
TRAINING

TA301*

Building and Construction Industry Training Fund and Levy Collection
Act 1990

**Building and Construction Industry Training
Fund and Levy Collection Amendment
Regulations 2010**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Building and Construction Industry Training Fund and Levy Collection Amendment Regulations 2010*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Building and Construction Industry Training Fund and Levy Collection Regulations 1991*.

4. Regulation 3 amended

(1) In regulation 3(1):

- (a) in paragraph (d) delete “work; or” and insert:

work.

- (b) delete paragraph (e);

(c) after paragraphs (a), (b) and (c) insert:

or

(2) In regulation 3(2) delete the definitions of:

government authority

minerals

mining and petroleum work

petroleum

(3) In regulation 3(2) insert in alphabetical order:

government authority means —

- (a) the Crown;
- (b) an agency or instrumentality of the Crown;
- (c) a local government or regional local government within the meaning of the *Local Government Act 1995* or a Commissioner appointed under that Act;

(4) In regulation 3(2) in the definition of *government work* paragraph (b)(ii) delete “authority;” and insert:

authority.

5. Regulation 3AA inserted

After regulation 3 insert:

3AA. Mining and petroleum work excluded from construction work

(1) In this regulation —

commercial construction work means construction work that —

- (a) is not engineering construction work; and
- (b) is carried out on, or results in, a rigid and fixed structure that is intended predominantly for the use of or to contain —
 - (i) people; or
 - (ii) plants; or
 - (iii) machinery; or
 - (iv) goods; or
 - (v) livestock;

engineering construction work means construction work on or resulting in —

- (a) a road, railway, airfield or other structure for the passage of persons, animals or vehicles; or
- (b) a breakwater, dock, jetty, pier, wharf or other structure for the improvement or alteration of any harbour, river or watercourse for the purposes of navigation; or
- (c) any structure for the storage or supply of water or for the irrigation of land; or
- (d) any structure for the conveyance, treatment or disposal of sewage or of the effluent from any premises; or
- (e) a structure for extracting, refining, processing or treatment of heavy industry materials or for the production or extraction of heavy industry products and by-products from materials; or
- (f) a bridge, viaduct, aqueduct or tunnel; or
- (g) a chimney stack that is not part of a residential or commercial building, a cooling tower, drilling rig, gas holder or silo; or
- (h) a pipeline; or
- (i) a navigational light, beacon or marker; or
- (j) a structure for the drainage of land; or
- (k) a structure for the storage of liquid or gas; or
- (l) a structure for the transmission of wireless or telegraphic communications; or
- (m) a fence, other than a fence on a farm; or
- (n) a grandstand, stadium or swimming pool; or
- (o) a structure for the generation, supply or transmission of electric power;

minerals has the same meaning given in the *Mining Act 1978* section 8(1);

petroleum has the same meaning given in the *Petroleum Pipelines Act 1969* section 4(1);

residential construction work means construction work on, or resulting in, a building that is intended to be used predominantly for residential purposes.

- (2) The following work is prescribed as excluded from the definition of ***construction work*** in section 3(1) of the Act —

- (a) work associated with any operation under —
 - (i) the *Mining Act 1978*; or
 - (ii) the *Petroleum and Geothermal Energy Resources Act 1967*; or

- (iii) the *Petroleum (Submerged Lands) Act 1982*; or
 - (iv) the *Petroleum Pipelines Act 1969*,
that is not residential construction work or commercial construction work;
 - (b) work to which subregulation (3) applies and that is performed in connection with the work referred to in paragraph (a).
- (3) Work excluded from the definition of **construction work** in section 3(1) of the Act by operation of subregulation (2) includes the following —
- (a) earthworks associated with the construction or maintenance of any temporary water supply or temporary access track for any purpose associated with any mineral or petroleum exploration activity, and any other earthworks associated with any such exploration activity;
 - (b) any excavation work associated with exploration for, or the extraction of, any minerals or petroleum;
 - (c) any work directly related to the fabrication of a pipeline system used in mineral or petroleum production or processing and any subsequent repair work that involves welding or coating a pipeline system (or part of a pipeline system) used in mineral or petroleum production or processing;
 - (d) the construction or maintenance of any haul road or track that is —
 - (i) in or around a mine or other mineral or petroleum production facility; and
 - (ii) directly used in a mineral or petroleum production operation;
 - (e) the maintenance of an airstrip or landing pad used in conjunction with any mineral or petroleum production operation;
 - (f) work associated with an environmental clean-up or environmental restoration;
 - (g) work associated with a mine back-filling operation;
 - (h) repair or maintenance work carried out on any plant or equipment directly associated with mineral or petroleum exploration, production or processing, or for piloting.

6. Regulation 5 deleted

Delete regulation 5.

7. Schedule 1 deleted

Delete Schedule 1.

By Command of the Governor,

PETER CONRAN, Clerk of the Executive Council.