



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

- (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.