



The National Code of Practice for the Construction Industry and Implementation Guidelines

The National Code sets minimum standards that businesses must meet to be eligible for certain Australian Government building and construction work.

The National Code Implementation Guidelines provide supporting detail on compliance requirements.

See other ABCC fact sheets to determine which Guidelines to use.

This fact sheet is relevant to projects complying with the June 2006 Guidelines.

WHAT ACTIVITIES ARE COVERED BY THE NATIONAL CODE AND GUIDELINES?

Note: This fact sheet only applies to projects that commenced prior to 1 August 2009.

The National Code of Practice for the Construction Industry (National Code) and Australian Government Implementation Guidelines for the National Code (Guidelines) apply to:

- construction activity - building, demolition, landscaping, maintenance, civil engineering, process engineering, mine structures and heavy engineering
- building refurbishments - fit outs, installation of security systems, fire protection systems, air conditioning systems, computer and communication cabling
- material suppliers - suppliers who manufacture and/or supply construction components integral to a project.

The National Code and Guidelines do not apply to:

- maintenance of building systems, such as fire protection and air conditioning systems
- garden maintenance, such as lawn mowing, pruning and other horticultural activities
- mining operations
- cleaning.

WHEN DID THE NATIONAL CODE AND GUIDELINES COME INTO EFFECT?

The National Code was introduced in 1997. The Guidelines have undergone some revisions with the most recent coming into effect in August 2009.

WHEN DO THE NATIONAL CODE AND GUIDELINES APPLY?

The National Code and Guidelines apply to Australian building projects funded by the Australian Government according to the following funding values:

- **directly funded by the Australian Government** – all building and construction work where the Australian Government has direct financial and administrative involvement. This applies irrespective of the total value of the project.
- **indirectly funded by the Australian Government** – building and construction work where the Australian Government contributes:
 - at least \$5 million, and the funding represents at least 50 per cent of the total construction project value, or
 - \$10 million or more, irrespective of the proportion the Australian Government funding represents of the total construction project value.

PRIVATELY FUNDED PROJECTS

A contractor who submits a tender or expression of interest in an Australian Government funded project on or after 1 November 2005 must apply the National Code to any privately funded building project they undertake that commences after that date.

SANCTIONS

Sanctions may be imposed where a party fails to meet the obligations outlined in the National Code and Guidelines. Sanctions range from a formal warning to preclusion from tendering for Australian Government funded building work for up to six months.

CHECKLIST ITEMS

1. Do the National Code and Guidelines apply to my work on the project?

- Construction activity **YES**
- Ongoing maintenance of building systems **NO**

2. If this is an Australian Government funded project, do the National Code and Guidelines apply?

- Directly Government funded **YES**
- Indirectly Government funded:
 - \$5 million funding representing more than 50 per cent of project value **YES**
 - \$10 million funding **YES**

3. Have I or any of my related entities submitted any tenders or expressions of interest for Australian Government funded projects since 1 November 2005?

- **YES** - the National Code and Guidelines applies to any privately funded project I enter into after the date of lodging the tender or expression of interest.
- **NO** - the National Code and Guidelines do not apply to any privately funded project I work on.

FURTHER INFORMATION

To make an enquiry or obtain copies of the National Code and Guidelines, fact sheets and other reference material, contact:

The Office of the Australian Building and Construction Commissioner

- Hotline: 1800 003 338
- Website: www.abcc.gov.au
- Email: enquiry@abcc.gov.au

The Department of Education, Employment and Workplace Relations

- National Code Mailbox: building@deewr.gov.au
- National Code Hotline: 1300 731 293

For an assessment of workplace arrangements for National Code compliance, visit

- Code Assessments Online:
www.deewr.gov.au/building



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