



Australian Capital Territory

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

**A1999-30**

**Republication No 20**

**Effective: 20 November 2014 – 12 November 2015**

Republication date: 20 November 2014

Last amendment made by [A2014-48](#)

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 20 November 2014. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 20 November 2014.

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, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### 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 the *Legislation Act 2001*, section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$150 for an individual and \$750 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

# 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, and for other purposes

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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 the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.



### 3A Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

*Note 1 Criminal Code*

The [Criminal Code](#), ch 2 applies to all offences against this Act (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

*Note 2 Penalty units*

The [Legislation Act](#), s 133 deals with the meaning of offence penalties that are expressed in penalty units.

## Part 2                    The authority

*Note for pt 2*

The governance of territory authorities, including the Building and Construction Industry Training Fund Authority, is regulated by the [Financial Management Act 1996](#) (the *FMA*), pt 9 as well as the Act that establishes them.

The [FMA](#), pt 9 deals, for example, with the corporate status of territory authorities and their powers, the make-up of governing boards, the responsibilities of the governing board and board members, how governing board positions can be ended, meetings of governing boards and conflicts of interest.

### Division 2.1            Establishment and functions of authority

#### 4                    Establishment of authority

The Building and Construction Industry Training Fund Authority (the *authority*) is established.

*Note*     If a law changes a name of an entity (like the Building and Construction Industry Training Fund Board), the entity continues in existence under the new name (the Building and Construction Industry Training Fund Authority) and its identity is not affected by the change (see [Legislation Act](#), s 183).

#### 5                    Functions of authority

The authority has the following functions:

- (a) administering the fund;
- (b) making payments, or directing that payments be made, from the fund in accordance with training plans;

- (c) exercising any other function given to the authority under this Act or any other territory law.

*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.

## **Division 2.2                      Governing board**

### **6                      Establishment of governing board**

The authority has a governing board.

*Note* An appointment of a governing board member is an appointment under this section (see [Financial Management Act 1996](#), s 78 (7) (b)).

### **7                      Governing board members**

- (1) The governing board has 6 members.

*Note* A chair of the governing board must be appointed under the [Financial Management Act 1996](#), s 79.

- (2) Two of the governing board members must be appointed to represent the interests of employers in the building and construction industry.
- (3) Two of the governing board members must be appointed to represent the interests of employees in the building and construction industry.
- (4) The chair must not be a representative mentioned in subsection (2) or (3).
- (5) The chief executive officer is a non-voting member of the governing board.

*Note* The [Financial Management Act 1996](#), s 95 (2) and s 96 (1) deal with non-voting members of governing boards.

**7A            Term of chief executive officer of authority**

The chief executive officer of the authority must not be appointed for a term of longer than 5 years.

**7B            No deputy chair**

The Minister must not appoint a deputy chair for the governing board.

*Note 1*    This section ensures that a deputy chair cannot be appointed for the governing board under the *Financial Management Act 1996*, s 79 (1).

*Note 2*    The Minister may appoint an acting chair (see [Legislation Act](#), s 209).

**8             Administration of authority**

The governing board may make arrangements with the council, or anyone else, for the provision of—

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

## Part 3 Levy on building and construction work

### 15 Definitions—pt 3

In this part:

*Building Act* means the [Building Act 2004](#).

*building approval* means a building approval under the Building Act.

*building work*—see the [Building Act](#), section 6.

*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; or
- (c) building work in relation to an exempt building under the [Building Act 2004](#), section 12 (Exempt buildings); or
- (d) building work in relation to a building to which the Building Act does not apply because that Act exempts the building from the application of that Act; or

*Note 1* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

*Note 2* See the [Building Act](#), s 152 (1A).

- (e) building work to which the [Building Act](#), part 3 (Building work) does not apply because of that Act, section 15 (Application of pt 3 to building work).

*Note* The [Building \(General\) Regulation 2008](#), s 6 prescribes building work that is exempt from the application of the [Building Act 2004](#), pt 3 (and pt 5 and pt 6).

*owner*, of land—see the [Building Act](#), dictionary.

*project owner*, for work, means—

- (a) if the work is done on land by or for the owner of the land—the owner; or
- (b) in any other case—the person on whose behalf the work is done.

*public authority* means—

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

*qualified valuer* means a person who is prescribed by regulation 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.

## 17 Training levy liability

- (1) A levy, ascertained in accordance with this part is payable, in accordance with this part, to the authority 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 construction occupations registrar as agent for the authority.

## **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 authority and the project owner or, if they disagree, the value assessed by a qualified valuer agreed by the authority and the owner.
- (2) The reasonable cost of the qualified valuer's assessment is payable by the authority 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 contravene subsection (1).  
Maximum penalty: 50 penalty units.
- (3) An offence against this section is a strict liability offence.

**21 Refund of levy if work not carried out**

- (1) This section applies if—
  - (a) training levy has been paid for work before it starts; and
  - (b) the work does not start.
- (2) The authority must refund to the project owner the amount paid within 1 month after the day the authority receives a written request for the refund 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 authority 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 authority 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 the [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 authority 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 authority 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 authority must establish and maintain a fund.
- (2) The fund consists of—
  - (a) amounts received by the authority 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 authority; and
  - (b) must be kept separate from all other property of the authority; and
  - (c) must be expended only in accordance with this Act.
- (4) The authority must administer the fund in the way the Minister approves in writing.

### **24 Application of fund**

The fund must be applied only for the following purposes:

- (a) to meet the costs and expenses incurred in the administration of the fund by the authority;
- (b) to make any payments that are payable under arrangements made under section 14;

- (c) to make payments of refunds under section 21 or section 22 (5);
- (d) to make payments approved by the authority 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 authority, approve a training plan for the building and construction industry.
- (2) A training plan must—
  - (a) identify training needs in the building and construction industry that warrant financial support from the fund in relation to a year; and
  - (b) provide an estimate of the funds that appear to be required for the fulfilment of those needs.
- (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 year specified in the training plan.
- (2) A training plan has no effect unless approved by the Minister on or before 31 October in the year immediately before the 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 year, no training plan would, apart from this subsection, have effect, the training plan that had effect in relation to the previous year continues, under this subsection, to have effect in relation to the year.

## 28 Funding for training

- (1) Subject to this section, the authority may approve the expenditure of fund money for the provision, in a year, of training identified as warranting financial support from the fund in the training plan that has effect in relation to the year.
- (2) The authority must not approve the expenditure of an amount if the total of the commitment in relation to the 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 money under this section may 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 regulation to be approved training for this section.

***registered training organisation***—see the [National Vocational Education and Training Regulator Act 2011](#) (Cwlth), section 3.

## Part 6 Inspectors

### 29 Appointment

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

*Note 1* For the making of appointments (including acting appointments), see the [Legislation Act](#), pt 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 authority must give an inspector an identity card stating the person's name and that the person is an inspector.
- (2) The identity card must show—
  - (a) a recent photograph of the person; and
  - (b) the card's date of issue and expiry; and
  - (c) anything else prescribed by regulation.
- (3) A person commits an offence if—
  - (a) the person stops being an inspector; and
  - (b) the person does not return the person's identity card to the authority as soon as practicable, but no later than 7 days after the day the person stops being an inspector.

Maximum penalty: 1 penalty unit.

- (4) An offence against this section is a strict liability offence.

### 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 exercise of the inspector's functions under this part, enter during normal business hours the land and any premises, whether on the land or not, where 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 the inspector's identity card to the occupier.
- (4) If an inspector is satisfied, after making reasonable inquiries, that no-one is present and in charge of land or premises entered by the inspector under a warrant, the inspector must leave, in a conspicuous position on the land or the premises, a notice advising that the inspector 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 must inform the occupier that the occupier may refuse to consent.
- (2) If the inspector obtains the occupier's consent for those purposes, the inspector must ask the occupier to sign a written acknowledgment—
- (a) that the occupier has been informed that the occupier 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 the consent; and

(c) of the day and time when the consent was given.

- (3) If it is material, in any proceeding, 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 must 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); 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 must 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 must—
  - (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 (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 the inspector's 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 proceeding, other than a proceeding for an offence against the [Criminal Code](#), part 3.4 (False or misleading statements, information and documents).

### 35 **Contravention of requirement by inspector**

A person must take all reasonable steps to comply with a requirement made of the person under section 34 (1) (b), (d) or (e).

Maximum penalty: 50 penalty units.

*Note* The [Legislation Act](#), s 170 and s 171 deal with the application of the privilege against self-incrimination and client legal privilege.

## Part 7                      Miscellaneous

### 37                      Regulation-making power

The Executive may make regulations for this Act.

*Note*                      A regulation must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

## 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.

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

## Dictionary

(see s 2)

*Note 1* The [Legislation Act](#) contains definitions and other provisions relevant to this Act.

*Note 2* For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- appoint
- document
- entity
- exercise
- function
- Minister (see s 162)
- penalty unit (see s 133)
- State
- the Territory
- year.

***authority*** means the Building and Construction Industry Training Fund Authority established under section 4.

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

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

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

***chair*** means the chair of the governing board.

*Note* The chair must be appointed under the [Financial Management Act 1996](#), s 79.

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

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

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

***governing board*** means the governing board of the authority.

***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 (Levy on building and construction work)—see section 15.

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

***rate of levy***, for part 3 (Levy on building and construction work)—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 by regulation.

## 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
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
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 A1999-30**

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 A1999-68**

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 A2001-44 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 A2001-93**

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

3 Legislation 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 commenced 1 September 2004 (s 2 and see [Construction Occupations \(Licensing\) Act 2004](#) A2004-12, s 2 and [CN2004-8](#))

### **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))

### **Financial Management Legislation Amendment Act 2005 A2005-52**

#### **sch 1 pt 1.3**

notified LR 26 October 2005

s 1, s 2 commenced 26 October 2005 (LA s 75 (1))

sch 1 pt 1.3 commenced 1 January 2006 (s 2 (2))

### **Criminal Code Harmonisation Act 2005 A2005-54 sch 1 pt 1.10**

notified LR 27 October 2005

s 1, s 2 commenced 27 October 2005 (LA s 75 (1))

sch 1 pt 1.10 commenced 24 November 2005 (s 2)

### **Building and Construction Industry Training Levy Amendment**

#### **Act 2006 A2006-54**

notified LR 30 November 2006

s 1, s 2 commenced 30 November 2006 (LA s 75 (1))

remainder commenced 1 December 2006 (s 2)

### **Training and Tertiary Education Legislation Amendment Act 2007**

#### **A2007-12 sch 1 pt 1.4**

notified LR 13 June 2007

s 1, s 2 commenced 13 June 2007 (LA s 75 (1))

sch 1 pt 1.4 commenced 1 July 2007 (s 2 and [CN2007-3](#))

### **Building Legislation Amendment Act 2007 A2007-26 sch 1 pt 1.2**

notified LR 13 September 2007

s 1, s 2 commenced 13 September 2007 (LA s 75 (1))

sch 1 pt 1.2 commenced 31 March 2008 (s 2 (1) and see [Planning and Development Act 2007](#) A2007-24, s 2 and [CN2008-1](#))

**Statute Law Amendment Act 2009 A2009-20 sch 3 pt 3.9**

notified LR 1 September 2009

s 1, s 2 commenced 1 September 2009 (LA s 75 (1))

sch 3 pt 3.9 commenced 22 September 2009 (s 2)

**Statute Law Amendment Act 2013 A2013-19 sch 3 pt 3.4**

notified LR 24 May 2013

s 1, s 2 commenced 24 May 2013 (LA s 75 (1))

sch 3 pt 3.4 commenced 14 June 2013 (s 2)

**Training and Tertiary Education Amendment Act 2014 A2014-48 sch 1 pt 1.3**

notified LR 6 November 2014

s 1, s 2 commenced 6 November 2014 (LA s 75 (1))

sch 1 pt 1.3 commenced 20 November 2014 (s 2)

## Endnotes

4 Amendment history

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### 4 Amendment history

#### Long title

Long title sub [A2005-52](#) amdt 1.39

#### Name of Act

s 1 sub [A2001-93](#) amdt 1.1

#### Dictionary

s 2 orig s 2 om R1 LRA (see also [A2001-44](#) amdt 1.470)  
ins [A2001-93](#) amdt 1.1

#### Notes

s 3 hdg sub [A1999-68](#) s 4 (a); [A2001-93](#) amdt 1.3  
s 3 defs reloc to dict [A2001-93](#) amdt 1.2  
sub [A2001-93](#) amdt 1.3

#### Offences against Act—application of Criminal Code etc

s 3A ins [A2005-54](#) amdt 1.63

#### The authority

pt 2 hdg sub [A2005-52](#) amdt 1.40

#### Establishment and functions of authority

div 2.1 hdg (prev pt 2 div 1 hdg) om [A2001-93](#) amdt 1.4  
ins [A2005-52](#) amdt 1.40

#### Establishment of authority

s 4 sub [A2001-93](#) amdt 1.5; [A2005-52](#) amdt 1.40

#### Functions of authority

s 5 sub [A2005-52](#) amdt 1.40

#### Governing board

div 2.2 hdg ins [A2005-52](#) amdt 1.40

#### Establishment of governing board

s 6 om [A2001-93](#) amdt 1.7  
ins [A2005-52](#) amdt 1.40  
am [A2013-19](#) amdt 3.21

#### Governing board members

s 7 am [A2001-93](#) amdt 1.8; [A2003-41](#) amdt 3.2  
sub [A2005-52](#) amdt 1.40

#### Term of chief executive officer of authority

s 7A ins [A2005-52](#) amdt 1.40

#### No deputy chair

s 7B ins [A2005-52](#) amdt 1.40

#### Administration of authority

s 8 sub [A2005-52](#) amdt 1.40

**Disclosure of interest**

s 9 am [A2003-41](#) amdt 3.3  
om [A2005-52](#) amdt 1.40

**Resignation**

s 10 om [A2001-93](#) amdt 1.9

**Ending of appointment**

s 11 hdg sub [A2003-41](#) amdt 3.4  
s 11 am [A2001-93](#) amdt 1.10; [A2003-41](#) amdt 3.4  
om [A2005-52](#) amdt 1.40

**Acting appointments**

s 12 om [A2001-93](#) amdt 1.11

**Meetings and procedures**

s 13 om [A2005-52](#) amdt 1.40

**Administration**

s 14 om [A2005-52](#) amdt 1.40

**Preliminary**

pt 3 div 1 hdg om [A1999-68](#) s 5

**Definitions for pt 3**

s 15 hdg sub [A1999-68](#) s 6 (a)  
s 15 def **Building Act** ins [A1999-68](#) s 6 (c)  
sub [A2004-13](#) amdt 2.3  
def **building approval** sub [A1999-68](#) s 6 (b)  
def **building controller** ins [A1999-68](#) s 6 (c)  
om [A2004-13](#) amdt 2.4  
def **building work** ins [A1999-68](#) s 6 (c)  
sub [A2004-13](#) amdt 2.5  
def **exempt work** sub [A2001-93](#) amdt 1.12; [A2006-54](#) s 4  
am [A2007-26](#) amdt 1.85, amdt 1.86; [A2009-20](#) amdt 3.23  
note to def **exempt work** exp 12 September 2002 (s 15A (2))  
def **owner** ins [A1999-68](#) s 6 (c)  
am [A2003-41](#) amdt 3.5  
sub [A2004-13](#) amdt 2.6  
def **project owner** sub [A1999-68](#) s 6 (b); [A2001-93](#) s 4;  
[A2006-54](#) s 5  
def **public authority** am [A2003-41](#) amdt 3.6  
def **qualified valuer** ins [A2001-93](#) s 5  
def **value** ins [A1999-68](#) s 6 (c)  
am [A2003-41](#) amdt 3.7

**Extended meaning of exempt work**

s 15A ins [A2001-93](#) amdt 1.13  
exp 12 September 2002 (s 15A (2))

## Endnotes

### 4 Amendment history

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#### **Liability for training levy**

pt 3 div 2 hdg om [A1999-68](#) s 7

#### **Training levy liability**

s 17 am [A1999-68](#) s 8; [A2004-13](#) amdt 2.7; [A2005-52](#) amdt 1.41

#### **Calculation of training levy**

s 18 am [A1999-68](#) s 9

#### **Assessment, payment and adjustment of training levy**

pt 3 div 3 hdg om [A1999-68](#) s 10

#### **Assessment of value of work**

s 19 sub [A1999-68](#) s 10  
am [A2001-44](#) amdt 1.471; [A2001-93](#) s 6; [A2005-52](#) amdt 1.41  
sub [A2006-54](#) s 6

#### **Payment of levy**

s 20 sub [A1999-68](#) s 10  
am [A2001-93](#) amdt 1.14; [A2005-54](#) amdt 1.64

#### **Refund of levy if work not carried out**

s 21 sub [A1999-68](#) s 10; [A2005-52](#) amdt 1.42

#### **Adjustment of levy**

s 22 sub [A1999-68](#) s 10  
am [A2003-41](#) amdt 3.8, amdt 3.9; [A2005-52](#) amdt 1.43

#### **Establishment and operation of fund**

s 23 am [A1999-68](#) s 11; [A2005-52](#) amdt 1.43

#### **Application of fund**

s 24 am [A1999-68](#) s 12; [A2005-52](#) amdt 1.43

#### **Approval of training plans**

s 25 am [A2001-44](#) amdt 1.472, amdt 1.473; [A2005-52](#) amdt 1.43;  
[A2013-19](#) amdt 3.22

#### **Application of training plans**

s 27 am [A2001-93](#) amdt 1.15; [A2006-54](#) s 7

#### **Funding for training**

s 28 am [A2003-37](#) amdt 2.5, amdt 2.6; [A2005-52](#) amdt 1.43;  
[A2007-12](#) amdt 1.7; [A2014-48](#) amdt 1.6

#### **Appointment**

s 29 sub [A2003-41](#) amdt 3.10  
am [A2005-52](#) amdt 1.43

#### **Identity cards**

s 30 sub [A2005-54](#) amdt 1.65  
(5)-(7) exp 24 November 2005 (s 30 (7))  
(8), (9) exp 1 January 2006 (s 30 (9) (b))

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<b>Powers of entry</b>	
s 31	am <a href="#">A1999-68</a> s 13; <a href="#">A2003-41</a> amdt 3.11
<b>Search warrants</b>	
s 33	am <a href="#">A1999-68</a> s 14
<b>Powers of inspectors</b>	
s 34	am <a href="#">A2004-15</a> amdt 2.26
<b>Contravention of requirement by inspector</b>	
s 35	am <a href="#">A2001-93</a> amdt 1.16; <a href="#">A2004-15</a> amdt 2.27 sub <a href="#">A2005-54</a> amdt 1.66
<b>False or misleading information</b>	
s 36	om <a href="#">A2004-15</a> amdt 2.28
<b>Regulation-making power</b>	
s 37	sub <a href="#">A2001-44</a> amdt 1.474
<b>Validation</b>	
pt 8 hdg	ins <a href="#">A2003-56</a> amdt 1.1 exp 19 December 2003 (s 40)
<b>Validation of appointment of members of board</b>	
s 38	ins <a href="#">A2001-93</a> s 7 exp 10 September 2002 (s 38 (2)) ins <a href="#">A2003-56</a> amdt 1.1 exp 19 December 2003 (s 40)
<b>Expiry of pt 8</b>	
s 40	ins <a href="#">A2003-56</a> amdt 1.1 exp 19 December 2003 (s 40)
<b>Work</b>	
sch 1 hdg	sub <a href="#">A2001-93</a> amdt 1.17
sch 1	am <a href="#">A2001-93</a> s 8, s 9, amdt 1.17; <a href="#">A2004-13</a> amdt 2.8
<b>Dictionary</b>	
dict	ins <a href="#">A2001-93</a> amdt 1.18 am <a href="#">A2003-41</a> amdt 3.12 def <b>authority</b> ins <a href="#">A2005-52</a> amdt 1.44 am <a href="#">A2013-19</a> amdt 3.23 def <b>board</b> reloc from s 3 <a href="#">A2001-93</a> amdt 1.2 om <a href="#">A2005-52</a> amdt 1.44 def <b>Building Act</b> ins <a href="#">A2001-93</a> amdt 1.18 def <b>building approval</b> ins <a href="#">A2001-93</a> amdt 1.18 def <b>building controller</b> ins <a href="#">A2001-93</a> amdt 1.18 om <a href="#">A2004-13</a> amdt 2.9 def <b>building work</b> ins <a href="#">A2001-93</a> amdt 1.18 def <b>chair</b> ins <a href="#">A2005-52</a> amdt 1.45 def <b>chairperson</b> reloc from s 3 <a href="#">A2001-93</a> amdt 1.2 om <a href="#">A2005-52</a> amdt 1.45

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## Endnotes

### 4 Amendment history

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def **council** reloc from s 3 [A2001-93](#) amdt 1.2  
def **exempt work** ins [A2001-93](#) amdt 1.18  
def **fund** reloc from s 3 [A2001-93](#) amdt 1.2  
def **governing board** ins [A2005-52](#) amdt 1.46  
def **member** reloc from s 3 [A2001-93](#) amdt 1.2  
om [A2005-52](#) amdt 1.47  
def **owner** ins [A2001-93](#) amdt 1.18  
sub [A2003-41](#) amdt 3.13  
def **project owner** ins [A2001-93](#) amdt 1.18  
sub [A2003-41](#) amdt 3.13  
def **public authority** ins [A2001-93](#) amdt 1.18  
def **qualified valuer** ins [A2003-41](#) amdt 3.14  
def **rate of levy** ins [A2001-93](#) amdt 1.18  
def **training levy** reloc from s 3 [A2001-93](#) amdt 1.2  
def **training plan** reloc from s 3 [A2001-93](#) amdt 1.2  
def **value** ins [A2001-93](#) amdt 1.18  
sub [A2003-41](#) amdt 3.15  
def **work** ins [A2001-93](#) 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. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 (RI) 10 Oct 2005	21 Nov 1999– 9 Sept 2001	<a href="#">A1999-68</a>	reissue of printed version amendments by <a href="#">A1999-68</a>
R2 12 Sept 2001	12 Sept 2001– 10 Sept 2002	<a href="#">A2001-93</a>	amendments by <a href="#">A2001-44</a> and <a href="#">A2001-93</a>
R3 11 Sept 2002	11 Sept 2002– 12 Sept 2002	<a href="#">A2001-93</a>	commenced expiry
R4 13 Sept 2002	13 Sept 2002– 8 Oct 2003	<a href="#">A2001-93</a>	commenced expiry
R5 9 Oct 2003	9 Oct 2003– 31 Oct 2003	<a href="#">A2003-41</a>	amendments by <a href="#">A2003-41</a>
R6 1 Nov 2003	1 Nov 2003– 18 Dec 2003	<a href="#">A2003-41</a>	amendments by <a href="#">A2003-37</a>
R7 19 Dec 2003	19 Dec 2003– 19 Dec 2003	<a href="#">A2003-56</a>	amendments by <a href="#">A2003-56</a>
R8 20 Dec 2003	20 Dec 2003– 8 Apr 2004	<a href="#">A2003-56</a>	commenced expiry
R9 9 Apr 2004	9 Apr 2004– 31 Aug 2004	<a href="#">A2004-15</a>	amendments by <a href="#">A2004-15</a>
R10 1 Sept 2004	1 Sept 2004– 23 Nov 2005	<a href="#">A2004-15</a>	amendments by <a href="#">A2004-13</a>
R11 24 Nov 2005	24 Nov 2005– 24 Nov 2005	<a href="#">A2005-54</a>	amendments by <a href="#">A2005-54</a>

## Endnotes

### 5 Earlier republications

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<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R12 25 Nov 2005	25 Nov 2005– 31 Dec 2005	<a href="#">A2005-54</a>	commenced expiry
R13 1 Jan 2006	1 Jan 2006– 1 Jan 2006	<a href="#">A2005-54</a>	amendments by <a href="#">A2005-52</a>
R14 2 Jan 2006	2 Jan 2006– 30 Nov 2006	<a href="#">A2005-54</a>	commenced expiry
R15 1 Dec 2006	1 Dec 2006– 30 June 2007	<a href="#">A2006-54</a>	amendments by <a href="#">A2006-54</a>
R16 1 July 2007	1 July 2007– 30 Mar 2008	<a href="#">A2007-12</a>	amendments by <a href="#">A2007-12</a>
R17* 31 Mar 2008	31 Mar 2008– 21 Sept 2009	<a href="#">A2007-26</a>	amendments by <a href="#">A2007-26</a>
R18 22 Sept 2009	22 Sept 2009– 13 June 2013	<a href="#">A2009-20</a>	amendments by <a href="#">A2009-20</a>
R19 14 June 2014	14 June 2014– 19 Nov 2014	<a href="#">A2013-19</a>	amendments by <a href="#">A2013-19</a>

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