiries, that no person is present and in charge of land or premises entered by him or her under a warrant, he or she shall leave, in a conspicuous position on the land or the premises (as the case requires), a notice advising that he or she made an entry in pursuance of this section.

32 Consent to entry and inspection

- (1) Before seeking the consent of the occupier of premises for the purposes of section 31 (2) (a), an inspector shall inform the occupier that he or she may refuse to give that consent.
- (2) If the inspector obtains the occupier's consent for those purposes, the inspector shall ask the occupier to sign a written acknowledgment—
 - (a) that the occupier has been informed that he or she may refuse to give consent, for the purposes of section 31 (2) (a), for the inspector to enter the occupier's premises and to exercise any power under section 34; and
 - (b) that the occupier has given the inspector that consent; and
 - (c) of the day on which, and the time at which, the consent was given.
- (3) Where it is material, in any proceedings, for a court to be satisfied that an occupier has consented for the purposes of section 31 (2) (a),

and an acknowledgment, in accordance with subsection (2), signed by the occupier, is not produced in evidence, it shall be presumed that the occupier did not consent, but the presumption is rebuttable.

33 Search warrants

- (1) This section applies where information is laid before a magistrate alleging that an inspector has reasonable grounds for suspecting that there may be—
- (a) on any land—work in respect of which payment of training levy has not been made, or made fully, in accordance with this Act; or
 - (b) on any premises—
 - (i) a thing of a particular kind connected with a particular offence against this part; or
 - (ii) a document or record relating to work mentioned in paragraph (a);

and the information sets out those grounds.

- (2) Where this section applies, the magistrate may, subject to this section, issue a search warrant authorising the inspector named in the warrant, with such assistance and by such force as is necessary and reasonable—
- (a) to enter any land or premises described in the warrant; and
 - (b) to search the premises for things of the kind mentioned in subsection (1) (b) (i) or a document or record mentioned in subsection (1) (b) (ii), as the case requires; and
 - (c) to exercise any of the powers listed in section 34 in relation to a thing, document or record to which the warrant refers.
- (3) A magistrate shall not issue a warrant unless—

- (a) the informant or another person has given the magistrate, either orally or by affidavit, any further information that the magistrate requires concerning the grounds on which the issue of the warrant is being sought; and
 - (b) the magistrate is satisfied that there are reasonable grounds for issuing the warrant.
- (4) The warrant shall—
- (a) state the purpose for which it is issued; and
 - (b) specify the nature of the offence, or the lack of compliance, in relation to which the entry and search are authorised; and
 - (c) specify particular hours during which the entry is authorised or state that the entry is authorised at any time of the day or night; and
 - (d) specify the date (being a date not later than 1 month after the date on which the warrant is issued) on which the warrant ceases to have effect.

34 Powers of inspectors

- (1) An inspector who enters land or premises in accordance with this part may—
- (a) inspect or examine any work on the land and take measurements relating to it; and
 - (b) require any person apparently in charge of the land or premises to make available to the inspector any document or record or provide information, including information stored in a computer, that appears to be relevant to the calculation of training levy; and
 - (c) inspect, make copies of and take extracts from any document or record or any information made available to the inspector; and

- (d) require any person apparently in charge of the land or premises to answer questions related to the calculation of training levy; and
 - (e) require any person apparently in charge of the land or premises to render such assistance as is necessary and reasonable to enable the inspector to exercise his or her powers under this section.
- (2) A person is not excused from providing information or from producing a document or other record when requested to do so under subsection (1) on the ground that providing the information or producing the document or record may tend to incriminate the person or expose the person to a civil penalty, but the information or the production of the document is not admissible in evidence against the person in any proceedings, other than proceedings for an offence against section 36.

35 Obstruction of inspectors

A person shall not, without reasonable excuse—

- (a) obstruct or hinder an inspector in the exercise of a function under this Act; or
- (b) fail to comply with a requirement made by an inspector under section 34.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

36 False or misleading information

A person shall not, in purported compliance with a request under section 34 (1) (d) or (e), knowingly or recklessly—

- (a) make a statement or provide information that is false or misleading in a material particular; or

- (b) give to the inspector a document or record containing information that is false or misleading in a material particular without—
 - (i) indicating to the inspector that the document or record is false or misleading and the respect in which it is false or misleading; and
 - (ii) providing correct information to the inspector if the person has, or can reasonably obtain, the correct information.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

Part 7 Miscellaneous

37 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Schedule 1 Work

(see dict, def of *work*)

- 1 The construction, erection, alteration, repair, renovation, demolition, maintenance or removal of a building or structure.
- 2 The construction, alteration or repair of a road, street parking area, footpath, thoroughfare (for pedestrians or vehicles), kerbing, guttering, roundabout, median strip, or the performance of other road works.
- 3 The construction, alteration, repair, demolition or removal of a railway or part of a railway, or of any platform, signal or other structure connected with a railway.
- 4 The construction, alteration, repair, demolition or removal of an aircraft runway or a helicopter landing pad.
- 5 The construction, alteration, repair, demolition or removal of a bridge, viaduct, aqueduct or tunnel.
- 6 The construction, alteration, repair, demolition or removal of a harbour, breakwater, retaining wall or marina.
- 7 The performance of excavation work.
- 8 The construction, alteration, repair, demolition or removal of a dam, reservoir, weir or other embankment or structure for the catchment, collection, storage, control or diversion of water.
- 9 The laying of pipes and other prefabricated material in the ground.
- 10 The construction, erection, installation, alteration, repair, demolition or removal of any system or plant associated with the conveyance, collection, storage, treatment or distribution of water or gas, or the disposal of sewage or effluent.
- 11 Electrical, electronic, communications or data networks or mechanical services work, including work that is related to the

construction, erection, installation, alteration, repair, servicing or dismantling of any plant, plant facility or equipment.

- 12 The on-site construction, installation, alteration, repair, renovation, demolition or removal of—
 - (a) a lift or escalator; or
 - (b) any airconditioning, ventilation or refrigeration system or equipment.
- 13 The construction, repair, alteration or removal of a playing field, golf course, racecourse, stadium, swimming pool or other sporting or recreational facility.
- 14 Landscaping or the construction, alteration or removal of a park or garden.
- 15 Work to improve the drainage of land.
- 16 The removal of material that is asbestos for the purposes of the *Building Act 1972* from a building or any machinery, plant or equipment located in or on a building.
- 17 Any site preparation work (including pile driving) preliminary to the performance of any construction work.

Dictionary

(see s 2)

board means the Building and Construction Industry Training Fund Board established by section 4.

Building Act, for part 3—see section 15.

building approval, for part 3—see section 15.

building controller, for part 3—see section 15.

building work, for part 3—see section 15.

chairperson means the chairperson of the board.

council means the ACT Regional Building & Construction Industry Training Council Incorporated.

exempt work, for part 3—see section 15.

fund means the fund established under section 23 (1).

member means a person referred to in section 7 (1).

owner, for part 3—see section 15.

project owner, for part 3—see section 15.

public authority, for part 3—see section 15.

rate of levy, for part 3—see section 15.

training levy means the levy payable under section 17.

training plan means a training plan approved under section 25.

value, for part 3—see section 15.

work means—

- (a) work mentioned in schedule 1; or
- (b) work prescribed under the regulations.

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
IA = Interpretation Act 1967	renum = renumbered
ins = inserted/added	reloc = relocated
LA = Legislation Act 2001	R[X] = Republication No
LR = legislation register	s = section/subsection
LRA = Legislation (Republication) Act 1996	sch = schedule
mod = modified / modification	sdiv = subdivision
No = number	sub = substituted
num = numbered	SL = Subordinate Law
o = order	<u>underlining</u> = whole or part not commenced or to be expired
om = omitted/repealed	

Endnotes

3 Legislation history

3 Legislation history

Building and Construction Industry Training Levy Act 1999 No 30

notified 21 May 1999 (Gaz 1999 No S24)

s 1, s 2 commenced 21 May 1999 (s 2 (1))

remainder (ss 3-37) commenced 21 November 1999 (s 2 (3))

as amended by

Building and Construction Industry Training Levy Amendment Act 1999 No 68

notified 3 December 1999 (Gaz 1999 No S62)

s 1, s 2 commenced 3 December 1999 (IA s 10B)

s 3 commenced 3 December 1999 (s 2 (1))

remainder (ss 4-14) commenced 21 November 1999 (s 2 (2))

Legislation (Consequential Amendments) Act 2001 No 44 pt 45

notified 26 July 2001 (Gaz 2001 No 30)

s 1, s 2 commenced 26 July 2001 (IA s 10B)

pt 45 commenced 12 September 2001 (s 2 and Gaz 2001 No 65)

Building and Construction Industry Training Levy Amendment Act 2001 No 93

notified 10 September 2001 (Gaz 2001 No S66)

sch 1 commenced 12 September 2001 (s 2 (2))

remainder commenced 10 September 2001 (s 2 (1))

4 Amendment history

Name of Act

s 1 sub 2001 No 93 amdt 1.1

Dictionary

s 2 orig s 2 om R1 (LRA) (see also 2001 No 44 amdt 1.470)
ins 2001 No 93 amdt 1.1

Notes

s 3 hdg sub 1999 No 68 s 4 (a); 2001 No 93 amdt 1.3

s 3 defs reloc to dict 2001 No 93 amdt 1.2

sub 2001 No 93 amdt 1.3

Establishment and functions

pt 2 div 1 hdg om 2001 No 93 amdt 1.4

Building and Construction Industry Training Fund Board

s 4 sub 2001 No 93 amdt 1.5

Functions

s 5 am 2001 No 93 amdt 1.6

Powers

s 6 om 2001 No 93 amdt 1.7

Members of the board

s 7 am 2001 No 93 amdt 1.8

Resignation

s 10 om 2001 No 93 amdt 1.9

Termination of appointment

s 11 am 2001 No 93 amdt 1.10

Acting appointments

s 12 om 2001 No 93 amdt 1.11

Preliminary

pt 3 div 1 hdg om 1999 No 68 s 5

Definitions for pt 3

s 15 hdg sub 1999 No 68 s 6 (a)
 s 15 def **Building Act** ins 1999 No 68 s 6 (c)
 def **building approval** sub 1999 No 68 s 6 (b)
 def **building controller** ins 1999 No 68 s 6 (c)
 def **building work** ins 1999 No 68 s 6 (c)
 def **exempt work** sub 2001 No 93 amdt 1.12
 note to def **exempt work** exp 12 September 2002 (s 15A (2))
 def **owner** ins 1999 No 68 s 6 (c)
 def **project owner** sub 1999 No 68 s 6 (b); 2001 No 93 s 4
 def **qualified valuer** ins 2001 No 93 s 5
 def **value** ins 1999 No 68 s 6 (c)

Extended meaning of exempt work

s 15A ins 2001 No 93 amdt 1.13
exp 12 September 2002 (s 15A (2))

Liability for training levy

pt 3 div 2 hdg om 1999 No 68 s 7

Training levy liability

s 17 am 1999 No 68 s 8

Calculation of training levy

s 18 am 1999 No 68 s 9

Endnotes

4 Amendment history

Assessment, payment and adjustment of training levy

pt 3 div 3 hdg om 1999 No 68 s 10

Assessment of value of work

s 19 sub 1999 No 68 s 10
am 2001 No 44 amdt 1.471; 2001 No 93 s 6

Payment of levy

s 20 sub 1999 No 68 s 10
am 2001 No 93 amdt 1.14

Refund of levy if work not carried out

s 21 sub 1999 No 68 s 10

Adjustment of levy

s 22 sub 1999 No 68 s 10

Establishment and operation of fund

s 23 am 1999 No 68 s 11

Application of fund

s 24 am 1999 No 68 s 12

Approval of training plans

s 25 am 2001 No 44 amdt 1.472, amdt 1.473

Application of training plans

s 27 am 2001 No 93 amdt 1.15

Powers of entry

s 31 am 1999 No 68 s 13

Search warrants

s 33 am 1999 No 68 s 14

Obstruction of inspectors

s 35 am 2001 No 93 amdt 1.16

Regulation-making power

s 37 sub 2001 No 44 amdt 1.474

Application of amended def of *project owner* and amended sch, item 11

s 38 ins 2001 No 93 s 7
exp 10 September 2002 (s 38 (2))

Work

sch 1 hdg sub 2001 No 93 amdt 1.17
sch 1 am 2001 No 93 s 8, s 9, amdt 1.17

Dictionary

dict	ins 2001 No 93 amdt 1.18
	def board reloc from s 3 2001 No 93 amdt 1.2
	def Building Act ins 2001 No 93 amdt 1.18
	def building approval ins 2001 No 93 amdt 1.18
	def building controller ins 2001 No 93 amdt 1.18
	def building work ins 2001 No 93 amdt 1.18
	def chairperson reloc from s 3 2001 No 93 amdt 1.2
	def council reloc from s 3 2001 No 93 amdt 1.2
	def exempt work ins 2001 No 93 amdt 1.18
	def fund reloc from s 3 2001 No 93 amdt 1.2
	def member reloc from s 3 2001 No 93 amdt 1.2
	def owner ins 2001 No 93 amdt 1.18
	def project owner ins 2001 No 93 amdt 1.18
	def public authority ins 2001 No 93 amdt 1.18
	def training levy reloc from s 3 2001 No 93 amdt 1.2
	def training plan reloc from s 3 2001 No 93 amdt 1.2
	def rate of levy ins 2001 No 93 amdt 1.18
	def value ins 2001 No 93 amdt 1.18
	def work ins 2001 No 93 amdt 1.18

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Act 1999 No 68	24 May 2001
2	Act 2001 No 93	12 September 2001

Authorised when accessed at www.legislation.act.gov.au or in authorised printed form

© Australian Capital Territory 2002