



Australian Capital Territory

Building and Construction Industry Training Levy Amendment Act 2001

No 93 of 2001

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Australian Capital Territory

Building and Construction Industry Training Levy Amendment Act 2001

No 93 of 2001

An Act to amend the *Building and Construction Industry Training Levy Act 1999*

[Notified in ACT Gazette No. S66: 10 September 2001]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Building and Construction Industry Training Levy Amendment Act 2001*.

2 Commencement

- (1) This Act (other than schedule 1) commences on the day it is notified in the Gazette.
- (2) Schedule 1 commences on the commencement of section 3 of this Act or the commencement of the *Legislation Act 2001*, section 18 (ACT legislation register), whichever is later.

3 Act amended

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

Note The Act is amended in the body of this Act and in schedule 1.

4 Definitions for pt 3 **Section 15, definition of *project owner***

substitute

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.

5 Section 15, new definition of *qualified valuer*

insert

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

6 Assessment of value of work Section 19 (1) (b) and (4)

omit

valuer

substitute

qualified valuer

7 New section 38

insert

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

- (1) The amendments made by the *Building and Construction Industry Training Levy Amendment Act 2001*, sections 4, 8 and 9 do not apply to—
 - (a) work that is building work if a building approval has been issued for the work before the commencement of this section;
or
 - (b) work that is not building work done before the commencement of this section.
- (2) This section expires 1 year after it commences.

8 Work for the purposes of Act Schedule, item 11

omit

On-site electrical

substitute

Electrical

9 Schedule, item 11

omit

on-site

Schedule 1 Technical amendments— Building and Construction Industry Training Levy Act 1999

(see s 3)

[1.1] Section 1

substitute

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)).

[1.2] Section 3, definitions (as amended by this Act), other than the definition of work

relocate to dictionary

[1.3] Section 3, remainder

substitute

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.

[1.4] Part 2, division 1, heading

omit

[1.5] Section 4

substitute

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.

[1.6] Section 5, new note

insert

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.

[1.7] Section 6

omit

[1.8] Section 7 (2) and (3)

substitute

(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.

[1.9] Section 10

omit

[1.10] Section 11, new note

insert

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

[1.11] Section 12

omit

[1.12] Section 15, definition of exempt work

substitute

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.

[1.13] New section 15A

insert

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.

[1.14] Section 20 (2), penalty

substitute

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

[1.15] Section 27 (2)

omit

, other than the first training plan,

[1.16] Section 35 (a)

omit

performance

substitute

exercise

[1.17] Schedule

omit everything before item 1, substitute

Schedule 1 Work

(see dict, def of *work*)

[1.18] New dictionary

insert

Dictionary

(see s 2)

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.

exempt work, for part 3—see section 15.

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.

Schedule 1 Technical amendments—Building and Construction Industry Training Levy Act 1999

Amendment [1.18]

value, for part 3—see section 15.

work means—

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

Endnote

Act amended

Republished as in force on 24 May 2001 (Republication No 1). See also Act 2001 No 44.

[Presentation speech made in Assembly on 9 August 2001]

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