Building and Construction Industry Improvement Bill 2005

(Amendments to be moved by Senator Murray on behalf of the Australian Democrats in committee of the whole)

(1) Clause 2, page 2 (table item 2, cell at column 2), omit “9 March 2005.”, substitute “The day on which this Act receives the Royal Assent.”.

[no retrospectivity]

(2) Clause 2, page 2 (table item 4, cell at column 2), omit “9 March 2005.”, substitute “The day on which this Act receives the Royal Assent.”.

[no retrospectivity]

(3) Clause 2 page 2 (table item 6, cell at column 2), omit “9 March 2005.”, substitute “The day on which this Act receives the Royal Assent.”.

[no retrospectivity]

(4) Clause 4, page 4 (lines 7 and 8), omit the definition of building agreement, substitute:

building agreement means an agreement that primarily applies to building work.

[definition]

(5) Clause 4, page 4 (after line 15), after the definition of building association, insert:

building award means an award that primarily applies to building work.

[definition]

(6) Clause 4, page 3 (lines 16 to 18), omit the definition of building certified agreement, substitute:

building certified agreement means a certified agreement that primarily applies to building work.

[definition]
Clause 5, page 9 (line 1) to page 10 (line 15), omit the clause, substitute:

5 Definition of building work

(1) Subject to subsections (2), (3) and (4), building work means any of the following activities:

(a) the construction, extension, restoration, demolition or dismantling of buildings, structures or works that form, or are to form, part of land, at the site where such buildings, structures or works are to be located, whether or not the buildings, structures or works are permanent;

(b) the construction, extension, restoration, demolition or dismantling of railways (not including rolling stock) or docks;

(c) the installation of fittings forming part of buildings, structures or works which are being constructed, extended, restored, demolished or dismantled, including heating, lighting, air-conditioning, ventilation, power supply, drainage, sanitation, water supply, fire protection, security and communications systems;

(d) any operation that is part of, or is preparatory to, or is for rendering complete, work covered by paragraph (a), (b) or (c), for example:

(i) site clearance, earthmoving, excavation, tunnelling and boring;

(ii) the laying of foundations;

(iii) the erection, maintenance or dismantling of scaffolding;

(iv) the prefabrication of major parts of buildings, structures and works (eg. precastings) carried out on-site or in a temporary facility or yard established for the purposes of carrying out such prefabrication work for the project;

(v) site restoration, landscaping and the provision of roadways and other access works;

but does not include any of the following:

(e) the drilling for, or extraction of, oil or natural gas;

(f) the extraction (whether by underground or surface working) of minerals, including tunnelling or boring, or constructing underground works, for that purpose;

(g) any work that is part of a project for:

(i) the construction, repair or restoration of a single dwelling house;

(ii) the construction, repair or restoration of any building, structure or work associated with a single dwelling house;

(iii) the alteration or extension of a single-dwelling house, if it remains a single-dwelling house after the alteration or extension;

(h) The installation and repair of equipment or machinery in existing buildings, structures or works which does not form part of the building, structure or works, for example, industrial machinery.

(2) Paragraph (1)(g) does not apply if the project is part of a multi-dwelling development that consists of, or includes, the construction of at least 5 single-dwelling houses.

(3) Subject to subsection (4), building work includes any activity that is prescribed by the regulations for the purposes of this section.

(4) Building work does not include any activity which is prescribed by the regulations for the purposes of this section.

(5) In this section:
land includes land beneath water.

[definition of building work]