

TD 92/D227 - Income tax: are payments to concrete pump truck operators within the building and construction industry liable to deductions of tax under the Prescribed Payments System (PPS)?

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This document has been finalised by TD 93/25.

Draft Taxation Determinations (TDs) represent the preliminary, though considered, views of the ATO. Draft TDs may not be relied on; only final TDs are authoritative statements of the ATO.

Draft Taxation Determination

Income tax: are payments to concrete pump truck operators within the building and construction industry liable to deductions of tax under the Prescribed Payments System (PPS)?

1. Yes. Concrete pump operators are contractors engaged in pumping concrete on a construction site. They are involved in construction, and not in the delivery of materials. Therefore payments to such operators fall within the PPS provisions in accordance with sub-regulation 126(1) and paragraph 126(2)(d) of the Income Tax Regulations.
2. This situation is distinct from that of a concrete truck operator i.e. a cement mixer, who merely delivers the concrete to a construction site, and does not take part in the construction phase.

Commissioner of Taxation

10/12/92

FOI INDEX DETAIL: Reference No.

Related Determinations:

Subject Ref: prescribed payments system; building industry

Legislative Ref: ITR 126(1); ITR 126(2)(d)

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