

## House of Assembly

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South Australia

# Construction Industry Training Fund (Board) Amendment Bill 2019

A BILL FOR

An Act to amend the *Construction Industry Training Fund Act 1993*.

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**The Parliament of South Australia enacts as follows:**

## Part 1—Preliminary

### 1—Short title

This Act may be cited as the *Construction Industry Training Fund (Board) Amendment Act 2019*.

### 2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

### 3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

## Part 2—Amendment of *Construction Industry Training Fund Act 1993*

### 4—Amendment of section 5—Composition of the Board

- (1) Section 5(1) and (1a)—delete subsections (1) and (1a) and substitute:
- (1) Subject to this section, the Board consists of the following members appointed by the Governor on the nomination of the Minister:
    - (a) 1 person to be the presiding member of the Board;
    - (b) at least 4 (but not more than 8) persons who have knowledge of, and experience or expertise in, the building and construction industry;
    - (c) 2 persons who are, in the opinion of the Minister, independent of the building and construction industry.
  - (1a) The Minister must, in nominating persons under subsection (1)(b) for appointment to the Board, seek to ensure that—
    - (a) at least 1 person is nominated to represent the interests of employers in the building and construction industry; and
    - (b) at least 1 person is nominated to represent the interests of employees in the building and construction industry.
  - (1b) The Minister must, before nominating a person for appointment to the Board under subsection (1)(b) or (c), consult with the presiding member of the Board (unless the office of presiding member is vacant).
  - (1c) The Minister must, in making nominations for appointment to the Board, seek to ensure that the membership of the Board comprises persons who together have the knowledge, skills and experience necessary to enable the Board to carry out its functions effectively.
  - (1d) The Minister must, before nominating a person for appointment to the Board under subsection (1)(b)—
    - (a) give public notice, as the Minister may determine, inviting expressions of interest for appointment to the Board under subsection (1)(b) to be submitted within a period specified in the notice; and
    - (b) take into account any expressions of interest received within the specified period.

(2) Section 5—after subsection (6) insert:

(6a) However, if—

- (a) the office of a member of the Board becomes vacant before the expiry of the term of appointment specified in the member's instrument of appointment; and
- (b) a person had been appointed to be the deputy of that member,

the person who had been appointed to be the deputy of the member may act as a member of the Board in respect of the vacant office—

- (c) for the balance of the term of appointment referred to in paragraph (a); or
- (d) until a person is appointed to the vacant office under this section,

whichever first occurs (and a reference in this Act to a member of the Board will be taken to include, unless the contrary intention appears, a reference to a person acting as a member under this subsection).

#### **5—Amendment of section 7—Procedures of the Board**

(1) Section 7(1)—delete subsection (1) and substitute:

- (1) A quorum of the Board consists of one half of the members of the Board (ignoring any fraction resulting from the division) plus 1.

(2) Section 7(3) to (5)—delete subsections (3) to (5) (inclusive) and substitute:

- (3) A decision supported by the majority of the votes cast by members present at a meeting of the Board is a decision of the Board.
- (4) Each member present at a meeting of the Board has 1 vote on any question arising for decision and, if the votes are equal, the member presiding at the meeting may exercise a casting vote.

#### **6—Amendment of section 10—Allowances and expenses**

(1) Section 10—delete "not exceeding amounts determined by the Minister after consultation with the Commissioner for Public Sector Employment" and substitute:

approved by the Minister

(2) Section 10—after its present contents (now to be designated as subsection (1)) insert:

- (2) The allowances and expenses for each member of the Board approved by the Minister under subsection (1) must—
  - (a) be included in the annual report of the Board prepared under section 17; and
  - (b) be published on a website maintained by the Board to which the public has access free of charge.

## **7—Insertion of section 17A**

After section 17 insert:

### **17A—Reports to Minister**

If the Minister requests the Board, by written notice, to provide the Minister with a report relating to any matter relevant to the operation of the Board and this Act specified in the notice, the Board must comply with the request and provide a report to the Minister within the period stated in the notice.

## **8—Amendment of section 21—Rate of levy**

Section 21(2)—delete "approved at a meeting of the Board at which at least one person appointed by the Governor under section 5(1)(c), and at least one person appointed by the Governor under section 5(1)(d), are present"

## **9—Substitution of section 38**

Section 38—delete the section and substitute:

### **38—Review of amendments to Act by *Construction Industry Training Fund (Board) Amendment Act 2019***

- (1) The Minister must, as soon as practicable after the third anniversary of the commencement of the *Construction Industry Training Fund (Board) Amendment Act 2019*, appoint an independent person to carry out an investigation and review concerning the amendments made to this Act by the *Construction Industry Training Fund (Board) Amendment Act 2019*.
- (2) The investigation and review under subsection (1) must include the following matters relevant to the amendments made to this Act by the *Construction Industry Training Fund (Board) Amendment Act 2019*:
  - (a) the effectiveness of the Board in the exercise of its functions and powers;
  - (b) the attainment of the objects of this Act.
- (3) The person appointed under subsection (1) must present to the Minister a report on the outcome of the investigation and review within 6 months after the person's appointment.
- (4) The Minister must, within 12 sitting days after receipt of a report under this section, cause a copy of the report to be laid before both Houses of Parliament.

## **10—Repeal of Schedules 2 and 3**

Schedules 2 and 3—delete the Schedules

## Schedule 1—Transitional provisions

### 1—Office of member vacated

The office of each member of the Construction Industry Training Board under the *Construction Industry Training Fund Act 1993* holding office immediately before the commencement of section 4 of this Act is, on the commencement of that section, vacated.