



Levy Information

Meaning of “construction work”

CIVIL WORKS, RECLAIMING OR MOVEMENT OF LAND, ELECTRICAL FITTINGS, IRRIGATION FITTINGS, TELECOMMUNICATIONS FITTINGS, AND INSTALLATION OF LIFTS ARE SOME OF THE WORKS CONSIDERED TO BE “CONSTRUCTION WORK” FOR THE PURPOSE OF THE CONSTRUCTION INDUSTRY LONG SERVICE LEAVE AND BENEFITS ACT.

Construction work can also include preparatory work.

Mining and wholly artistic works are generally not considered to amount to construction 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*, except as provided otherwise by the Construction Industry Long Service Leave and Benefits Regulations.

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,

Fact Sheet 1

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 –
 - (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* provides -

- (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;
 - (c) constructing, installing, altering, repairing, restoring, maintaining, extending, dismantling, demolishing or removing wholly artistic works including sculptures, installations and murals;
 - (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.

Further Reference

Copies of the *Construction Industry Long Service Leave and Benefits Act* and the Regulations may be purchased from the Print Management Unit - Department of the Chief Minister or downloaded from the NT Build website: www.ntbuild.com.au.

Copies of the *Construction Contracts (Security of Payments) Act* may be purchased from the Print Management Unit - Department of the Chief Minister or downloaded from the NT Government website: www.nt.gov.au.

Disclaimer: The material contained in this publication is intended for use as a guide and for general information only. It is not intended to substitute independent professional advice and is not intended to bind NT Build in any way. NT Build gives no warranty, assurance or representation, and accepts no responsibility or liability for the correctness, accuracy, completeness or currency of this publication or any of the information in it, or that it is suitable for your intended use. Users of this publication must exercise their own skill, care and judgement.