Building and Construction Industry Improvement (Consequential and Transitional) Bill 2005

No. , 2005

(Employment and Workplace Relations)

A Bill for an Act to deal with matters consequential on the enactment of the Building and Construction Industry Improvement Act 2005, and for related purposes
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A Bill for an Act to deal with matters consequential on the enactment of the *Building and Construction Industry Improvement Act 2005*, and for related purposes

The Parliament of Australia enacts:

**Part 1—Preliminary**

1 **Short title**

This Act may be cited as the *Building and Construction Industry Improvement (Consequential and Transitional) Act 2005*. 

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*Building and Construction Industry Improvement (Consequential and Transitional) Bill 2005*  
No., 2005 1
## 2 Commencement

(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<table>
<thead>
<tr>
<th>Provision(s)</th>
<th>Commencement</th>
<th>Date/Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table</td>
<td>The day on which this Act receives the Royal Assent.</td>
<td></td>
</tr>
<tr>
<td>2. Part 2</td>
<td>At the same time as Chapter 6 of the Building and Construction Industry Improvement Act 2005 commences.</td>
<td></td>
</tr>
<tr>
<td>3. Schedule 1, items 2 and 42</td>
<td>The day on which this Act receives the Royal Assent.</td>
<td></td>
</tr>
<tr>
<td>4. Schedule 1, items 53 and 54</td>
<td>At the same time as Chapter 6 of the Building and Construction Industry Improvement Act 2005 commences.</td>
<td></td>
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<tr>
<td>5. Schedule 1, item 55</td>
<td>The day on which this Act receives the Royal Assent.</td>
<td></td>
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<tr>
<td>6. Schedule 1, item 56</td>
<td>At the same time as Chapter 6 of the Building and Construction Industry Improvement Act 2005 commences.</td>
<td></td>
</tr>
<tr>
<td>7. Schedule 1, items 60 to 66</td>
<td>The day on which this Act receives the Royal Assent.</td>
<td></td>
</tr>
<tr>
<td>8. Schedule 2</td>
<td>The day on which this Act receives the Royal Assent.</td>
<td></td>
</tr>
</tbody>
</table>

Note: This table relates only to the provisions of this Act as originally passed by the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

(2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.
3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.
Part 2—Application and transitional provisions

4 Definitions

In this Part, unless the contrary intention appears:


7 Chapter 6 of the BCII Act

(1) Section 74 of the BCII Act applies to building industrial action that occurs after the commencement of that section (whether or not the action began before the commencement of that section).

(3) Section 80 of the BCII Act applies to building industrial action that occurs after the commencement of that section (whether or not the action began before the commencement of that section).

(9) Section 136 of the BCII Act applies to building industrial action that occurs after the commencement of that section (whether or not the action began before the commencement of that section).
Schedule 1—Amendment of the Workplace
Relations Act 1996

2 Subsection 4(1)

Insert:

BCII Act means the Building and Construction Industry
Improvement Act 2005.

42 Subsection 124(1)

Repeal the subsection, substitute:

(1) The Commission does not have power to deal with a claim for the
making of any payment to employees in relation to a period during
which those employees engaged, or engage, in:

(a) industrial action; or
(b) building industrial action that is constitutionally-connected
action.

For this purpose, building industrial action and
constitutionally-connected action have the same meanings as in
Chapter 6 of the BCII Act.

53 Subsection 349(1)

After “this Act”, insert “or the BCII Act”.

54 Subsection 349(2)

After “this Act”, insert “or the BCII Act (as the case requires)”.

55 At the end of section 350

Add “or the BCII Act”.

56 Section 352

After “this Act” (wherever occurring), insert “, the BCII Act”.

60 Paragraph 357(1)(a)

After “this Act”, insert “or the BCII Act”.

61 At the end of subsection 422(1)
62 **Subsection 469(1)**

After “this Act”, insert “, the BCII Act”.

63 **After subsection 469(2A)**

Insert:

(2B) Subject to this Act, the BCII Act and any other Act, a party to a proceeding before the Court in a matter arising under the BCII Act may be represented only as provided by this section.

64 **Paragraph 469(8)(b)**

After “this Act”, insert “, the BCII Act”.

65 **Section 470**

After “this Act”, insert “, the BCII Act”.

66 **Subsection 471(1)**

After “this Act”, insert “, the BCII Act”.

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*Building and Construction Industry Improvement (Consequential and Transitional) Bill 2005  No.  , 2005*
Schedule 2—Amendment of other Acts

Jurisdiction of Courts (Cross-vesting) Act 1987

8 After paragraph 4(4)(a)

Insert:

(aa) the Building and Construction Industry Improvement Act 2005; or