

Building and Construction Industry Training Fund and Levy Collection Amendment Bill 2009

CONTENTS

Part 1 — Preliminary		
1.	Short title	2
2.	Commencement	2
Part 2 — <i>Building and Construction Industry Training Fund and Levy Collection Act 1990</i> amended		
3.	Act amended	3
4.	Section 21 amended	3
5.	Schedule 2 replaced	4
Schedule 2 — Estimating the value of construction work		
1.	Terms used	4
2.	Estimation of value	4
Part 3 — <i>Building and Construction Industry Training Fund and Levy Collection Regulations 1991</i> amended		
6.	Regulations amended	6
7.	Regulation 6 deleted	6

Western Australia

LEGISLATIVE COUNCIL

**Building and Construction Industry Training
Fund and Levy Collection Amendment Bill 2009**

A Bill for

An Act to amend the —

- *Building and Construction Industry Training Fund and Levy Collection Act 1990; and*
- *Building and Construction Industry Training Fund and Levy Collection Regulations 1991.*

The Parliament of Western Australia enacts as follows:

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Part 1 — Preliminary

1. Short title

This is the *Building and Construction Industry Training Fund
and Levy Collection Amendment Act 2009*.

2. Commencement

This Act comes into operation as follows —

- (a) Part 1 — on the day on which this Act receives the
Royal Assent;
- (b) the rest of the Act — on the day after that day.

1 **Part 2 — *Building and Construction Industry Training***
2 ***Fund and Levy Collection Act 1990* amended**

3 **3. Act amended**

4 This Part amends the *Building and Construction Industry*
5 *Training Fund and Levy Collection Act 1990*.

6 **4. Section 21 amended**

7 (1) In section 21(1)(a) and (b)(i) delete “as prescribed;” and insert:
8

9 under Schedule 2;
10

11 (2) After section 21(3) insert:
12

13 (4) It is declared, to avoid doubt —

14 (a) that regulation 6 has always been valid; and

15 (b) that the estimation of the value of construction
16 work as prescribed in regulation 6 has always
17 been authorised; and

18 (c) that the doing of any of the following on the
19 basis of the value so estimated has always been
20 valid —

21 (i) the imposition of the levy;

22 (ii) the calculation and collection or
23 recovery of a required amount;

24 (iii) the payment to the Fund of a required
25 amount collected or recovered.

26 (5) In subsection (4) —

27 ***regulation 6*** means the *Building and Construction*
28 *Industry Training Fund and Levy Collection*
29 *Regulations 1991* regulation 6 as originally made and

**Building and Construction Industry Training Fund and Levy Collection
Amendment Bill 2009**

Part 2 Building and Construction Industry Training Fund and Levy
Collection Act 1990 amended

s. 5

1 as amended from time to time until its repeal by the
2 *Building and Construction Industry Training Fund and*
3 *Levy Collection Amendment Act 2009* section 7;

4 ***required amount*** means —

5 (a) an amount of levy; or

6 (b) an amount under section 22(b) or 24.
7

8 **5. Schedule 2 replaced**

9 Delete Schedule 2 and insert:
10

11 **Schedule 2 — Estimating the value of**
12 **construction work**

13 [s. 21]

14 **1. Terms used**

15 In this Schedule —

16 ***GST*** has the meaning given in the *A New Tax System*
17 *(Goods and Services Tax) Act 1999* (Commonwealth);

18 ***relevant components*** means —

19 (a) all goods (including manufactured goods) forming
20 part of the construction work; and

21 (b) labour; and

22 (c) services necessary; and

23 (d) fees payable; and

24 (e) overheads to be met; and

25 (f) profit margin.

26 **2. Estimation of value**

27 For the purposes of section 21(1)(a) and (b) —

28 (a) where the construction work is to be carried out
29 under a contract and the contract price includes

**Building and Construction Industry Training Fund and Levy Collection
Amendment Bill 2009**

Building and Construction Industry Training Fund and Levy
Collection Act 1990 amended

Part 2

s. 5

1 value for at least each of the relevant
2 components — the estimated value of the
3 construction work is the contract price (including
4 the GST); and
5 (b) where the construction work is to be carried out —
6 (i) other than under a contract; or
7 (ii) under a contract the contract price for which
8 does not include value for each of the
9 relevant components,
10 the estimated value of the construction work is the
11 sum of the value (including the GST) of the relevant
12 components.

***Building and Construction Industry Training Fund and Levy Collection
Amendment Bill 2009***

Part 3 Building and Construction Industry Training Fund and Levy
Collection Regulations 1991 amended

s. 6

1 **Part 3 — *Building and Construction Industry Training***
2 ***Fund and Levy Collection Regulations 1991* amended**

3 **6. Regulations amended**

4 This Part amends the *Building and Construction Industry*
5 *Training Fund and Levy Collection Regulations 1991*.

6 **7. Regulation 6 deleted**

7 Delete regulation 6.

8
