Building and Construction Industry Improvement (Accreditation Scheme) Amendment Regulations 2007 (No. 2)¹

Select Legislative Instrument 2007 No. 303

I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the Building and Construction Industry Improvement Act 2005.

Dated 26 September 2007

P. M. JEFFERY
Governor-General

By His Excellency’s Command

JOE HOCKEY
Minister for Employment and Workplace Relations
1 Name of Regulations
These Regulations are the Building and Construction Industry Improvement (Accreditation Scheme) Amendment Regulations 2007 (No. 2).

2 Commencement
These Regulations commence on 1 October 2007.

3 Amendment of Building and Construction Industry Improvement (Accreditation Scheme) Regulations 2005
Schedule 1 amends the Building and Construction Industry Improvement (Accreditation Scheme) Regulations 2005.

4 Transitional
Regulation 24 of the Building and Construction Industry Improvement (Accreditation Scheme) Regulations 2005, as in force immediately before 1 October 2007 continues to apply to building work under a contract entered into before 1 March 2006.
Schedule 1 Amendment
(regulation 3)

[1] Part 3 substitute

Part 3 Prescribed building work

24 Prescribed building work
(1) For subsection 35 (4) of the Act, the following building work is prescribed:
   (a) building work that is carried out outside Australia;
   (b) building work under a contract:
       (i) entered into on or after 1 March 2006 but before 1 October 2007; and
       (ii) that has a value of less than $6 000 000;
   (c) building work:
       (i) under a contract with a value of less than $3 000 000; and
       (ii) that forms part of a project that is directly funded by the Commonwealth or a Commonwealth authority;
   (d) building work which forms part of a project that is indirectly funded by the Commonwealth or a Commonwealth authority, unless:
       (i) the building work is carried out under a contract with a value of greater than $3 000 000; and
       (ii) the contribution made to the funding of the project by the Commonwealth or a Commonwealth authority:
           (A) is at least $5 000 000; and
           (B) represents at least 50% of the total funding; and

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(C) is made on or after 1 October 2007;
(e) building work which forms part of a project that is indirectly funded by the Commonwealth or a Commonwealth authority, unless:
   (i) the building work is carried out under a contract with a value of greater than $3 000 000; and
   (ii) the contribution made to the funding of the project by the Commonwealth or a Commonwealth authority:
       (A) is $10 000 000 or more; and
       (B) is made on or after 1 October 2007;
(f) building work carried out by a subcontractor.

(2) In this regulation:

project means building work consisting of a number of separate contracts.

subcontractor means a builder who carries out some or all of the building work, under a contract with another builder who:
(a) carries out some of the building work; or
(b) arranges for the building work to be carried out.

Note
1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the Legislative Instruments Act 2003. See www.frli.gov.au.