

Western Australia

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

As at 19 May 2009

No. 6 of 2009

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

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

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Western Australia

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

No. 6 of 2009

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.*

[Assented to 19 May 2009]

The Parliament of Western Australia enacts as follows:

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.

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

3. Act amended

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

4. Section 21 amended

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

under Schedule 2;

- (2) After section 21(3) insert:

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

- (a) that regulation 6 has always been valid; and
- (b) that the estimation of the value of construction work as prescribed in regulation 6 has always been authorised; and
- (c) that the doing of any of the following on the basis of the value so estimated has always been valid —
 - (i) the imposition of the levy;
 - (ii) the calculation and collection or recovery of a required amount;
 - (iii) the payment to the Fund of a required amount collected or recovered.

- (5) In subsection (4) —

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6 means the *Building and Construction Industry Training Fund and Levy Collection Regulations 1991* regulation 6 as originally made and

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

required amount means —

- (a) an amount of levy; or
- (b) an amount under section 22(b) or 24.

5. Schedule 2 replaced

Delete Schedule 2 and insert:

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

[s. 21]

1. Terms used

In this Schedule —

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

relevant components means —

- (a) all goods (including manufactured goods) forming
part of the construction work; and
- (b) labour; and
- (c) services necessary; and
- (d) fees payable; and
- (e) overheads to be met; and
- (f) profit margin.

2. Estimation of value

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

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

value for at least each of the relevant components — the estimated value of the construction work is the contract price (including the GST); and

- (b) where the construction work is to be carried out —
- (i) other than under a contract; or
 - (ii) under a contract the contract price for which does not include value for each of the relevant components,

the estimated value of the construction work is the sum of the value (including the GST) of the relevant components.

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

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

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

6. Regulations amended

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

7. Regulation 6 deleted

Delete regulation 6.

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