



Levy Information

MEANING OF “CONSTRUCTION WORK”

CONSTRUCTION WORK INCLUDES COMMERCIAL, DOMESTIC, INDUSTRIAL AND CIVIL CONSTRUCTION, AND COVERS (AMONG OTHER THINGS) RECLAMATION, EARTHMOVING, LANDSCAPING, REPAIR, MAINTENANCE, EXTENSION AND DEMOLITION WORK.

Construction Industry Long Service Leave and Benefits Act

Section 7 of the *Construction Industry Long Service Leave and Benefits Act* defines “construction work” as having the same meaning as in the *Construction Contracts (Security of Payments) Act*.

Construction Contracts (Security of Payments) Act

Section 6 of the *Construction Contracts (Security of Payments) Act* defines the type of work on a site in the Territory that falls within and outside the definition of “construction work”.

What IS “construction work”

Section 6(1) of the *Construction Contracts (Security of Payments) Act* provides -

- (1) Construction work is any of the following work on a site in the Territory:
 - (a) reclaiming land, draining land or preventing the subsidence, movement or erosion of land;
 - (b) installing, altering, repairing, restoring, maintaining, extending, dismantling, demolishing or removing any works, apparatus, fittings, machinery or plant associated with any work mentioned in paragraph (a);
 - (c) constructing the whole or a part of any civil works, or a building or structure, that forms or will form (whether permanently or not and whether or not in the Territory), part of land or the seabed (whether above or below it);
 - (d) fixing or installing on or in anything mentioned in paragraph (c) any fittings forming, or to form, (whether or not permanently) part of the thing, including –

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- (i) fittings for electricity, gas, water, fuel oil, air, sanitation, irrigation, telecommunications, air-conditioning, heating, ventilation, fire protection, cleaning, the security of the thing or the safety of people; and
- (ii) lifts, escalators, insulation, furniture or furnishings;
- (e) altering, repairing, restoring, maintaining, extending, dismantling, demolishing or removing anything mentioned in paragraph (c) or any fittings described in paragraph (d) that form part of the thing;
- (f) any work that is preparatory to, necessary for, an integral part of or for the completion of any work mentioned in paragraph (a), (b), (c), (d) or (e), including –
 - (i) site or earthworks, excavating, earthmoving, tunnelling or boring;
 - (ii) laying foundations;
 - (iii) erecting, maintaining or dismantling temporary works, a temporary building or a temporary structure, including a crane or other lifting equipment and scaffolding;
 - (iv) cleaning, painting, decorating or treating any surface; and
 - (v) site restoration or landscaping;
- (g) any work that is prescribed by the Regulations to be construction work for this Act.

What is NOT “construction work”

Section 6(2) and (3) of the *Construction Contracts (Security of Payments) Act* provide -

- (2) However, construction work does not include any of the following work on a site in the Territory:
 - (a) drilling for the purposes of discovering or extracting oil or natural gas, whether or not on land;
 - (b) constructing a shaft, pit or quarry, or drilling, for the purposes of discovering or extracting any mineral bearing or other substance;
 - (d) work prescribed by the Regulations not to be construction work for this Act.
- (3) In addition, construction work does not include constructing the whole or part of any watercraft.

In respect of sections 6(2)(a) and (b) above, the NT Build Board has adopted a specific guidance note explaining the intended application of the levy to construction works in the resources industry. The “Resources Work Guidance Note” clarifies that NT Build does not seek to levy construction activities associated with the day to day operational work on metalliferous or petroleum/gas/hydrocarbon fields and tenements, and can be accessed via the “Publications” webpage of the NT Build website – ntbuild.com.au.

Further Reference

The *Construction Industry Long Service Leave and Benefits Act* and the *Construction Contracts (Security of Payments) Act* can be downloaded from the NT Build website ntbuild.com.au or the NT Government legislation database legislation.nt.gov.au.

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