

2001

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Education)

Building and Construction Industry Training Levy Amendment Bill 2001

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2001 075B

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THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(Minister for Education)

Building and Construction Industry Training Levy Amendment Bill 2001

A Bill for

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

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

2001 075B

1 **1 Name of Act**

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

4 **2 Commencement**

5 (1) This Act (other than schedule 1) commences on the day it is notified
6 in the Gazette.

7 (2) Schedule 1 commences on the commencement of section 3 of this
8 Act or the commencement of the *Legislation Act 2001*, section 18
9 (ACT legislation register), whichever is later.

10 **3 Act amended**

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

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

14 **4 Definitions for pt 3**
15 **Section 15, definition of *project owner***

16 *substitute*

17 *project owner*, for work, means—

18 (a) if the work has been, is being or will be done on land by the
19 owner of the land or by an employee or agent of the owner on
20 the owner's behalf—the owner; or

21 (b) in any other case—the person who has done, is doing or will
22 do the work.

23 **5 Section 15, new definition of *qualified valuer***

24 *insert*

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

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

3 *omit*

4 valuer

5 *substitute*

6 qualified valuer

7 **7 New section 38**

8 *insert*

9 **38 Application of amended def of *project owner* and**
10 **amended sch, item 11**

11 (1) The amendments made by the *Building and Construction Industry*
12 *Training Levy Amendment Act 2001*, sections 4, 8 and 9 do not
13 apply to—

14 (a) work that is building work if a building approval has been
15 issued for the work before the commencement of this section;
16 or

17 (b) work that is not building work done before the commencement
18 of this section.

19 (2) This section expires 1 year after it commences.

20 **8 Work for the purposes of Act**
21 **Schedule, item 11**

22 *omit*

23 On-site electrical

24 *substitute*

25 Electrical

1 **9 Schedule, item 11**

2 *omit*

3 on-site

1 **Schedule 1** **Technical amendments—**
2 **Building and Construction**
3 **Industry Training Levy Act**
4 **1999**

5 (see s 3)

6 **[1.1] Section 1**

7 *substitute*

8 **1 Name of Act**

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

11 **2 Dictionary**

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

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

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

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

24 **[1.2] Section 3, definitions (as amended by this Act), other**
25 **than the definition of work**

26 *relocate to dictionary*

Amendment [1.3]

1 **[1.3] Section 3, remainder**

2 *substitute*

3 **3 Notes**

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

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

7 **[1.4] Part 2, division 1, heading**

8 *omit*

9 **[1.5] Section 4**

10 *substitute*

11 **4 Building and Construction Industry Training Fund Board**

12 (1) There is a board called the Building and Construction Industry
13 Training Fund Board.

14 (2) The board—

15 (a) is a corporation; and

16 (b) must have a common seal.

17 **[1.6] Section 5, new note**

18 *insert*

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

22 **[1.7] Section 6**

23 *omit*

1 **[1.8] Section 7 (2) and (3)**

2 *substitute*

3 (2) A member—

4 (a) is appointed by the Minister; and

5 (b) is to be appointed for a term of not longer than 3 years.

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

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

11 (3) The instrument appointing, or evidencing the appointment of, a
12 member must state the term for which the member is appointed.

13 **[1.9] Section 10**

14 *omit*

15 **[1.10] Section 11, new note**

16 *insert*

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

19 **[1.11] Section 12**

20 *omit*

21 **[1.12] Section 15, definition of exempt work**

22 *substitute*

23 *exempt work* means—

24 (a) work the value of which is not more than \$10 000; or

Amendment [1.13]

- 1 (b) work done by a public authority, other than work that has been
2 awarded to the public authority because of a public tendering
3 process.

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

5 **[1.13] New section 15A**

6 *insert*

7 **15A Extended meaning of *exempt work***

8 (1) For this part:

9 *exempt work* includes work—

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

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

16 **[1.14] Section 20 (2), penalty**

17 *substitute*

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

19 **[1.15] Section 27 (2)**

20 *omit*

21 , other than the first training plan,

1 **[1.16] Section 35 (a)**

2 *omit*
3 performance
4 *substitute*
5 exercise

6 **[1.17] Schedule**

7 *omit everything before item 1, substitute*

8 **Schedule 1 Work**

9 (see dict, def of *work*)

10 **[1.18] New dictionary**

11 *insert*

12 **Dictionary**

13 (see s 2)

14 *Building Act*, for part 3—see section 15.
15 *building approval*, for part 3—see section 15.
16 *building controller*, for part 3—see section 15.
17 *building work*, for part 3—see section 15.
18 *exempt work*, for part 3—see section 15.
19 *owner*, for part 3—see section 15.
20 *project owner*, for part 3—see section 15.
21 *public authority*, for part 3—see section 15.
22 *rate of levy*, for part 3—see section 15.
23 *value*, for part 3—see section 15.

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

Amendment [1.18]

- 1 **work** means—
- 2 (a) work mentioned in schedule 1; or
- 3 (b) work prescribed under the regulations.
-

Endnote

Act amended

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