



Australian Capital Territory

# **Building and Construction Industry Training Levy Act 1999**

**A1999-30**

**Republication No 9**

**Effective: 9 April 2004 – 31 August 2004**

Republication date: 9 April 2004

Last amendment made by A2004-15

Not all amendments are in force: see last endnote

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 9 April 2004. It also includes any amendment, repeal or expiry affecting the republished law to 9 April 2004.

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](http://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.



Australian Capital Territory

# Building and Construction Industry Training Levy Act 1999

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R9  
09/04/04

Building and Construction Industry Training Levy Act 1999  
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Australian Capital Territory

# Building and Construction Industry Training Levy Act 1999

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

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R9  
09/04/04

Building and Construction Industry Training Levy Act 1999  
Effective: 09/04/04-31/08/04

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## 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 terms used in this Act, and includes references (*signpost definitions*) to other terms 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, 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, 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, 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 people to represent the interests of employers in the industry; and
  - (c) 2 people to represent the interests of employees in the industry.

- (2) A member is appointed by the Minister.

*Note 1* For the making of appointments (including acting appointments), see Legislation Act, div 19.3.

*Note 2* Certain Ministerial appointments require consultation with an Assembly committee and are disallowable (see Legislation Act, div 19.3.3).

- (3) An appointment must not be for longer than 3 years.

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

- (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 financial 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 in relation to that matter; or
- (b) take part in any decision of the board in relation 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 Ending of appointment**

The Minister must end 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, s 210).

## **13 Meetings and procedures**

- (1) The chairperson—
- (a) may call a meeting of the board at any time; and
  - (b) shall call 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

### **U** 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.

*owner*, of 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 corporation 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 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*, of work, means the value assessed under section 19.

## 16 Rate of levy

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

## **U** 17 Training levy liability

- (1) A levy, ascertained in accordance with this part is payable, in accordance with this part, to the board in relation to 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 relation to 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 start 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 start; and
  - (b) the work does not start;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.

*Note* For how documents may be given, see Legislation Act, pt 19.5.

- (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 under 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 under 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) amounts 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 amounts 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 the way 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.

### 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 relation to 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 relation to which the plan is to have effect.

- (3) If, in relation to a calendar year, no training plan would, apart from this subsection, have effect, the training plan that had effect in relation to the immediately previous calendar year continues, under 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 relation to 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 training organisation.
- (4) In this section:

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

***registered training organisation***—see the *Tertiary Accreditation and Registration Act 2003*, dictionary.

## Part 6 Inspectors

### 29 Appointment

The board may appoint a person as an inspector for this Act.

*Note 1* For the making of appointments (including acting appointments), see Legislation Act, div 19.3.

*Note 2* In particular, a person may be appointed for a particular provision of a law (see Legislation Act, s 7 (3)) and an appointment may be made by naming a person or nominating the occupant of a position (see s 207).

### 30 Identity cards

- (1) The board shall issue 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) If 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 relation to that work has not been paid or has not been paid in full;

the inspector may, in accordance with this section and with the assistance that 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) If 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, a notice advising that he or she made an entry under this section.

## **32 Consent to entry and inspection**

- (1) Before seeking the consent of the occupier of premises for 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 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 and time when the consent was given.

- (3) If it is material, in any proceedings, for a court to be satisfied that an occupier has consented for 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 if 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 relation to 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) If this section applies, the magistrate may, subject to this section, issue a search warrant authorising the inspector named in the warrant, with the assistance and by the force that 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 about 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 when 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 when the warrant is issued) when 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 the assistance that 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 the Criminal Code, part 3.4 (False or misleading statements, information and documents).

### **35 Obstruction of inspectors**

A person shall not, without reasonable excuse, fail to comply with a requirement made by an inspector under section 34.

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.

## **U** Schedule 1 Work

(see dict, def *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

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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 *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.

## **U** Dictionary

(see s 2)

*Note 1* The Legislation Act contains definitions and other provisions relevant to this Act.

*Note 2* In particular, the Legislation Act, dict, pt 1, defines the following terms:

- appoint
- document
- exercise
- function
- Minister
- penalty unit (see s 133)
- State
- the Territory.

***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***, of land, for part 3 (Levy on building and construction work)—see section 15.

**project owner**, for work, for part 3 (Levy on building and construction work)—see section 15.

**public authority**, for part 3—see section 15.

**qualified valuer**, for part 3 (Levy on building and construction work)—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**, of work, for part 3 (Levy on building and construction work)—see section 15.

**work** means—

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

## Endnotes

1 About the endnotes

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## 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.

### 2 Abbreviation key

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

### 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 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 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 see 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))

**Vocational Education and Training Act 2003 A2003-37 sch 2 pt 2.2**

notified LR 8 September 2003  
s 1, s 2 commenced 8 September 2003 (LA s 75 (1))  
sch 2 pt 2.2 commenced 1 November 2003 (s 2)

**Statute Law Amendment Act 2003 A2003-41 sch 3 pt 3.2**

notified LR 11 September 2003  
s 1, s 2 commenced 11 September 2003 (LA s 75 (1))  
sch 3 pt 3.2 commenced 9 October 2003 (s 2 (1))

**Statute Law Amendment Act 2003 (No 2) A2003-56 sch 1 pt 1.1**

notified LR 5 December 2003  
s 1, s 2 commenced 5 December 2003 (LA s 75 (1))  
sch 1 pt 1.1 commenced 19 December 2003 (s 2)

## Endnotes

4 Amendment history

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### **Construction Occupations Legislation Amendment Act 2004 A2004-13 sch 2 pt 2.2**

notified LR 26 March 2004

s 1, s 2 commenced 26 March 2004 (LA s 75 (1))

sch 2 pt 2.2 awaiting commencement (s 2 and see Construction  
Occupations (Licensing) Act 2004 A2004-12 s 2)

*Note* default commencement under LA s 79: 26 September 2004

### **Criminal Code (Theft, Fraud, Bribery and Related Offences) Amendment Act 2004 A2004-15 sch 2 pt 2.11**

notified LR 26 March 2004

s 1, s 2 commenced 26 March 2004 (LA s 75 (1))

sch 2 pt 2.11 commenced 9 April 2004 (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; A2003-41 amdt 3.2

### **Disclosure of interest**

s 9 am A2003-41 amdt 3.3

### **Resignation**

s 10 om 2001 No 93 amdt 1.9



**Ending of appointment**

s 11 hdg sub A2003-41 amdt 3.4  
 s 11 am 2001 No 93 amdt 1.10; A2003-41 amdt 3.4

**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)  
     sub A2004-13 amdt 2.3  
 def **building approval** sub 1999 No 68 s 6 (b)  
 def **building controller** ins 1999 No 68 s 6 (c)  
     om A2004-13 amdt 2.4  
 def **building work** ins 1999 No 68 s 6 (c)  
     sub A2004-13 amdt 2.5  
 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)  
     am A2003-41 amdt 3.5  
     sub A2004-13 amdt 2.6  
 def **project owner** sub 1999 No 68 s 6 (b); 2001 No 93 s 4  
 def **public authority** am A2003-41 amdt 3.6  
 def **qualified valuer** ins 2001 No 93 s 5  
 def **value** ins 1999 No 68 s 6 (c)  
     am A2003-41 amdt 3.7

**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; A2004-13 amdt 2.7

**Calculation of training levy**

s 18 am 1999 No 68 s 9

**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

## Endnotes

### 4 Amendment history

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#### **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  
am A2003-41 amdt 3.8, amdt 3.9

#### **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

#### **Funding for training**

s 28 am A2003-37 amdt 2.5, amdt 2.6

#### **Appointment**

s 29 sub A2003-41 amdt 3.10

#### **Powers of entry**

s 31 am 1999 No 68 s 13; A2003-41 amdt 3.11

#### **Search warrants**

s 33 am 1999 No 68 s 14

#### **Powers of inspectors**

s 34 am A2004-15 amdt 2.26

#### **Obstruction of inspectors**

s 35 am 2001 No 93 amdt 1.16; A2004-15 amdt 2.27

#### **False or misleading information**

s 36 om A2004-15 amdt 2.28

#### **Regulation-making power**

s 37 sub 2001 No 44 amdt 1.474

#### **Validation**

pt 8 hdg ins A2003-56 amdt 1.1  
exp 19 December 2003 (s 40)

**Validation of appointment of members of board**

s 38 ins 2001 No 93 s 7  
 exp 10 September 2002 (s 38 (2))  
 ins A2003-56 amdt 1.1  
 exp 19 December 2003 (s 40)

**Expiry of pt 8**

s 40 ins A2003-56 amdt 1.1  
 exp 19 December 2003 (s 40)

**Work**

sch 1 hdg sub 2001 No 93 amdt 1.17  
 sch 1 am 2001 No 93 s 8, s 9, amdt 1.17; A2004-13 amdt 2.8

**Dictionary**

dict ins 2001 No 93 amdt 1.18  
 am A2003-41 amdt 3.12  
 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  
om A2004-13 amdt 2.9  
 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  
 sub A2003-41 amdt 3.13  
 def **project owner** ins 2001 No 93 amdt 1.18  
 sub A2003-41 amdt 3.13  
 def **public authority** ins 2001 No 93 amdt 1.18  
 def **qualified valuer** ins A2003-41 amdt 3.14  
 def **rate of levy** 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 **value** ins 2001 No 93 amdt 1.18  
 sub A2003-41 amdt 3.15  
 def **work** ins 2001 No 93 amdt 1.18

## Endnotes

5 Earlier republications

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### 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
3	Act 2001 No 93	11 September 2002
4	A2001-93	13 September 2002
5	A2003-41	9 October 2003
6	A2003-41	1 November 2003
7	A2003-56	19 December 2003
8	A2003-56	20 December 2003

### 6 Uncommenced amendments

The following amendments have not been included in this republication because they were uncommenced at the republication date:

<b>Construction Occupations Legislation Amendment Act 2004 A2004-13 sch 2 pt 2.2</b>
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## Part 2.2 Building and Construction Industry Training Levy Act 1999

### [2.3] Section 15, definition of *Building Act*

*substitute*

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*Building Act* means the *Building Act 2004*.

**[2.4] Section 15, definition of *building controller***

*omit*

**[2.5] Section 15, definition of *building work***

*substitute*

*building work*—see the Building Act, section 6.

**[2.6] Section 15, definition of *owner***

*substitute*

*owner*, of land—see the Building Act, dictionary.

**[2.7] Section 17 (3)**

*omit*

building controller

*substitute*

construction occupations registrar

**[2.8] Schedule 1, clauses 16 and 17**

*substitute*

- 16 Any site preparation work (including pile driving) preliminary to the performance of any construction work.

**[2.9] Dictionary, definition of *building controller***

*omit*

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