

South Australia

# Construction Industry Training Fund Act 1993

An Act to establish a fund to be used to improve the quality of training in the building and construction industry; to establish the Construction Industry Training Board to administer the fund and to co-ordinate appropriate training; to provide for the imposition and collection of a levy for the purposes of the fund; and for other purposes.

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## Contents

### Part 1—Preliminary

- 1 Short title
- 3 Interpretation
- 3A Objects

### Part 2—The Construction Industry Training Board

- 4 Constitution of the Board
- 5 Composition of the Board
- 6 Immunity of members
- 7 Procedures of the Board
- 8 Disclosure of interest
- 9 Members' duties of honesty, care and diligence etc
- 10 Allowances and expenses

### Part 3—Operations of the Board

#### Division 1—Functions and powers

- 11 Functions
- 12 Powers of the Board
- 13 Committees
- 14 Delegations
- 15 Common seal and execution of documents

#### Division 2—Accounts, audits and reports

- 16 Accounts and audit
- 17 Annual report
- 17A Reports to Minister

#### Division 3—Administration

- 18 Staff and resources
- 19 Collection agencies

## Part 4—Levies

- 20 Imposition of levy
- 21 Rate of levy
- 22 Estimated value of building or construction work
- 23 Exemptions
- 24 Liability of project owner to pay levy
- 25 Penalties for late payment of levy
- 26 Notice of variation
- 27 Adjustment of amount paid
- 28 Cancellation of project
- 29 Recovery of levy etc
- 30 Offence to provide false information

## Part 5—The Construction Industry Training Fund

- 31 Construction Industry Training Fund
- 31A Minister may present Board with statement of priorities

## Part 6—Training Plan

- 32 Training Plan

## Part 7—Miscellaneous

- 32A Board may conduct activities under other name
- 33 Authorised officers
- 34 Powers of entry and inspection
- 35 Contracts to evade levy void
- 36 Prosecution
- 37 Regulations
- 38 Review of Act

## Schedule 1—Building or construction work under the Act

- 1 Building or construction work
- 2 Exclusions
- 3 Definitions

## Schedule 1A—Value of building or construction work

- 1 Estimated value
- 2 Fixtures etc

## Schedule 4—Public accountability of Board

- 1 Powers of Minister
- 2 Notice or proposal
- 3 Appointment and powers of administrator
- 4 Expenses of administration
- 5 Liability for losses incurred during administration
- 6 Termination of administration

## Legislative history

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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 Act 1993*.

### **3—Interpretation**

- (1) In this Act, unless the contrary intention appears—

**agricultural land** means land wholly or mainly used for agricultural or horticultural purposes, animal husbandry, or other similar purposes;

**the Board** means the Construction Industry Training Board constituted under this Act;

**building approval** in respect of building or construction work, means building consent under section 102(1)(b) of the *Planning, Development and Infrastructure Act 2016*;

**building or construction work**—see Schedule 1;

**collection agency** means a person or body appointed under section 19;

**the Fund** means the Construction Industry Training Fund established under Part 5;

**government authority** means—

- (a) the Crown; or
- (b) an agency or instrumentality of the Crown; or
- (c) a local council; or
- (d) a body, or body of a prescribed class, prescribed by regulation for the purposes of this definition;

**local council** means a council under the *Local Government Act 1999* and includes a subsidiary of a council under that Act;

**project owner** in respect of building or construction work, means—

- (a) if a person has been engaged (other than as an employee) to carry out, or to cause to be carried out (including by the use of one or more subcontractors) all, or substantially all, of the building or construction work associated with a particular project—that person<sup>1</sup>;
- (b) in any other case—the person for whose direct benefit the building or construction work exists on its completion;

**Training Plan** means the Training Plan prepared by the Board under section 32, as in force from time to time.

- (2) The following constitute sectors of the building and construction industry for the purposes of this Act:
- (a) the housing sector;
  - (b) the commercial sector;
  - (c) the civil sector;

- (d) such other sectors (if any) as the regulations may prescribe.
- (3) A sector will be constituted by such parts of the building and construction industry as the regulations may prescribe.

**Note—**

- 1 The regulations may prescribe principles to be taken into account for the purpose of determining whether a person falls within the ambit of this paragraph.

### **3A—Objects**

The objects of this Act include to—

- (a) promote industry supported access to training opportunities for people entering the building and construction industry; and
- (b) support high quality training that improves the skills level of the building and construction workforce, and responds to changing industry practices; and
- (c) encourage innovative training options that flexibly meet the needs of the building and construction workforce and industry; and
- (d) ensure the Fund is appropriately administered and an appropriate focus on awareness of, and compliance with, levy payment obligations is maintained; and
- (e) improve access to training for groups under represented in the building and construction industry, including women, Aboriginal and Torres Strait Islanders and adult workers; and
- (f) promote the use of evidence and data to inform decisions around funding, research and education; and
- (g) provide relevant and timely advice to the Minister on skills shortages and the building and construction workforce supply requirements of the State.

## **Part 2—The Construction Industry Training Board**

### **4—Constitution of the Board**

- (1) The *Construction Industry Training Board* continues in existence.

**Note—**

See also section 32A.

- (2) The Board—
  - (a) is a body corporate with perpetual succession and a common seal; and
  - (b) is capable of suing and being sued in its corporate name; and
  - (c) has the functions and powers assigned or conferred by or under this Act.
- (3) The Board is not part of the Crown, nor is it an agency or instrumentality of the Crown.
- (4) On the commencement of this Act, the incorporation of the Construction Industry Training Council (S.A.) Incorporated under the *Associations Incorporation Act 1985* is terminated.

- (5) A reference in an instrument to the Construction Industry Training Council (S.A.) Incorporated will, where the context admits, be construed as a reference to the Board.

## 5—Composition of the Board

- (1) Subject to this section, the Board consists of up to 12 members appointed by the Governor on the nomination of the Minister, who collectively have skills, knowledge and experience that the Minister considers appropriate to enable the members to carry out the functions of the Board, of whom—
- (a) 4 persons are appointed to represent the interests of employers in the building and construction industry; and
  - (b) 4 persons are appointed to represent the interests of employees in the building and construction industry.
- (1aaa) An employee or officer of an organisation, or of a branch or division of an organisation, must not be appointed as a member, or as a deputy of a member, of the Board while that organisation, branch or division (as the case requires) is under administration pursuant to the *Fair Work (Registered Organisations) Act 2009* of the Commonwealth in respect of its operations in the State.
- (1aa) Before nominating a person referred to in subsection (1)(a) and (b), the Minister must—
- (a) consult with the bodies prescribed by the regulations for the purposes of nominations of the relevant kind; and
  - (b) comply with any other requirements set out by the regulations.
- (1ab) A person nominated by the Minister for the purposes of subsection (1) (other than for the purposes of subsection (1)(a) or (b)) must, in the opinion of the Minister, be independent of the building and construction industry.
- (1a) The Governor must appoint 1 of the members (not being a member of a kind referred to in subsection (1)(a) or (b)) to be the presiding member of the Board.
- (1b) The Minister must, before nominating a person for appointment to the Board under subsection (1), 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 (other than for the purposes of subsection (1)(a) or (b)), 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 as a member of the Board (other than as a nomination for the purposes of subsection (1)(a) or (b), or to fill a casual vacancy on the Board), call for expressions of interest under a scheme determined by the Minister for the purposes of this subsection.
- (1e) However, the Minister need not comply with subsection (1d) in relation to the nomination of a person for appointment if—
- (a) the Minister has previously called for expressions of interest in relation to the appointment of a member of the Board of the relevant kind; and
  - (b) the person nominated expressed interest in relation to such an appointment.

- (2) A member of the Board is to be appointed for a term (not exceeding three years) specified in the instrument of appointment and is, on the expiration of a term of office, eligible for reappointment.
- (3) The Governor may, on the nomination of the Minister, appoint a suitable person as a deputy of a member of the Board, and the deputy may act as a member of the Board in the absence of that member (however, a person cannot be appointed as a deputy of both a member referred to in subsection (1)(a) and a member referred to in subsection (1)(b)).
- (3a) To avoid doubt, nothing prevents a person from being the deputy of more than 1 member of the Board.
- (4) Without derogating from the other provisions of this Act, the Governor may remove a member of the Board from office for—
- (a) misconduct; or
  - (b) incapacity to carry out satisfactorily duties of office; or
  - (c) failure to carry out satisfactorily duties of office.
- (5) The office of a member of the Board becomes vacant if the member—
- (a) dies; or
  - (b) completes a term of office and is not reappointed; or
  - (c) resigns by written notice to the Minister; or
  - (d) is convicted of an indictable offence; or
  - (e) becomes bankrupt or applies to take the benefit of a law for the relief of insolvent debtors; or
  - (ea) is, or becomes, an employee or officer of an organisation, or of a branch or division of an organisation, while that organisation, branch or division (as the case requires) is under administration pursuant to the *Fair Work (Registered Organisations) Act 2009* of the Commonwealth in respect of its operations in the State; or
  - (f) is removed from office by the Governor.
- (5a) The appointment of a person as a deputy of a member is, by force of this subsection, revoked if the person is, or becomes, an employee or officer of an organisation, or of a branch or division of an organisation, while that organisation, branch or division (as the case requires) is under administration pursuant to the *Fair Work (Registered Organisations) Act 2009* of the Commonwealth in respect of its operations in the State.
- (6) On the office of a member becoming vacant, a person may be appointed in accordance with this section to the vacant office.
- (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).

- (7) An act of the Board is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

## **6—Immunity of members**

- (1) A member of the Board incurs no liability for anything done honestly and with reasonable care and diligence in the performance or purported performance of functions or duties under this Act.
- (2) Any liability that would, but for this section, attach to a member attaches instead to the Board.

## **7—Procedures of the Board**

- (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) The presiding member of the Board will preside at meetings of the Board or, in the absence of that member, a member chosen by those present will preside.
- (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) A person nominated by the Minister may attend any meeting of the Board (however the person is not a member of the Board, is not entitled to vote on any question before the Board and cannot otherwise compromise the independence of the Board).
- (8) The Board must have accurate minutes kept of its proceedings.
- (9) Subject to this Act, the Board may determine its own proceedings.

## **8—Disclosure of interest**

- (1) A member of the Board who has a direct or indirect personal or pecuniary interest in a matter decided or under consideration by the Board—
  - (a) must disclose the nature of the interest to the Board; and
  - (b) must not take part in any deliberations or decisions of the Board on the matter.

Maximum penalty: \$10 000.

- (1a) A member of the Board will not be taken to have a direct or indirect interest in a matter for the purposes of this section by reason only of the fact that the member has an interest in a matter that is shared in common with those engaged in or associated with the construction industry generally, or a substantial section of those engaged in or associated with the construction industry.
- (2) It is a defence to a charge of an offence against subsection (1) to prove that the defendant was not, at the time of the alleged offence, aware of their interest in the matter.
- (3) A disclosure under this section must be recorded in the minutes of the Board.
- (4) If a member makes a disclosure of interest in respect of a contract or proposed contract—
  - (a) the contract is not liable to be avoided by the Board on the ground of the fiduciary relationship between the member and the Board; and
  - (b) the member is not liable to account to the Board for profits derived from the contract.

## **9—Members' duties of honesty, care and diligence etc**

- (1) A member of the Board must at all times act honestly in the performance of the functions of their office, whether within or outside the State.  
Maximum penalty: \$10 000.
- (2) A member of the Board must at all times exercise a reasonable degree of care and diligence in the performance of their functions, whether within or outside the State.  
Maximum penalty: \$10 000.
- (3) A member or former member of the Board must not, whether within or outside the State, make improper use of information acquired by virtue of their position as such a member to gain, directly or indirectly, an advantage for themselves or for any other person or to cause detriment to the Board.  
Maximum penalty: \$20 000.
- (4) A member of the Board must not, whether within or outside the State, make improper use of their position as a member to gain, directly or indirectly, an advantage for themselves or for any other person or to cause detriment to the Board.  
Maximum penalty: \$20 000.
- (5) This section has effect in addition to, and not in derogation of, any Act or law relating to the criminal or civil liability of a member of the governing body of a corporation and does not prevent the institution of any criminal or civil proceedings in respect of such a liability.
- (6) For the purposes of section 6, a person will not be taken to have acted honestly if the act constituted or involved contravention by the person of subsection (3) or (4) of this section.

## **10—Allowances and expenses**

- (1) A member of the Board is entitled to receive—
  - (a) reimbursement of expenses reasonably incurred by the member in the performance of their functions under the Act; and

- (b) such remuneration and allowances as may be approved by the Minister.
- (2) The allowances and expenses received by each member of the Board 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.

## **Part 3—Operations of the Board**

### **Division 1—Functions and powers**

#### **11—Functions**

The functions of the Board are—

- (a) to act as a principal adviser to the Minister and the Minister for Employment, Education and Training of the Commonwealth on any matter relating to training in the building and construction industry and in particular to provide advice in relation to—
  - (i) skill requirements for the building and construction industry and the training arrangements to meet those requirements; and
  - (ii) pre-employment and training programmes; and
  - (iii) any other matter referred to the Board for advice by either of those Ministers;
- (b) to administer the Construction Industry Training Fund;
- (ba) to oversee revenue collection for the Fund (including by ensuring compliance with the levy scheme);
- (c) to prepare the Training Plan in accordance with this Act;
- (d) generally to co-ordinate training and personnel development within the building and construction industry;
- (e) to promote increased productivity, career opportunities, personal satisfaction and occupational health and safety within the building and construction industry through training;
- (f) to review and evaluate employment related training programmes to ensure that they meet the training and skill requirements of the building and construction industry, and to support appropriate training programmes in the building and construction industry;
- (g) to ensure a more equitable distribution of effort amongst employers in relation to employment related training in the building and construction industry;
- (h) to initiate, carry out, support or promote research into the training and personnel needs of the building and construction industry and to develop and implement policies, plans and programmes to meet those needs;

- (i) to liaise with educational, professional and training bodies (in either the public or private sectors) in relation to training and personnel development within the building and construction industry;
- (j) to promote, undertake or support programmes designed to facilitate the international exchange of information relevant to training or personnel development within the building and construction industry;
- (k) to perform any functions that are necessary or convenient for or incidental to the performance of functions referred to above.

## **12—Powers of the Board**

Subject to any limitation imposed by or under this Act, the Board has all the powers of a natural person.

## **13—Committees**

- (1) For the purposes, or in the course, of performing its functions, the Board may establish such committees (which may, but need not, consist of or include members of the Board) as the Board thinks fit.
- (2) The Board must establish and maintain a committee in relation to each sector of the building and construction industry.
- (3) The functions of a committee established under subsection (2) are—
  - (a) to represent the interests of its particular sector in relation to the management of the Fund; and
  - (aa) to make representations to the Board in relation to the Training Plan; and
  - (b) to advise the Board on the allocation of money from the Fund for the benefit of its particular sector; and
  - (c) to advise the Board on any other matter relevant to its particular sector; and
  - (d) to carry out other functions determined by the Board.
- (3a) The Board must establish and maintain a cross-sector planning committee.
- (3b) The functions of the committee established under subsection (3a) are—
  - (a) to advise the Board on issues and trends that affect the building and construction industry as a whole; and
  - (b) to advise the Board on the allocation of money from the Fund for the benefit of a section of the building and construction workforce, or the building and construction workforce as a whole; and
  - (c) to represent the interests of professions and small businesses that provide important inputs to the building and construction industry; and
  - (d) to make representations to the Board in relation to the Training Plan; and
  - (e) to carry out other functions determined by the Board.
- (4) Subject to the regulations, a member of a committee holds office at the pleasure of the Board.
- (5) A member of a Committee is entitled to receive reimbursement, allowances and expenses approved by the Minister.

- (6) The allowances and expenses received by each committee member under subsection (5) 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.

#### **14—Delegations**

- (1) The Board may delegate any of the Board's functions or powers under this Act—
  - (a) to a committee of the Board; or
  - (b) to a particular individual.
- (2) A delegation under this section—
  - (a) may be absolute or conditional; and
  - (b) does not derogate from the power of the Board to act in any matter; and
  - (c) is revocable at will by the Board.
- (3) In any legal proceedings an apparently genuine certificate, purportedly signed by a member of the Board, containing particulars of a delegation under this section will, in the absence of proof to the contrary, be accepted as proof that the delegation was made in accordance with the particulars.
- (4) The Board must ensure that a list of the delegations that it makes in a particular calendar year is included in its annual report for that year.

#### **15—Common seal and execution of documents**

- (1) A document is duly executed by the Board if—
  - (a) the common seal of the Board is affixed to the document in accordance with this section; or
  - (b) the document is signed on behalf of the Board by a person or persons in accordance with authority conferred under this section.
- (2) The common seal of the Board must not be affixed to a document except in pursuance of a decision of the Board, and the affixing of the seal must be attested by the signatures of two members of the Board.
- (3) The Board may, by instrument under its common seal, authorise a member of the Board, an officer of the Board (whether nominated by name or by office or title) or any other person to execute documents on behalf of the Board subject to conditions and limitations (if any) specified in the instrument of authority.
- (4) Without limiting subsection (3), an authority may be given so as to authorise two or more persons to execute documents jointly on behalf of the Board.

### **Division 2—Accounts, audits and reports**

#### **16—Accounts and audit**

- (1) The Board must cause proper accounts to be kept of its financial affairs.

- (2) The Auditor-General may at anytime, and must at least once in every year, audit the accounts of the Board.

### **17—Annual report**

- (1) The Board must, on or before 31 March in each year, prepare a report on its activities during the preceding calendar year.
- (2) A report under this section must incorporate the audited financial statements of the Board for the calendar year to which the report relates.
- (3) The Board must cause a copy of the report to be presented to the Minister within seven days after the report is completed.
- (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.

### **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.

## **Division 3—Administration**

### **18—Staff and resources**

- (1) The staff of the Board are not public service employees.
- (2) The Board may, under an arrangement established by the Minister administering an administrative unit of the Public Service, make use of the services or staff of that administrative unit it considers necessary for the administration of this Act.

### **19—Collection agencies**

- (1) The Board may appoint such persons or bodies to be collection agencies for the purposes of this Act as the Board thinks fit.
- (2) Any levy collected by a collection agency must be paid to the Board in accordance with instructions issued by the Board.
- (3) A collection agency is entitled to receive from the Board the remuneration agreed between the Board and the agency for carrying out the agency's functions under this Act.

## **Part 4—Levies**

### **20—Imposition of levy**

- (1) Subject to this Act, a levy is imposed in respect of any building or construction work which commences after the commencement of this Act.

### **21—Rate of levy**

- (1) The rate of the levy is 0.25 per cent of the estimated value of building or construction work, or such other percentage not exceeding 0.5 per cent of that value as the regulations may prescribe.

- (2) A regulation must not be made for the purposes of subsection (1) except on a recommendation of the Board.

## 22—Estimated value of building or construction work

The estimated value of building or construction work will be determined in accordance with Schedule 1A.

## 23—Exemptions

- (1) The levy is not payable in respect of building or construction work if the estimated value of the work does not exceed the amount prescribed by the regulations.
- (2) The Board must, at least once in each 3 year period following the commencement of section 17 of the *Construction Industry Training Fund (Miscellaneous) Amendment Act 2024*, review the amount referred to in subsection (1) and may, following a review, recommend to the Minister that the amount be adjusted.
- (4) Where—
- (a) building or construction work is to be carried out on agricultural land; and
  - (b) some or all of the work is to be carried out by the owner of the land, or by a person who will not be employed or engaged for remuneration to perform any part of the work; and
  - (c) the owner of the land applies for the benefit of this provision in accordance with the regulations,

the estimated value of the building or construction work will, for the purposes of the calculation and imposition of the levy, be taken to be as follows:

$$EV = V(1 - A)$$

Where

*EV* is the estimated value

*V* is the value that would apply for the purposes of the calculation and imposition of the levy except for this subsection

*A* is a reasonable estimation of that proportion of the building or construction work that is attributable to the work carried out by the owner of the land, or by a person who will not be employed or engaged for remuneration to perform any part of the work, expressed as a percentage of the total amount of building or construction work to be carried out.

- (5) For the purposes of subsection (4)—
- owner* of land includes a person who holds land from the Crown by lease or licence.

## 24—Liability of project owner to pay levy

- (1) The project owner in respect of any building or construction work is liable to pay the levy on that building or construction work.
- (2) The project owner must pay the levy to the Board or a collection agency—
- (a) before obtaining building approval for the relevant building or construction work; or

- (b) if no building approval is required, before commencing that building or construction work.

Maximum penalty: \$5 000 plus twice the amount of levy required to be paid.

- (3) Where building or construction work is to be assessed by a relevant authority, the authority must not approve the work unless satisfied—

- (a) that the appropriate levy has been paid; or
- (b) that no levy is payable.

- (4) Notwithstanding subsections (2) and (3), if—

- (a) building or construction work is to be carried out for or on behalf of a government authority by a person or body other than—
  - (i) an officer or employee of a government authority; or
  - (ii) another government authority; and
- (b) building approval is required for the relevant work but at the time that the building approval is sought the government authority has not engaged the person or body to carry out that work,

then—

- (c) the building approval may be granted without payment of the levy; but
- (d) the person or body engaged to carry out the building or construction work must pay the levy before the commencement of the work.

Maximum penalty: \$5 000 plus twice the amount of levy required to be paid.

- (5) It will be taken to be a condition of any contract for the performance of building or construction work where the work is to be carried out for or on behalf of a government authority by a person or body other than—

- (a) an officer or employee of a government authority; or
- (b) another government authority,

that the person or body will pay any levy due under this Act in accordance with this section.

- (6) Despite a preceding subsection, the Board may, by notice to a particular project owner or by notice in the Gazette—

- (a) determine that a requirement of this section will not apply to a particular project owner, or to project owners of a particular class; and
- (b) determine that a levy may be paid in monthly instalments, or in other periodical instalments determined by the Board, in accordance with a scheme established by the Board.

- (7) The Board may, by subsequent notice, vary or revoke a determination under subsection (6).

- (8) A person must not contravene a determination under subsection (6)(b).

Maximum penalty: \$5 000 plus twice the amount of levy required to be paid under the determination.

- (9) In this section—

*relevant authority* has the same meaning as in the *Planning, Development and Infrastructure Act 2016*, but does not include a subsidiary of a council under the *Local Government Act 1999*.

## 25—Penalties for late payment of levy

- (1) If a project owner fails to pay any levy due under this Act in accordance with the requirements of this Act—
  - (a) the amount in arrears will, until paid, be increased by penalty interest at the prescribed rate under subsection (2); and
  - (b) the Board may impose on the project owner a fine of an amount (not exceeding the prescribed sum) fixed by the Board.
- (2) The prescribed rate under this subsection is the 10 year bond rate declared by the South Australian Government Financing Authority in respect of investments made on the first day of the financial year during which penalty interest becomes payable under subsection (1).
- (3) The Board may for any proper reason remit penalty interest or a fine imposed under subsection (1) wholly or in part.
- (4) The imposition of a penalty under this section does not affect the liability of a project owner to pay a levy.

## 26—Notice of variation

A project owner must notify the Board within three months after the completion of building or construction work if the actual value of the work (as determined under this Act) exceeds the estimated value of the work by the amount prescribed by the regulations.

Maximum penalty: \$5 000.

## 27—Adjustment of amount paid

If the Board is satisfied that the actual value of the building or construction work on completion (as determined under this Act) varies by an amount of \$25 000, or such other amount as may be prescribed, from the estimated value—

- (a) where the value of the work was overestimated, the Board must refund to the project owner an amount equal to the excess levy paid; or
- (b) where the value of the work was underestimated, the project owner must pay to the Board an amount equal to the additional levy that would have been payable if the estimated value of that work had been the actual value of that work.

## 28—Cancellation of project

- (1) The project owner may notify the Board if any building or construction work or part of any building or construction work is not carried out after the levy is paid for the work.

- (2) On receipt of a notice under subsection (1) and on proof to the satisfaction of the Board, the Board must refund to the project owner the amount of the levy paid in respect of the work or part of the work not carried out.

### **29—Recovery of levy etc**

The Board may recover in any court of competent jurisdiction—

- (a) amounts of the levy that are due for payment; and
- (b) other amounts due to the Board under this Part.

### **30—Offence to provide false information**

A project owner who provides to the Board or a collection agency any information or document that is false or misleading in a material particular regarding building or construction work or its cost is guilty of an offence.

Maximum penalty: \$10 000 plus twice the amount of levy required to be paid in respect of that work.

## **Part 5—The Construction Industry Training Fund**

### **31—Construction Industry Training Fund**

- (1) The Board must establish and maintain a Fund to be called the *Construction Industry Training Fund*.
- (2) The Board will be responsible for the administration of the Fund.
- (3) The Fund will consist of—
  - (a) all levies collected under this Act; and
  - (b) all penalties collected under this Act; and
  - (c) any money derived from the investments of the Fund; and
  - (d) any money advanced to the Board for the purposes of this Act; and
  - (e) all other money received by the Board.
- (4) There will be paid from the Fund—
  - (a) all amounts necessary for the implementation of the Training Plan; and
  - (b) all amounts required to be paid to collection agencies under any agreement under this Act; and
  - (c) the costs of the Board incurred in the administration of this Act; and
  - (d) any amount required for a refund of the levy under Part 4; and
  - (da) any amount the Board considers appropriate for the purposes of workforce attraction and retention activities; and
  - (e) all other costs and expenses reasonably incurred by the Board in the performance of its functions.
- (5) The Board may invest money that is not immediately required for the purposes of the Fund in such manner as the Treasurer may from time to time approve.

### 31A—Minister may present Board with statement of priorities

- (1) Without limiting section 4(3), the Minister may, before 30 June in each year, present to the Board a statement outlining the government's priorities for the application of the Fund for the period of 12 months commencing on 1 January of the next year (or for such other period as may be determined by the Minister).
- (2) However, nothing in this section requires the Board to perform its functions in such a way as to carry out or adopt the government's priorities.

## Part 6—Training Plan

### 32—Training Plan

- (1) The Board must, at least once in every 3 year period, prepare a plan (the *Training Plan*) for the purpose of improving the quality of training, and to increase the levels of skills, in the building and construction industry across all skill areas of that industry.
- (2) The Training Plan must—
  - (a) set out priorities for employment related training to be funded from the Fund; and
  - (b) in the allocation of money to a particular sector of the building and construction industry, provide for training that is directly relevant to the needs of that sector.
- (3) The Board must cause a draft of the Training Plan, together with such other submissions, if any, that the Board considers appropriate, to be submitted to the Minister for approval.
- (4) The Minister may request that a draft Training Plan be amended or revised before approval.
- (5) On the approval of the Training Plan the Board must publish the Training Plan in the Gazette.
- (6) The Training Plan has effect from the date the Training Plan is published in the Gazette, and continues in force until the publication of a subsequent Training Plan.
- (7) It is the duty of the Board, so far as is reasonably practicable, to carry the Training Plan into effect.
- (8) The Board must ensure that the resources of the Fund required for the purposes of the Training Plan are only allocated to properly structured training programs that are relevant to the building and construction industry in the State.
- (9) The Board must cause a review of the Training Plan to be undertaken at least once in each 12 month period, and must within 3 months after the completion of the review, cause a report on the review to be prepared and submitted to the Minister.
- (10) A report prepared under subsection (9) may contain such other submissions as the Board considers appropriate.
- (11) In preparing or reviewing the Training Plan, the Board must consult with the committees of the Board established under section 13.
- (12) The Board may, with the approval of the Minister, vary the Training Plan.

- (13) A variation of the Training Plan has effect from the date specified by the Board.
- (14) The Board must publish the Training Plan, and any variation of the Training Plan, on a website determined by the Board.

## Part 7—Miscellaneous

### 32A—Board may conduct activities under other name

The Board may, if it so determines, conduct its activities or any part of its activities not under the name the *Construction Industry Training Board* but under any other name prescribed by regulation.

### 33—Authorised officers

- (1) The Board may, with the approval of the Minister, appoint a person to be an authorised officer for the purposes of this Act.
- (2) An appointment must be made in writing and the Board must ensure that each authorised officer is issued with an identity card that complies with subsection (3).
- (3) An identity card—
  - (a) must contain a photograph of the authorised officer; and
  - (b) must be signed by the authorised officer and a member of the Board.
- (4) The Board may, for any reasonable cause, revoke the appointment of an authorised officer under this Act.

### 34—Powers of entry and inspection

- (1) An authorised officer, may, for the purposes of this Act—
  - (a) enter at all reasonable times, inspect and examine any site where building or construction work is being carried out;
  - (b) conduct any examination or inquiry necessary to ascertain whether this Act has been complied with;
  - (c) require the production of any document relevant to the calculation or payment of any levy under this Act, inspect and examine it, and take copies or extracts from it.
- (2) A person who obstructs or hinders an authorised officer in the performance of the officer's duty is guilty of an offence.  
Maximum penalty: \$10 000.
- (3) A person who gives false or misleading information to an authorised officer in the performance of the officer's duty is guilty of an offence.  
Maximum penalty: \$10 000.
- (4) A person is not excused from answering a question or producing a document when required to do so under this Act on the ground that to do so might tend to incriminate the person or make the person liable to a penalty.

- 
- (5) However, if the person objects to answering the question or producing the document on that ground, the answer or document is not admissible against the person in any criminal proceedings other than—
- (a) proceedings for an offence with respect to false or misleading statements, information or records; or
  - (b) proceedings for an offence in the nature of perjury.

### **35—Contracts to evade levy void**

A contract, agreement or arrangement made or entered into, orally or in writing and whether before or after the commencement of this Act, so far as it has or purports to have the purpose or effect of in any way, directly or indirectly—

- (a) relieving any person from liability to pay any levy; or
- (b) defeating, evading or avoiding any levy,

is void, as against the Board, or in regard to any proceeding under this Act, but without affecting any validity that it may have in any other respect or for any other purpose.

### **36—Prosecution**

- (1) Proceedings for an offence against this Act may be instituted—
  - (a) by the Director of Public Prosecutions; or
  - (b) in relation to any offence of a prescribed kind—by the Board or any person authorised to do so by the Board.
- (2) Proceedings for an offence against this Act must be commenced within three years after the date on which the offence is alleged to have been committed.
- (3) Where, in proceedings for an offence against this Act, the court finds that the defendant has contravened, or failed to comply with, this Act, the court may, in addition to any penalty that it may impose—
  - (a) order the defendant to take specified action to make good the contravention or default in a manner, and within a period, specified by the court;
  - (b) order the defendant to furnish or make available to the Board, within a period specified by the court, such information or records as the Board may reasonably require for the purposes of this Act.

### **37—Regulations**

- (1) The Governor may make such regulations as are contemplated by this Act, or as are necessary or expedient for the purposes of this Act.
- (2) Without limiting the generality of subsection (1), those regulations may—
  - (a) provide for the membership of a committee established by the Board in relation to a sector of the building and construction industry;
  - (b) provide that a prescribed person or body will be taken to have been appointed as a collection agency for the purposes of this Act, and prescribe the remuneration payable to that person or body for carrying out the functions of a collection agency under this Act;

- (c) prescribe information to be provided to the Board or collection agencies by project owners, and prescribe the manner in which that information must be provided;
  - (d) require project owners to keep records for the purposes of determining the estimated cost of building or construction work;
  - (e) prescribe the manner of payment of any levy;
  - (f) prescribe procedures for giving notice to the Board and for refund of a levy paid in respect of any building or construction work that is not carried out;
  - (g) provide that the cost of items of a prescribed class will not be taken into account for the purposes of the calculation or imposition of the levy;
  - (h) prescribe penalties, not exceeding \$2 500, for breach of, or non-compliance with, any regulation.
- (3) A regulation—
- (a) may be of general or limited application; and
  - (b) may leave any matter or thing to be determined or dispensed with according to the discretion of the Minister or the Board (either generally or in a particular case or class of case); and
  - (c) may make different prescriptions according to prescribed circumstances; and
  - (d) may differentiate between various classes of persons.
- (4) A regulation must not be made under subsection (2) unless—
- (a) the regulation is made on the recommendation of the Board; or
  - (b) the Minister has certified that they have consulted with the Board on the proposed regulation and given due regard to any submissions made by the Board in relation to the matter.

### **38—Review of Act**

- (1) The Minister must cause a review of the operation of this Act to be undertaken, and a report on the review to be prepared and submitted to the Minister.
- (2) The review must be completed as soon as is practicable after the fifth anniversary of the commencement of section 26 of the *Construction Industry Training Fund (Miscellaneous) Amendment Act 2024*.

## **Schedule 1—Building or construction work under the Act**

### **1—Building or construction work**

Subject to clause 2, for the purposes of this Act, building or construction work will be taken to include:

- (a) the construction, erection, alteration, repair, renovation, demolition or removal of a building or structure;
- (b) the construction, alteration or repair of any road, street, parking area, footpath, thoroughfare (for pedestrians or vehicles), kerbing, guttering, roundabout, median strip, or the performance of other similar roadworks;

- (c) the construction, alteration, repair, demolition or removal of any railway, tramway or busway, or of any platform, signals or other structure in connection with a railway, tramway or busway;
- (d) the construction, alteration, repair or removal of an aircraft runway, or a landing pad;
- (e) the construction, alteration, repair, demolition or removal of a harbour, breakwater, retaining wall or marina;
- (f) the performance of dredging work;
- (g) the construction, alteration, repair, demolition or removal of a dam, weir, reservoir or other embankment or structure for the catchment, collection, storage, control or diversion of water;
- (h) the laying, placing or installing of pipes, cables or other prefabricated materials in, on or above the ground;
- (i) the performance of excavation work;
- (j) the construction, erection, installation, alteration, repair, demolition or removal of any system or plant associated with the conveyance, collection, storage, treatment or distribution of water or gas;
- (k) on site electrical or mechanical services work, including on site work that is related to the construction, erection, installation, alteration, repair, servicing or dismantling of any plant, plant facility or equipment;
- (l) the on site construction, erection, installation, alteration, repair, renovation, demolition or removal of—
  - (i) a lift or escalator;
  - (ii) any air-conditioning, ventilation or refrigeration system or equipment;
- (m) the construction, repair, alteration or removal of a playfield, golf-course, race course, stadium, swimming pool or other sporting or recreational facility;
- (n) landscaping or the construction, alteration or removal of a park or garden;
- (o) the removal of asbestos from a building or from any machinery, plant or equipment located in or on a building;
- (p) building or construction work associated with any operation under the *Petroleum Act 1940*, the *Petroleum (Submerged Lands) Act 1982*, the *Mining Act 1971* or the *Offshore Minerals Act 2000* or the *Opal Mining Act 1995*;
- (q) any site preparation work (including pile driving) preliminary to the performance of any work referred to above;
- (r) any other kind of work prescribed by the regulations for the purposes of this provision.

## 2—Exclusions

The following do not constitute building or construction work for the purposes of this Act:

- (a) maintenance or repair work carried out—

- (i) by a self-employed person for his or her own benefit; or
- (ii) by an employee for the benefit of his or her employer,  
where the principal business activity of the self-employed person, or the employer (as the case may be) does not consist of building or construction work;
- (b) the construction, alteration, repair, demolition or removal of a fence on (or on the boundary of) agricultural land;
- (c) work directly associated with the care, conservation or rehabilitation of agricultural land, or of land that has been agricultural land;
- (d) any other kind of work excluded from the operation of this Act by regulations prescribed for the purposes of this provision.

### 3—Definitions

In this Schedule—

**building** includes—

- (a) a portion of a building;
- (b) a temporary building;
- (c) a moveable building;

**structure** includes—

- (a) a tank or other structure for the catchment, collection, storage or supply of water;
- (b) a sewerage, effluent or storm-water drain, a sewerage treatment plant, a drainage system, or other associated or similar structure;
- (c) a bridge, viaduct, aqueduct or tunnel;
- (d) a chimney stack or cooling tower;
- (e) a radio, television, communications or lighting mast;
- (f) a mast or tower associated with the transmission of electricity;
- (g) a silo;
- (h) a dock, jetty, pier, terminal, wharf or mooring;
- (i) a pipeline (including a pipeline placed in the ground);
- (j) any structure, plant or facility associated with the production, storage, conveyance or distribution of oil, gas, coal or other minerals.

## Schedule 1A—Value of building or construction work

### 1—Estimated value

The estimated value of building or construction work (whether carried out by the project owner or by another person or persons) will be—

- (a) if the work is to be carried out under a contract (or a series of contracts) where the total price includes value for at least each of the components referred to in paragraph (b) (insofar as they may be relevant to the building or construction work associated with the particular project)—the total contract price;
- (b) in any other case—an estimate of the reasonable market price for the work on the assumption that all of the following are included as components of that price (insofar as they may be relevant to the building or construction work associated with the particular project):
  - (i) the value of the labour, necessary services and fees (including professional fees) payable in relation to the work; and
  - (ii) the value of building or construction materials; and
  - (iii) the value of any prescribed components that are to be installed as part of, or in association with, the work; and
  - (iv) a reasonable allocation for a profit margin; and
  - (v) the value of any overheads; and
  - (vi) any other component prescribed by the regulations.

### 2—Fixtures etc

For the purposes of clause 1(b)(iii), *prescribed components*—

- (a) will be taken to be—
  - (i) any fixtures, fittings or other accessories or components (including, subject to paragraph (b), plant and equipment); and
  - (ii) any other items included by regulation; but
- (b) will be taken not to include—
  - (i) plant or equipment—
    - (A) that is used solely for the purposes of a process that forms part of the undertaking carried out within a building, structure or other place; and
    - (B) that is not installed as part of, or within, a structural component of a building, or as an integral part of a structure; and

- (C) that is not otherwise incorporated (or substantially incorporated) as part of a building, structure or other place (but disregarding for the purposes of this subsubparagraph an incorporation by virtue only of the plant or equipment being a fixture); or
- (ii) any fixtures, fittings or other accessories or components (including other plant or equipment) excluded by regulation.

## Schedule 4—Public accountability of Board

### 1—Powers of Minister

- (1) If the Minister is satisfied that the Board has failed to comply with any provision of this Act or the Training Plan, the Minister may do one or more of the following:
  - (a) direct the Board in writing to comply with this Act or that plan;
  - (b) censure the Board in accordance with clause 2;
  - (c) recommend that the Governor dismiss the members of the Board and appoint new members of the Board;
  - (d) recommend to the Governor that an administrator of the Board be appointed in accordance with clause 3.
- (2) If the Minister is satisfied that the Board has failed to comply with a direction given under subclause (1)(a), the Minister may do any one or more of the things specified in subclause (1)(b), (c) or (d).

### 2—Notice or proposal

- (1) The Minister must, before exercising the powers conferred by clause 1—
  - (a) give the Board notice in writing of the intended action and the reasons for it; and
  - (b) consider any submissions, whether oral or in writing, made to the Minister by the Board within seven days after the giving of the notice or any further time specified in the notice.
- (2) If the Minister proposes to censure or dismiss the Board, or to appoint an administrator of the Board, the Minister must—
  - (a) give notice in writing of the censure, dismissal or appointment to the Board; and
  - (b) cause to be laid before each House of Parliament within seven sitting days after the notice is given to the Board—
    - (i) a copy of the notice; and
    - (ii) a report of the circumstances leading to the action; and
    - (iii) a copy of any written submission made by the Board relating to that action.

### **3—Appointment and powers of administrator**

- (1) The Governor may, by notice in the Gazette, appoint an administrator to administer the affairs and activities of the Board if the Minister, after complying with clauses 1 and 2, certifies that the Board has failed to perform a duty arising from a provision of this Act or the Training Plan.
- (2) An appointment of an administrator, unless sooner revoked under subclause (7) or terminated in accordance with the regulations, remains in force for a period of one year.
- (3) An administrator of the Board may, but need not, be a Public Service employee.
- (4) On the appointment of an administrator, the Minister must serve on the Board a copy of the instrument of the appointment and on the service of the copy of that instrument—
  - (a) the members of the Board cease to hold office; and
  - (b) the functions of the Board will be performed, and the powers of the Board may be exercised, by the administrator in the name and on behalf of the Board until the administrator's office is vacated under this section; and
  - (c) any delegation made by the Board under this Act ceases to have effect.
- (5) Subject to this clause, an administrator—
  - (a) must, as soon as practicable after appointment as such, take into the custody or under the control of the administrator all the property and things in action to which the Board is, or appears to be, entitled; and
  - (b) may, subject to and in accordance with any direction given to the administrator by the Minister, perform the functions and exercise the powers of the Board in such manner as the administrator thinks fit.
- (6) The office of an administrator becomes vacant if the administrator—
  - (a) dies; or
  - (b) resigns by written notice to the Governor; or
  - (c) is convicted of an indictable offence; or
  - (d) becomes bankrupt or applies to take the benefit of a law for the relief of insolvent debtors; or
  - (e) is subject to the revocation of their appointment under subclause (7).
- (7) The Governor may, for any reason that the Governor considers sufficient, revoke the appointment of an administrator.
- (8) Where the office of administrator becomes vacant under subclause (6), the Governor may, by instrument in writing, appoint another person to fill the vacancy.
- (9) An administrator will be paid such remuneration, allowances and expenses (if any) as the Governor may determine.

### **4—Expenses of administration**

The expenses of or incidental to the administration of the Board by an administrator are payable by the Board.

## **5—Liability for losses incurred during administration**

An administrator of the Board is not liable for any loss incurred by the Board during office as such unless the loss is attributable to—

- (a) misconduct; or
- (b) negligence; or
- (c) wilful failure to comply with a provision of this Act.

## **6—Termination of administration**

If the Minister recommends to the Governor that the appointment of an administrator should be revoked, the Governor may act accordingly and on any such revocation—

- (a) the Board will be reconstituted as provided by Part 2 and in accordance with the regulations; and
- (b) the Board will again perform its functions and exercise its powers as provided by this Act.

## Legislative history

### Notes

- Amendments of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1993	17	<i>Construction Industry Training Fund Act 1993</i>	8.4.1993	1.9.1993 ( <i>Gazette 5.8.1993 p746</i> )
1993	(180)	<i>Construction Industry Training Fund Regulations 1993 (Gazette 5.8.1993 p753)</i>	—	1.9.1993: r 2
2000	11	<i>Offshore Minerals Act 2000</i>	4.5.2000	4.5.2002 (s 7(5) <i>Acts Interpretation Act 1915</i> )
2000	75	<i>Construction Industry Training Fund (Miscellaneous) Amendment Act 2000</i>	14.12.2000	1.3.2001 except ss 3(c) & 6(b)—1.7.2001 ( <i>Gazette 1.3.2001 p796</i> )
2009	84	<i>Statutes Amendment (Public Sector Consequential Amendments) Act 2009</i>	10.12.2009	Pt 36 (ss 65—67)—1.2.2010 ( <i>Gazette 28.1.2010 p320</i> )
2019	2	<i>Construction Industry Training Fund (Board) Amendment Act 2019</i>	28.3.2019	20.6.2019 ( <i>Gazette 20.6.2019 p2206</i> )
<b>2024</b>	<b>41</b>	<b><i>Construction Industry Training Fund (Miscellaneous) Amendment Act 2024</i></b>	<b>3.10.2024</b>	<b>31.10.2024 except ss 3(2), (4), 27 &amp; 28—1.1.2025 (<i>Gazette 31.10.2024 p4037</i>)</b>

### Provisions amended

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		
s 2	<i>omitted under Legislation Revision and Publication Act 2002</i>	
s 3		
note	deleted by 41/2024 s 3(4)	1.1.2025—not incorporated

s 3(1)		
building approval	substituted by 75/2000 s 3(a) <b>amended by 41/2024 s 3(1)</b>	1.3.2001 <b>31.10.2024</b>
local council	substituted by 75/2000 s 3(b)	1.3.2001
project owner	substituted by 75/2000 s 3(c) substituted by 41/2024 s 3(2)	1.7.2001 1.1.2025—not incorporated
<i>training plan</i>	<i>deleted by 41/2024 s 3(3)</i>	<i>31.10.2024</i>
<b>Training Plan</b>	<b>inserted by 41/2024 s 3(3)</b>	<b>31.10.2024</b>
<b>s 3A</b>	<b>inserted by 41/2024 s 4</b>	<b>31.10.2024</b>
Pt 2		
s 4		
s 4(1)	<b>substituted by 41/2024 s 5</b>	<b>31.10.2024</b>
s 5		
s 5(1)	substituted by 2/2019 s 4(1) <b>substituted by 41/2024 s 6(1)</b>	20.6.2019 <b>31.10.2024</b>
s 5(1aaa)	<b>inserted by 41/2024 s 6(1)</b>	<b>31.10.2024</b>
s 5(1aa)	<b>inserted by 41/2024 s 6(1)</b>	<b>31.10.2024</b>
s 5(1ab)	<b>inserted by 41/2024 s 6(1)</b>	<b>31.10.2024</b>
s 5(1a)	inserted by 75/2000 s 4 substituted by 2/2019 s 4(1) <b>substituted by 41/2024 s 6(1)</b>	1.3.2001 20.6.2019 <b>31.10.2024</b>
s 5(1b)	inserted by 2/2019 s 4(1) <b>amended by 41/2024 s 6(2)</b>	20.6.2019 <b>31.10.2024</b>
s 5(1c)	inserted by 2/2019 s 4(1) <b>amended by 41/2024 s 6(3)</b>	20.6.2019 <b>31.10.2024</b>
s 5(1d)	inserted by 2/2019 s 4(1) <b>substituted by 41/2024 s 6(4)</b>	20.6.2019 <b>31.10.2024</b>
s 5(1e)	<b>inserted by 41/2024 s 6(4)</b>	<b>31.10.2024</b>
s 5(3)	<b>substituted by 41/2024 s 6(5)</b>	<b>31.10.2024</b>
s 5(3a)	<b>inserted by 41/2024 s 6(5)</b>	<b>31.10.2024</b>
s 5(5)	<b>amended by 41/2024 s 6(6)</b>	<b>31.10.2024</b>
s 5(5a)	<b>inserted by 41/2024 s 6(7)</b>	<b>31.10.2024</b>
s 5(6a)	inserted by 2/2019 s 4(2)	20.6.2019
s 7		
s 7(1)	substituted by 2/2019 s 5(1)	20.6.2019
s 7(3) and (4)	substituted by 2/2019 s 5(2)	20.6.2019
s 7(5)	<i>deleted by 2/2019 s 5(2)</i>	<i>20.6.2019</i>
s 7(6)	<b>substituted by 41/2024 s 7(1)</b>	<b>31.10.2024</b>
s 7(7)	<b>deleted by 41/2024 s 7(2)</b>	<b>31.10.2024</b>
s 8		
s 8(1)	amended by 75/2000 s 16 (Sch cl 1) <b>amended by 41/2024 s 8(1)</b>	1.3.2001 <b>31.10.2024</b>
s 8(1a)	inserted by 84/2009 s 65	1.2.2010

s 8(2)	<b>amended by 41/2024 s 8(2)</b>	<b>31.10.2024</b>
s 9		
s 9(1)	amended by 75/2000 s 16 (Sch cl 2(a)) <b>amended by 41/2024 s 9(1)</b>	1.3.2001 <b>31.10.2024</b>
s 9(2)	amended by 75/2000 s 16 (Sch cl 2(b)) <b>amended by 41/2024 s 9(1)</b>	1.3.2001 <b>31.10.2024</b>
s 9(3)	amended by 75/2000 s 16 (Sch cl 2(c)) <b>amended by 41/2024 s 9(1), (2)</b>	1.3.2001 <b>31.10.2024</b>
s 9(4)	amended by 75/2000 s 16 (Sch cl 2(d)) <b>amended by 41/2024 s 9(1), (2)</b>	1.3.2001 <b>31.10.2024</b>
s 10		
s 10(1)	s 10 amended by 84/2009 s 66 s 10 amended and redesignated as s 10(1) by 2/2019 s 6(1), (2) <b>substituted by 41/2024 s 10(1)</b>	1.2.2010 20.6.2019 <b>31.10.2024</b>
s 10(2)	inserted by 2/2019 s 6(2) <b>amended by 41/2024 s 10(2)</b>	20.6.2019 <b>31.10.2024</b>
Pt 3		
s 11	<b>amended by 41/2024 s 11(1), (2)</b>	<b>31.10.2024</b>
s 13		
s 13(3)	<b>amended by 41/2024 s 12(1)</b>	<b>31.10.2024</b>
s 13(3a) and (3b)	<b>inserted by 41/2024 s 12(2)</b>	<b>31.10.2024</b>
s 13(5) and (6)	<b>inserted by 41/2024 s 12(3)</b>	<b>31.10.2024</b>
s 14		
s 14(4)	<b>amended by 41/2024 s 13</b>	<b>31.10.2024</b>
s 17		
s 17(1)	<b>substituted by 41/2024 s 14(1)</b>	<b>31.10.2024</b>
s 17(2)	<b>amended by 41/2024 s 14(2)</b>	<b>31.10.2024</b>
s 17A	inserted by 2/2019 s 7	20.6.2019
s 18	<b>substituted by 41/2024 s 15</b>	<b>31.10.2024</b>
Pt 4		
s 20		
s 20(2)	<i>deleted by 41/2024 s 16</i>	<b>31.10.2024</b>
s 21		
s 21(2)	amended by 2/2019 s 8	20.6.2019
s 22	amended by 75/2000 s 5	1.3.2001
s 23		
s 23(1)	amended by 75/2000 s 6(a) <b>amended by 41/2024 s 17(1)</b>	1.3.2001 <b>31.10.2024</b>
s 23(2)	deleted by 75/2000 s 6(b) <b>inserted by 41/2024 s 17(2)</b>	1.7.2001 <b>31.10.2024</b>
s 23(3)	<i>deleted by 75/2000 s 6(b)</i>	<i>1.7.2001</i>
s 24		

**Construction Industry Training Fund Act 1993—31.10.2024 to 31.12.2024**

Legislative history

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s 24(2)	amended by 75/2000 s 16 (Sch cl 3(a))	1.3.2001
<b>s 24(3)</b>	<b>substituted by 41/2024 s 18(1)</b>	<b>31.10.2024</b>
s 24(4)	amended by 75/2000 s 16 (Sch cl 3(b))	1.3.2001
s 24(6)—(8)	inserted by 75/2000 s 7	1.3.2001
<b>s 24(9)</b>	<b>inserted by 41/2024 s 18(2)</b>	<b>31.10.2024</b>
s 26	amended by 75/2000 ss 8, 16 (Sch cl 4)	1.3.2001
	<b>amended by 41/2024 s 19</b>	<b>31.10.2024</b>
s 27	amended by 75/2000 s 9	1.3.2001
s 30	amended by 75/2000 s 16 (Sch cl 5)	1.3.2001
<b>Pt 5</b>		
<b>s 31</b>		
<b>s 31(4)</b>	<b>amended by 41/2024 s 20(1), (2)</b>	<b>31.10.2024</b>
<b>s 31A</b>	<b>inserted by 41/2024 s 21</b>	<b>31.10.2024</b>
<b>Pt 6</b>		
<b>heading</b>	<b>substituted by 41/2024 s 22</b>	<b>31.10.2024</b>
<b>s 32</b>	<b>substituted by 41/2024 s 23</b>	<b>31.10.2024</b>
<b>Pt 7</b>		
<b>s 32A</b>	<b>inserted by 41/2024 s 24</b>	<b>31.10.2024</b>
s 34		
s 34(2)	amended by 75/2000 s 16 (Sch cl 6(a))	1.3.2001
s 34(3)	amended by 75/2000 s 16 (Sch cl 6(b))	1.3.2001
s 34(4)	substituted by 75/2000 s 10	1.3.2001
s 34(5)	inserted by 75/2000 s 10	1.3.2001
s 37		
s 37(2)	amended by 75/2000 s 16 (Sch cl 7)	1.3.2001
<b>s 37(4)</b>	<b>amended by 41/2024 s 25</b>	<b>31.10.2024</b>
<i>s 38 before substitution by 2/2019</i>		
<i>s 38(1)</i>	<i>amended by 75/2000 s 11</i>	<i>1.3.2001</i>
s 38	substituted by 2/2019 s 9	20.6.2019
	<b>substituted by 41/2024 s 26</b>	<b>31.10.2024</b>
<b>Sch 1</b>		
cl 1	amended by 75/2000 s 12	1.3.2001
	amended by 11/2000 Sch 2	4.5.2002
cl 2	(a) deleted by 41/2024 s 27	1.1.2025—not incorporated
<b>Sch 1A</b>	inserted by 75/2000 s 13	1.3.2001
cl 1		
cl 1(1)	cl 1 amended and redesignated as cl 1(1) by 41/2024 s 28(1)—(3)	1.1.2025—not incorporated
cl 1(2)	inserted by 41/2024 s 28(3)	1.1.2025—not incorporated
<b>Sch 2</b>	<i>amended by 180/1993 r 15</i>	<i>1.9.1993</i>
	<i>amended by 75/2000 s 14</i>	<i>1.3.2001</i>
	<i>deleted by 2/2019 s 10</i>	<i>20.6.2019</i>

Sch 3	amended by 180/1993 r 16	1.9.1993
	amended by 75/2000 s 15	1.3.2001
	deleted by 2/2019 s 10	20.6.2019
Sch 4		
cl 1	amended by 41/2024 s 29(1)	31.10.2024
cl 3		
cl 3(1)	amended by 41/2024 s 29(2)	31.10.2024
cl 3(3)	substituted by 84/2009 s 67	1.2.2010
cl 3(6)	amended by 41/2024 s 29(3)	31.10.2024

## Transitional etc provisions associated with Act or amendments

### *Construction Industry Training Fund (Board) Amendment Act 2019, Sch 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.

### *Construction Industry Training Fund (Miscellaneous) Amendment Act 2024, Sch 1—Transitional provisions*

#### 1—Composition of Board

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 6 of this Act is, on the commencement of that section, vacated.

#### 2—Annual report during transitional period

- (1) Despite section 17 of the *Construction Industry Training Fund Act 1993* as amended by this Act, the annual report of the Construction Industry Training Board for the financial year ending on 30 June 2024 must be provided to the Minister in accordance with section 17 of the *Construction Industry Training Fund Act 1993* as in force immediately prior to the commencement of section 14 of this Act.
- (2) Despite section 17 of the *Construction Industry Training Fund Act 1993*, the annual report of the Construction Industry Training Board for the calendar year ending 31 December 2025 must cover the period of 1 July 2024 to 31 December 2025.
- (3) Despite section 17 of the *Construction Industry Training Fund Act 1993*, the report under subclause (2) must incorporate such audited financial statements as may be required by the Minister.

### **3—Training plan**

Subject to the *Construction Industry Training Fund Act 1993*, the training plan prepared by the Board pursuant to section 32 of that Act (as in force immediately prior to the commencement of this clause) continues as the Training Plan for the purposes of section 32 of that Act as enacted by this Act.

### **Historical versions**

Reprint No 1—1.9.1993

Reprint No 2—1.3.2001

Reprint No 3—1.7.2001

Reprint No 4—4.5.2002

1.2.2010

20.6.2019