



Levy Information

APPLICATION OF THE LEVY TO CLASS 1A(I) AND CLASS 10(A) BUILDINGS

Fact Sheet 4

DETACHED HOUSES, PRIVATE GARAGES, CARPORTS AND SHEDS ARE SOME OF THE CONSTRUCTION WORKS WHERE THE LONG SERVICE LEAVE LEVY UNDER THE CONSTRUCTION INDUSTRY LONG SERVICE LEAVE AND BENEFITS ACT IS NOT IMPOSED.

The long service leave levy is generally applicable to all other types of construction works including the construction of duplexes, units, fences and swimming pools.

Levy Exemptions

Section 32 of the Act provides for a number of exemptions to the operation of the levy. Specifically, to the extent that the construction work is for a Class 1(a)(i) or a Class 10(a) building, the levy does not apply.

Section 32(2) of the Act provides –

The levy is imposed on only so much of the construction work as is not –

- (b) construction work for a Class 1a(i) or Class 10 building under the Building Code of Australia published by or on behalf of the Australian Building Codes Board and as in force from time to time; or
- (c) exempt by the Regulations.

Significantly, section 32(3) of the Act provides subsection (2)(b) has effect subject to the Regulations.

Regulation 2(2) of the Regulations provides that section 32(2)(b) of the Act has effect, in so far as it relates to construction work for a Class 10 building under the Building Code of Australia, so that the levy is imposed on so much of construction work as is not for a Class 10(a) building.

Building Code of Australia: Classes of Building

The Building Code of Australia (“the Code”) provides the following classifications (see Part 1.3).

Class 1 and 10 buildings are classified as follows:

Class 1 - one or more buildings, which in association constitute –

- (a) **Class 1a** – a single dwelling being -
 - (i) a detached house; or
 - (ii) one of a group of two or more attached dwellings, each being a building, separated by a fire-resisting wall, including a row house, terrace house, town house or villa unit; or ...

which is not located above or below another dwelling or another Class of building other than a private garage.

Class 10 - a non-habitable building or structure being –

- (a) Class 10a - a non-habitable building being a private garage, carport, shed, or the like; or
- (b) Class 10b - a structure being a fence, mast, antenna, retaining or free-standing wall, swimming pool, or the like.

The Code provides various definitions for interpretation, unless the contrary appears.

Some of these definitions (see Part 1.1) include -

Fire-resisting, applied to a structural member or other part of a building, means having the FRL (fire-resistance level) required for that structural member or other part.

Private Garage means -

- (a) any garage associated with a Class 1 building; or
- (b) any separate single storey garage associated with another building where such garage is capable of accommodating not more than 3 vehicles.

Swimming Pool means any excavation or structure containing water and used principally for swimming, wading, paddling, or the like, including a bathing or wading pool, or spa.

Summary of NT Build Levy Exemptions

Class of Building	Example	Exempt	Not Exempt
1a(i)	Single dwelling (detached house)	√	
1a(ii)	Single dwelling (duplex, unit)		√
10a	Private garages, carports and sheds	√	
10b	Structure being a fence, mast, antenna, retaining or free-standing wall, swimming pool, or the like		√

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Further Reference

Copies of the Act, the Regulations and the Determinations may be downloaded from the NT Government legislation database legislation.nt.gov.au.

Copies of the Code may be purchased on-line via the website of the Australian Building Codes Board: www.abcb.gov.au.