

LEGISLATIVE COUNCIL

**BUILDING AMENDMENT (REGISTRATION OF BUILDING TRADES AND  
OTHER MATTERS) BILL 2018**

(Further Amendments inserting New Clauses to be proposed in Committee by Mr DAVIS)

NEW CLAUSES

1. Insert the following New Clause to follow clause 22—

**'A Delegation by the Authority**

After section 199(2) of the Principal Act **insert**—

"(3) Despite subsection (1), the Authority must not delegate its function under section 171, 173, 187F or 187G to a prohibited person.

(4) in this section *prohibited person* means—

(a) a person who in the last ten years has been the subject of a decision by the Fair Work Commission under Part 3-4 of the Fair Work Act 2006 of the Commonwealth—

(i) to refuse to issue an entry permit to the person under that Act; or

(ii) to revoke or suspend an entry permit issued to the person under that Act; or

(iii) to refuse to revoke a suspension of an entry permit issued to the person under that Act—

unless the person has been the holder of an entry permit at any time subsequent to the most recent such refusal, revocation or suspension; or

(b) a person who in the last 10 years has been the subject of a court finding, which has not been overturned on appeal, in proceedings to which the Australian Building and Construction Commissioner was a party or in which the Commissioner made submissions, that the person contravened any of the following Acts—

(i) the Building and Construction Industry (Improving Productivity) Act 2016 of the Commonwealth;

(ii) the Fair Work Act 2009 of the Commonwealth;

(iii) the Independent Contractors Act 2006 of the Commonwealth;

(iv) the Fair Work (Transitional Provisions and Consequential Amendments) Act 2009."

2. Insert the following New Clause before clause 23—

**'B Appointment of Commissioners to VBA Board**

After section 201(5) of the Principal Act **insert—**

"(6) Despite subsections (3) and (4), the Minister must not recommend for appointment a prohibited person within the meaning of section 199.".'.