

**BUILDING AND CONSTRUCTION INDUSTRY TRAINING FUND AND LEVY
COLLECTION AMENDMENT BILL 2003**

EXPLANATORY MEMORANDUM

The purpose of this Bill is to repeal the sunset provisions in the *Building and Construction Industry Training Fund and Level Collection Act 1990* (the Act) to ensure it will not expire on 30 June 2004. This will enable the continuation of the levy for the purpose of ensuring future skill needs in the industry are met.

In April 2002, pursuant to section 32 of the Act and the State Government's requirement for all Western Australia's 165 statutory authorities to be reviewed by 1 July 2002, a review of the Act was undertaken. Interested parties were invited to address the terms of reference of the review through written submissions. The written submissions strongly supported the continuation of a training levy. The success of the levy, particularly in relation to funding apprenticeship training and the sub-contract nature of the industry, were some of the reasons given for continuation of the Act.

Recommendation 17 of the Review of the Act recommends that the training levy be retained for the industry.

The *Building and Construction Industry Training Fund and Levy Collection Amendment Bill 2003* (attached) effectively ensures the continuation of the levy and the fund for industry to improve the quality of its training and increase the number of skilled persons in the building and construction industry.

Outlined below is an examination of the contents of the Bill on a clause by clause basis.

Clause 1: Short title and citation.

Clause 2: This clause provides that the proposed Act comes into operation on the day on which it receives the Royal Assent, which is the earliest possible commencement day.

Clause 3: This clause indicated that the *Building and Construction Industry Training Fund and Levy Collection Act 1990* is the Act being amended.

Clause 4: This clause replaces section 32 of the principle Act. The current section 32 provides for a review of the Act to occur not later than 12 months before the date fixed for the expiry of the Act as stated in section 35.

The new section 32 provides for a review of the Act to be undertaken after 3 years of the commencement of this Act.

Clause 5: This clause has two purposes:

- (a) it repeals section 34 which would have repealed the *Building and Construction Industry Training Levy Act 1990*; and
- (b) repeals section 35 which provides for the expiry of the principle Act.

Clause 6: This repeals Part 3 of the *Building and Construction Industry Training Fund and Levy Collection Amendment Act 1998* which made provision for administration of the fund in the event of the expiry of the principal Act.