

3. Work excluded from definition of “construction work”

- (1) The following work is work that is excluded from the definition of “**construction work**” under section 3(1) of the Act —
 - (a) work the value of which is \$20 000 or less;
 - (b) work which is maintenance or repairs of a routine or minor nature carried out by employees for an employer whose primary activity is not related to the building and construction industry;
 - (c) agricultural work;
 - (d) government work; or
 - (e) mining and petroleum work.
- (2) In this regulation —

“**agricultural land**” means land wholly or mainly used for farming, cropping or grazing purposes;

“**agricultural work**” means work directly associated with the care, conservation or rehabilitation of agricultural land or land that has been agricultural land where some or all of the work is to be carried out by the owner of the land or by a person who will not be employed or engaged for remuneration to perform any part of the work, but does not include work for which a building licence is required;

“**government authority**” means —

 - (a) the Crown;
 - (b) an agency or instrumentality of the Crown; and
 - (c) the executive body of a municipality or regional council within the meaning of the *Local Government Act 1960*² or a Commissioner appointed pursuant to that Act;

“**government work**” means work carried out —

 - (a) by a government authority; or
 - (b) for or on behalf of a government authority by —
 - (i) an officer or employee of a government authority; or
 - (ii) another government authority;

“**minerals**” has the same meaning as in the *Mining Act 1978*;

“**mining and petroleum work**” means work associated with any operation under the *Mining Act 1978*, the *Petroleum Act 1967*, the *Petroleum (Submerged Lands) Act 1982* or the *Petroleum Pipelines Act 1969* which is not carried out in the housing sector or the commercial sector (as defined in Schedule 1) and includes —

 - (a) earthworks associated with the construction or maintenance of any temporary water supply or temporary access track for any purpose associated with any mineral or petroleum exploration activity, and any other earthworks associated with any such exploration activity;
 - (b) any excavation work associated with exploration for, or the extraction of, any minerals or petroleum;
 - (c) any work directly related to the fabrication of a pipeline system used in mineral or petroleum production or processing (but not

- including associated work such as earthworks, excavation work or the construction of culverts, bridges, drains or structural supports), and any subsequent repair work that involves welding or coating a pipeline system (or part of a pipeline system) used in mineral or petroleum production or processing;
- (d) the construction or maintenance of any haul road or track which is —
 - (i) in or around a mine or other mineral or petroleum production facility; and
 - (ii) directly used in a mineral or petroleum production operation;
 - (e) the maintenance of an airstrip or landing pad used in conjunction with any mineral or petroleum production operation;
 - (f) work associated with an environmental clean-up or environmental restoration;
 - (g) work associated with a mine back-filling operation;
 - (h) repair or maintenance work carried out on any plant or equipment directly associated with mineral or petroleum exploration, production or processing, or for piloting;

“petroleum” has the same meaning as in the *Petroleum Pipelines Act 1969*.

[*Regulation 3 amended in Gazette 8 March 1994 p.943; 14 February 1995 pp.491-3; 13 August 1999 p.3831.*]