

TASMANIA

**BUILDING AND CONSTRUCTION INDUSTRY
TRAINING FUND REGULATIONS 2024**

STATUTORY RULES 2024, No. 100

CONTENTS

1. Short title
2. Commencement
3. Interpretation
4. Voucher or receipt in respect of paid levy
5. Duty to provide information on payment of levy
6. Duty to provide evidence of payment of levy
7. Notification of cancellation of building or construction work
8. Records to be kept

BUILDING AND CONSTRUCTION INDUSTRY TRAINING FUND REGULATIONS 2024

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council and on the recommendation of the Tasmanian Building and Construction Industry Training Board, make the following regulations under the *Building and Construction Industry Training Fund Act 1990*.

Dated 19 December 2024.

B. BAKER
Governor

By Her Excellency's Command,

GUY BARNETT
Acting for and on behalf of the Minister for Skills and Training

1. Short title

These regulations may be cited as the *Building and Construction Industry Training Fund Regulations 2024*.

Building and Construction Industry Training Fund Regulations
2024
Statutory Rules 2024, No. 100

r. 2

2. Commencement

These regulations take effect on
24 December 2024.

3. Interpretation

In these regulations –

Act means the *Building and Construction Industry Training Fund Act 1990*;

appropriate authority, in relation to building or construction work, means –

- (a) if a building permit is required in respect of the work, the permit authority issuing that building permit; or
- (b) if the work is carried out for the Crown, the Government department, or agency, responsible for that work; or
- (c) if the work is carried out for a local authority, that local authority; or
- (d) in all other cases, the Board;

receipt means a receipt provided under regulation 4(2);

voucher means a voucher issued under regulation 4(1)(a).

4. Voucher or receipt in respect of paid levy

- (1) If the levy is paid, under section 27 of the Act, to a collection agency, the collection agency is to –
 - (a) issue and keep a voucher in respect of that payment; and
 - (b) provide a copy of that voucher to the project owner and, if the person paying the levy is not the project owner, to that person; and
 - (c) provide a copy of that voucher to the Board before the seventh day of the following month.
- (2) If the levy is paid, under section 27 of the Act, to the Board, the Board is to provide a receipt for that payment to the project owner and, if the person paying the levy is not the project owner, to that person.

5. Duty to provide information on payment of levy

A project owner, at the time of paying the levy, must provide the Board or collection agency with any written information requested by the Board or collection agency in relation to the building and construction work.

Penalty: Fine not exceeding 4 penalty units.

Building and Construction Industry Training Fund Regulations
2024
Statutory Rules 2024, No. 100

r. 6

6. Duty to provide evidence of payment of levy

Before a project owner commences building or construction work, the project owner must provide evidence to the appropriate authority that the levy in respect of that work has been paid.

Penalty: Fine not exceeding 10 penalty units.

7. Notification of cancellation of building or construction work

- (1) A notice under section 31(1) of the Act is to be –
 - (a) in writing; and
 - (b) verified by the statutory declaration of the project owner.
- (2) For the purposes of providing proof to the satisfaction of the Board under section 31(2) of the Act, the project owner is to provide the Board with any information requested by the Board in respect of building or construction work that is not carried out.
- (3) For the removal of doubt, the refund of the whole, or part, of the levy paid in respect of building or construction work that was not carried out does not affect the future requirement to pay the levy in respect of that building or construction work if it is later carried out.

8. Records to be kept

A project owner of building or construction work must keep the following information in relation to that work for a period of 2 years after the completion of that work:

- (a) the copy of the voucher or receipt provided to the project owner under regulation 4;
- (b) the date on which the building or construction work was completed;
- (c) if there was a difference between the estimated value of the building or construction work and the final value of that work –
 - (i) the amount of that final value; and
 - (ii) any additional amount paid in respect of the levy as a result of the variation; and
 - (iii) the date of any additional payment referred to in subparagraph (ii);
- (d) full details of any claim for a refund made in respect of the levy.

Penalty: Fine not exceeding 20 penalty units.

Building and Construction Industry Training Fund Regulations
2024
Statutory Rules 2024, No. 100

Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 24 December 2024.

These regulations are administered in the Department of State Growth.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations –

- (a) prescribe, in relation to the levy for building or construction work under the *Building and Construction Industry Training Fund Act 1990* –
 - (i) the procedure for issuing a voucher or receipt on payment of the levy; and
 - (ii) the requirements for giving notice of cancellation of that work; and
 - (iii) the requirements to provide information, or keep records, in respect of the levy or that work; and
- (b) are made consequentially on the repeal of the *Building and Construction Industry Training Fund Regulations 2014* under

Building and Construction Industry Training Fund Regulations
2024
Statutory Rules 2024, No. 100

section 11 of the *Subordinate Legislation*
Act 1992.